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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

Reverend Paul Meyers, Roscoe United Methodist Church, Roscoe, Illinois, offered the following prayer:

Gracious God, as we stand here today on the shoulders of all the giants who have come before, we ask Your blessing on these, Your current lawmakers who are the giants of our own time. Our past was protected by You, and, because of this, we entrust our present and our future to You as well.

These, Your servants of this great Nation, reflect Your will when they create and enforce laws for the betterment and safety of Your people. I pray for Your wisdom and guidance to be upon them, and that Your mighty arms unfold them in blessing.

May good continue to conquer evil. May Your truth make us free. We humbly ask You to continue to bless the United States of America.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. BARRAGÁN) come forward and lead the House in the Pledge of Allegiance.

Ms. BARRAGÁN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND PAUL C. MEYERS

The SPEAKER. Without objection, the gentleman from Illinois (Mr. KINZINGER) is recognized for 1 minute.

There was no objection.

Mr. KINZINGER. Mr. Speaker, I am proud to welcome Pastor Paul C. Meyers as our guest chaplain this morning and greatly appreciate him leading us in prayer on this historic Thursday.

Pastor Meyers is from the 16th Congressional District of Illinois, which I proudly represent, and serves as the senior chaplain at the United Methodist Church in Roscoe, Illinois.

Serving in ministry since 1992, Pastor Meyers has been a stalwart, faithful figure in our community. He serves as chaplain for the fire, EMS, and law enforcement—19 years and counting—and is currently the head chaplain for the Harlem-Roscoe Fire Department and the Roscoe Police Department. He also serves as chaplain with the FBI and will be resident chaplain at the FBI Academy this month in Quantico.

I want to say thank you to Pastor Meyers and to his family for all they do to serve in our community. We are humbly grateful for this dedication to

serving the Lord and providing us with this spiritual guidance.

RECOGNIZING THE 50TH BIRTHDAY OF PEACE, INC.

(Mr. KATKO asked and was given permission to address the House for 1 minute.)

Mr. KATKO. Mr. Speaker, I rise today to recognize the 50th birthday of PEACE, Inc., a nonprofit, community-based organization in my district in Onondaga County.

PEACE, Inc., was founded on March 26, 1968, with a mission to empower individuals in our community to thrive. Today, this organization plays an integral part in the lives of so many central New Yorkers. From children and families, to teenagers, to senior citizens, PEACE, Inc., is dedicated to helping all individuals realize their self-worth and become self-sufficient.

Under the leadership of Executive Director Joe O'Hara and its board of directors, PEACE, Inc., in Onondaga County has such programs as Head Start, Senior Nutrition, the EITC Free Tax Prep programs, and many others.

Poverty does not just hurt those who live in it; it hurts our entire community. By focusing on stabilizing families, improving living conditions, and developing partnerships with our regional schools, businesses, and other nonprofits, PEACE, Inc., has provided thousands of individuals and families in our community with a pathway out of poverty.

After 50 years of outstanding work, PEACE, Inc., deserves our recognition and our gratitude. I join many in our community in wishing the many men and women involved in this great program congratulations on 50 years of serving the community.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MITCHELL). The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

RECOGNIZING THE WORK OF FIRST 5 SAN LUIS OBISPO COUNTY

(Mr. CARBAJAL asked and was given permission to address the House for 1 minute.)

Mr. CARBAJAL. Mr. Speaker, I rise today in recognition of the work being done by First 5 San Luis Obispo County for families on the central coast.

I stand to endorse their Children's Bill of Rights. This document serves as a guide well beyond San Luis Obispo County that every lawmaker in this Nation should work toward, especially the right to visit a doctor to help children stay physically and mentally healthy.

This week marks the eighth anniversary of the Affordable Care Act that covers 1 million children through the State and Federal marketplaces. The ACA also made significant investments in our Children's Health Insurance Program.

I urge my colleagues to continue to work together to strengthen this legislation. By controlling the cost of prescription drugs, ensuring cost-sharing reduction subsidies, and adding a public option to bring down the cost of health insurance plans, we can ensure that we continue to raise healthy children.

RECOGNIZING THE CENTENNIAL CELEBRATION OF BOY SCOUT TROOP 14

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Boy Scout Troop 14 of Williamsport, Pennsylvania, on its centennial celebration.

Troop 14 is the oldest consecutively chartered troop in the Susquehanna Council Boy Scouts of America. Saint John's-Newberry United Methodist Church has been its sponsor for these 100 years.

Troop 14 has provided scouting to boys in Newberry and the surrounding area. Impressively, the troop has produced 127 Eagle Scouts during that time. It has been through the efforts of many that the troop has been and continues to be an active and strong unit. For 100 years, Troop 14 has helped scores of Boy Scouts build a more conscientious, responsible, and productive society.

The Boy Scouts of America is one of the Nation's largest and most prominent values-based youth development organizations, providing programs for young people that build character,

train them in the responsibilities of participating citizenship, and develop personal fitness.

Mr. Speaker, along with my colleague, TOM MARINO, I commend Troop 14 on its centennial celebration for building so many future leaders by combining educational activities and lifelong values with fun. I wish them the very best on this milestone occasion and look forward to another 100 years of excellence.

COLORECTAL CANCER AWARENESS MONTH

(Ms. BARRAGÁN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BARRAGÁN. Mr. Speaker, I rise today in support of Colorectal Cancer Awareness Month. This type of cancer is the second leading cause of death in the United States.

Each March, we raise awareness about this terrible disease and spread the word about the importance of getting screened. If you are 45 years or older, please get yourself screened early.

The disease poses an especially high risk to African-American men and women who have the highest rate of death and the lowest survival rate among all Americans. This is why I am proud to support funding for programs like the Colorectal Cancer Control Program, which was established specifically to address disparities in screening rates and to improve access to underserved populations.

Along with the Affordable Care Act, which requires the coverage of screening tests, we can provide the healthcare that Americans need to stay cancer free.

HONORING THE SEVEN U.S. MILITARY MEMBERS KILLED IN IRAQ ON MARCH 16, 2018

(Mr. KINZINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINZINGER. Mr. Speaker, I rise today in honor of our fallen heroes, the seven U.S. military members killed in the helicopter crash over western Iraq on Saturday, March 16, 2018.

As an airman, I had the privilege of flying with Captain Andreas O'Keefe. His Air Force service included three tours in Iraq, serving in Afghanistan and the Horn of Africa and, most recently, in Texas to help out during Hurricane Harvey. And still, he wanted to do more.

Andy was a fellow air guardsman, a Long Island guy, and served with the 106th Rescue Wing of the New York Air National Guard. Like many who join the service, Andy did so voluntarily, with a servant's heart, eager to serve his country and to help others. Without question, he lived by the 106th credo: "That others may live."

As a nation, we mourn for the families and loved ones of those fallen heroes. We send them our prayers, deepest condolences, and deepest gratitude for their service to the country.

While we grieve this tragic loss, I know Andy died doing what he loved and what he was called to do and what he wanted to do: serve his country.

Mr. Speaker, we stand in this Chamber because of the sacrifices of men and women like this. We have the freedom to debate and vote and use our voices because of their sacrifice.

With that, it is with a heavy heart that I say Godspeed to my friend, Captain O'Keefe.

May God bless our troops every day.

CONGRATULATIONS TO COACH DON LUCIA

(Mr. EMMER asked and was given permission to address the House for 1 minute.)

Mr. EMMER. Mr. Speaker, I rise today to recognize an outstanding person and a friend.

Don Lucia started playing hockey on outdoor rinks in northern Minnesota as a boy. After playing the game through high school and college, he became one of the most successful college hockey coaches in the country. Recently, Coach Lucia announced he will retire from coaching the Minnesota Golden Gophers men's hockey team after 19 seasons.

During his tenure at Minnesota, Don's teams regularly finished at the top of the WCHA and, more recently, won the Big Ten Conference 4 out of the past 5 years. His teams also made the NCAA playoffs 13 times and won two national titles.

As a player growing up in Grand Rapids, Minnesota, Don was a leader. He was disciplined, and he made everyone around him better. As a coach, he not only built winning teams, he developed young men.

Don is retiring as a true ambassador for the game. While he will no longer be coaching our Minnesota Gophers, I hope Don continues to be a leader for the game of hockey and for our State for years to come.

Don, thank you for leading our Gophers to victory time and time again. Good luck to you; your wonderful wife, Joyce; and the rest of the Lucia family as you start the next chapter.

HONORING MICHAEL MACCHIAVELLO

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, I rise today in honor of North Carolina State University senior Michael Macchiavello, who, on March 17, won the NCAA Division I National Wrestling Championship at 197 pounds.

Mr. Macchiavello is a graduate of Sun Valley High School in Indian

Trail, North Carolina, where he was a 4A State champion wrestler in 2013, when he posted a 61–1 record. His college coach says Michael is constantly improving and that his work ethic, discipline, attitude, and commitment put him in position to compete for the national title.

Mr. Macchiavello is not just a champion inside the ring. He has already completed a bachelor's degree in finance and is working on a master's of arts.

Congratulations to Michael Macchiavello on winning the NCAA Division I National Wrestling Championship. Indian Trail, Union County, and the entire Ninth Congressional District are mighty proud of him. We wish him the best in what we know will be a great success for him in the future.

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 1625, TARGETED REWARDS FOR THE GLOBAL ERADICATION OF HUMAN TRAFFICKING; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MARCH 23, 2018, THROUGH APRIL 9, 2018

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 796 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 796

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1625) to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with an amendment consisting of the text of Rules Committee Print 115-66. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. On any legislative day during the period from March 23, 2018, through April 9, 2018 —

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 3. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2 of this resolution as though under clause 8(a) of rule I.

SEC. 4. Each day during the period addressed by section 2 of this resolution shall not constitute a calendar day for purposes of

section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 5. Each day during the period addressed by section 2 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 6. The chair of the Committee on Appropriations may insert in the Congressional Record not later than March 23, 2018, such material as he may deem explanatory of the Senate amendment and the motion specified in the first section of this resolution.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

□ 0915

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, last night, at a late hour, the Rules Committee met, where we had expert testimony that was offered on behalf of the chairman and ranking member of the Committee on Appropriations, the gentleman from New Jersey and the gentlewoman from New York.

I would like to, if I could, express to my friend, Mr. MCGOVERN, the professional nature not only that he but Judge HASTINGS, another member of the committee, represented the Democratic side at a time that is very difficult for them with the passing and loss of a tremendous leader in the House of Representatives, the gentlewoman from New York, Chairwoman LOUISE SLAUGHTER.

Mr. MCGOVERN and Mr. HASTINGS not only conducted themselves, in my opinion, in a professional straightforward manner, but represented their party quite well in a time of distress and a time of need. I want to express my complete confidence not only in Mr. MCGOVERN, but also thank Judge HASTINGS for his professional demeanor last night as we worked through very, very difficult issues till late in the night, till early in the morning. And compliments also to the gentlemen, the chairman of the committee and the ranking member for their professional conversations that were had that were in the best interest not only of the House of Representatives but the American people. I want to thank Mr. MCGOVERN publicly at this time for his professional cause and substance.

Mr. Speaker, today we rise in support of this rule and, of course, the underlying legislation. The rule provides for consideration of the Senate amendment to H.R. 1625, the Consolidated Appropriations Act of 2018.

Mr. Speaker, this is funding the government for the rest of the year, through September 30. This is an important measure. This is an important measure not only for the American people, but it is important for Members of Congress.

There are a lot of ways that we could stand and say what we are for or what we are against, but the bottom line is that this is a piece of legislation that has been worked on, on a bipartisan basis, Republicans and Democrats, give and take, and has been worked on the other side of the Capitol with the United States Senate.

It is in no way a perfect bill. That, I think, I learned a long time ago, is hard to get through to be signed by the President. But with that said, it yielded amazing results in a process that needed to come to a conclusion.

This 12-bill appropriations package provides funding for fiscal year 2018 at levels consistent with the bipartisan budget agreement and the National Defense Authorization Act.

After years of neglect, this body has taken the important step of reshaping and rebuilding the United States military by providing them \$659.6 billion worth of funding for our national defense. But it is for more than just national defense. It is also trying to give better protection to the men and women who protect us, the men and women who, today, are in cold, lonely, hot, dangerous places around the globe.

Mr. Speaker, a much-needed \$65 billion increase over 2017 fiscal year spending was essential. Mr. Speaker, the numbers speak for themselves. More members of our armed services gave their life in defense of this country in training exercises than they did in combat last year. This is a hardy reminder for Members of Congress and the American people to understand that our men and women not only fight hard, but they train hard. And in that defense, we need to do a better job to make sure that the equipment, the training, and the needs that they have are top flight year-round not just in combat areas, but in training missions where they are preparing to protect this country. Mr. Speaker, we have come a long way to that, and I am proud of the work that we have done.

The agreement ends, I think, the irresponsible practice of pairing dollar-for-dollar increases in defense spending with nondefense. This is a hard fight. This is a hard fight not only Republican-Democrat, but across this country. We have tried to make some balanced decisions. We have tried to err on the side of using money for the best interest of research and development and to move this country forward.

The bill strengthens missile defense. It strengthens and funds new weapons systems for the military. And it heavily increases designated counterthreats around the globe. As you know, Mr. Speaker, we are facing down one of the greatest threats to the world right now, North Korea. Now is not a time to

shy away. Mr. Speaker, we will not shy away. These colors don't run.

It funds additional national security priorities, including nuclear modernization, new nuclear submarines, and other important shipbuilding and aircraft procurement for our United States military. Quite honestly, Mr. Speaker, the gentlewoman from Texas (Ms. GRANGER) and her counterpart from the appropriations committee looked at the exercise that is necessary and came up to streamline and make sure that the money that would be given would be necessary and only in defense of this Nation.

This legislation also includes a long overdue 2.4 percent pay increase for our troops. The men and women who care for our veterans know that they need the help, and their service to this country will not be without a thank-you, thus providing a record level of VA funding, while increasing oversight to make sure that the benefits and treatment of our veterans is properly taken care of.

The new Secretary Shulkin of the VA is very concerned about the duty that they have to our veterans, and he has assured us this amount of funding will allow he and the Department that opportunity to fix, correct, and, long term, know that the long-term safety for our veterans and their facilities will be accomplished.

It provides robust funding to fight terrorism. It enhances criminal law enforcement and secures our borders by increasing funding for border security and the enforcement of immigration law. This legislation also includes new infrastructure funding for highways, waterways, airways, railways, and other infrastructure priorities to ensure public safety is taken care of and to promote economic growth.

Mr. Speaker, it provides \$4 billion, the largest investment to date, to combat the opioid crisis. We have spent a great deal of time not only working on this Member to Member, but also State organizations working with their members; Federal law enforcement; and the National Institutes of Health, through the direction of Dr. Shiva Singh, their chief medical officer who spent a great deal of time working with Members of Congress, opioid task forces, substance abuse task forces, and perhaps, most of all, the problems that we have that face this great Nation, where we have addiction problems. These are addressed within this spending bill.

Increase in funding by \$3 billion, certainly the head of the NIH, Dr. Francis Collins, believes that this investment in the National Institutes of Health, including the National Eye Institute and other important parts of NIH, will receive the funding that is necessary to ensure that the men and women of this country who suffer long-term effects of aging and other medical problems, that we can address them and live up to our responsibility.

I thank Dr. Francis Collins and Dr. Shiva Singh for their instruction to

our important Appropriations Subcommittee Chairman TOM COLE for his great work at the NIH—\$2.3 billion in new funding for mental health training and school safety efforts help our children to make sure that our schools are safe.

This is a brief rundown, Mr. Speaker, of the kind of work not only that we have dug in and done on a bipartisan basis, but the kind of work that I believe the American people want, need, and expect.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS), the chairman of the Rules Committee and my friend, for the customary 30 minutes.

Mr. Speaker, I first want to thank the distinguished chairman of the Rules Committee for his thoughtfulness in the aftermath of the passing of our dear friend, the former chairwoman of the Rules Committee, LOUISE SLAUGHTER. We appreciate his support. We appreciate the support of all the Republican members on the Rules Committee, especially for the Democratic staff, but we are truly grateful for all of his consideration and for all of his remembrances of our friend. We want him to know it means a great deal to all of us, so we thank him.

I also want to take this opportunity to once again wish the chairman of the Rules Committee a happy birthday. I had the honor to be with him at 1:30 in the morning yesterday and to wish him happy birthday then. So we will wish him happy birthday again at 9:30 in the morning, and we wish him many, many more.

Mr. Speaker, you know, here we are, and I am kind of at a loss for words. There is really not a lot to say. We are here, yet again, facing another manufactured and totally avoidable crisis.

You know, what on Earth will it take for the Republican leadership of this Congress to actually step up to the plate and start governing?

Because this process that is bringing us this bill today, I don't think, represents good governing.

We have seen five continuing resolutions. We have seen two government shutdowns in less than 6 months. It is mind-boggling. It takes my breath away.

Mr. Speaker, Republicans control the House, they control the Senate, they control the White House; but the truth is that it turns out that they can't govern. Governing is hard work. It takes skill. It takes compromise. It is not all press conferences and it is not all tweets. It takes leadership.

So I would encourage our Republican colleagues to cut the nonsense and get down to business. We can't keep on embracing processes like the one that we

are seeing unfold today. Give the American people the certainty they deserve, fund this government the right way. But this process that brings us this omnibus today, I think, is disappointing not just to Democrats, but to a lot of Republicans as well.

Now, as lousy as this process was to get here, there are some things in this agreement that we can be enthusiastic about. We are encouraged by increases in spending for domestic priorities, like infrastructure, education, medical research, and support for our veterans, among other things. These are things that are of great importance to Members on the Democratic side.

We are pleased that the negotiators on our side of the aisle worked diligently to remove poison pill riders, and they fought to limit the construction of the President's stupid border wall.

Our enthusiasm is tempered because of what else might be in the bill, what we might not know. It is over 2,200 pages long, and it was posted at 8 p.m. last night. I am not sure anyone in this Chamber has had the chance to actually read the entire text of this omnibus. I don't know how many inadvertent errors may be contained in this omnibus.

□ 0930

I worry what kind of provisions we could find tucked away in this bill in the days and the weeks to come.

This is no way to govern, Mr. Speaker. Our Republican colleague from Louisiana over in the Senate, Senator JOHN KENNEDY, said yesterday that he thinks this whole process is an embarrassment. He said: "As bad as it looks to the American people from the outside, it is worse on the inside."

I don't blame the Appropriations Committee. I have nothing but the highest respect for Chairman FRELINGHUYSEN and Ranking Member LOWEY. They did an incredible job, and they and their staffs deserve our gratitude. There were many sleepless nights to be able to produce a product so that we could actually move forward and not shut the government down. They did what everybody expected them to do, and I want to thank them for their work.

And to be honest with you, I don't really blame the Rules Committee. We were given this last night, and we had to come up with a process and a rule to bring it to the floor.

But I do blame the Speaker, and I do blame the Senate majority leader, and I do blame the President, because they are in charge and we shouldn't be at the brink of a government shutdown before we consider spending bills. This should have been done months and months ago.

Mr. Speaker, again, the American people deserve much better. They deserve a Congress that works for them, a Congress that is responsive to their calls for action, a Congress that listens to all voices, both Democrats and Republicans alike.

Mr. Speaker, I am hopeful that this omnibus legislation will ultimately work its way through Congress and to the President's desk to avert yet another Republican-manufactured shut-down.

But I would ask the Republican leadership of this Congress: Let's reform the way we do business around here. I don't believe that those of us in the minority expect to win all the time, but we expect to have our voices heard, and we want and we demand a fair process.

We want enough time to read bills before you bring them up for a vote. That is not too much to ask. Let's work together to bring a little bit more transparency, a little bit more sunshine, and yes, a little bit more democracy into the people's House.

This is supposed to be the greatest deliberative body in the world. I don't know why it is such a radical idea that we deliberate every once in a while. Instead, we are presented with a 2,200-page bill, and we have been given summaries, but, in all honesty, none of us know what is actually in this bill and whether or not there are some things here that, quite frankly, might be very, very troubling once we begin to read this bill over the days and weeks ahead.

Let's have an honest and open debate. Let's resolve that we are not going to ever go back to this process again where we fund government hour to hour. We need to get back to important issues facing our country and the American people.

Again, I want to express my gratitude to the appropriators and to those who were in these negotiations to try to get us a bill here today, but this is a lousy process, and I urge my colleagues to vote "no" on the rule. We can't sanction this process.

No matter what you think about the bill, this process is something that we have to stand up and say: This is unacceptable.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to the gentleman from Massachusetts, I not only accept his advice about process and procedure, but I certainly would join in with him to thank our appropriators, the men and women who, on a bipartisan basis, Mr. Speaker, took time to wander to the other side of the Capitol to engage their colleagues.

I can tell the gentleman, and he knows this probably on a firsthand basis, much was discussed. This was a big process. This was at the end of the year that I do agree with that should have taken place on October 1, not on March 22, that we decided where we are headed.

But the discussion, the decision-making, the ability for both sides, both parties, to deal on the same issues has gotten tougher and tougher.

I support our Speaker and what he is attempting to do. He has opened up the

process. He has tried to make it to where the discussions take place on a bipartisan basis. And the Speaker, I believe, has tried to place before us, as Members of Congress, the opportunity to be heard, to represent our thoughts and ideas.

I didn't win some of the issues that I was for. I held some ideas out about a number of issues that we had been working on that were contained in the bills that came out of the House only to come back months later from the Senate in a different priority, in a different way, and perhaps not exactly what I would have wanted.

It would be easy for me to say, however, that the greater good of what we are attempting to accomplish is why we are here. Ultimately, we have a duty, Mr. Speaker, we have a duty and a responsibility, to ensure that which we finalize is in the best interest of the American people. The overriding concern here is to make sure that the efforts of government, albeit that we as Americans, I don't think, want to get all that we pay for from government, we still recognize that there are people in our midst that need a government—and I do, too—a government that works well and is funded properly.

Mr. Speaker, last night we had an opportunity to hear from a number of my colleagues on the Republican side, a number of Members of Congress who spent hours waiting their time before the Rules Committee, not an unusual intuitive process from a number of our Members who had questions, comments, and concerns.

I promised to address one of them. The gentleman from Kentucky (Mr. MASSIE) brought forth what was a discussion about what is known as the NICS fix, or, as we refer to it, fixing NICS, a NICS fix.

Well, this is the database that is responsible for holding names and giving approvals for those people who purchase weapons across the United States. I agreed to provide some bit of an answer today and I hope some clarity on the issue that relates back to December of 2017.

I told the gentleman last night that I believed that, while his arguments were important and I supported exactly the underlying ideas, and that is that we do not believe that agencies by themselves should have the ability to deny an American citizen the right, the constitutional right, for them to properly, legally own a weapon, as we do know and remember back during a previous administration, at least two agencies, the Social Security Administration and the Veterans Administration, developed procedures by which they believed were appropriate, but that I think have proven incorrect, to deny people a weapon based upon a criteria that they established.

This fix NICS provision was corrected and is still in law, and, to the best of my ability in double-checking, I would now like to notify the gentleman from Kentucky that I believe it is properly done.

I would not be a part of making a change in the law, as I told him, that would deny an American citizen under these two agencies without lawful consideration of a hearing and with due process, and based upon the law and constitutional requirements of our Constitution to deny someone their right to keep and bear arms.

Mr. Speaker, please consider that I appreciate the gentleman who showed up last night until late, late in the morning, and that he was doing his duty, which I respect and admire, and I am trying to respond back to him.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas, the distinguished chairman of the Rules Committee, said that he appreciated the Speaker's listening to the different opinions of all Members here in the House.

I think the frustration here is not that we can't raise our voices, the frustration here is that we cannot bring things that we care about to the House floor for debate.

The gentleman just talked about the issue of guns. We are living in a country where we have massacres on a regular basis. The American people overwhelmingly want us to bring gun safety legislation to the floor. Things like universal background checks, for example. The leadership of this House will not let us bring those bills to the floor for debate or for a vote. They have shut us out.

So this process that has been endorsed by the Republican leadership is not open. It is very, very closed. In fact, we are on record to becoming the most closed Congress in the history of the United States of America. That is not something that I think the United States Congress should aspire to. Maybe that is something that the Russians might want to aspire to, but it is certainly not something that we here in this country want to aspire to.

Everybody in this Chamber has ideas. Everybody represents the same number of people. Everybody should be heard, and important legislation and important ideas ought to be brought to the floor for debate and for a vote.

If you do not want to vote for universal background checks, or if you do not want to vote to ban bump stocks, or if you do not want to vote for an assault weapons ban, then don't vote for it. But it is wrong and it undermines this institution when, on issues like that, we are told: You cannot deliberate on the House floor.

Another issue is DACA. The President of the United States single handedly ended the DACA program, and he threw the lives of hundreds of thousands of people into chaos. It was a cruel and rotten thing to do.

The President's arbitrary March 5 deadline ending this program has come and gone, and instead of leadership and compassion, all we have seen is partisan tweeting. It is maddening, and it betrays our values.

Earlier this month, President Trump tweeted: “Total inaction of DACA by Dems. Where are you? A deal can be made.”

Well, to answer President Trump’s question, the Democrats are right here, offering bipartisan solutions to protect these young Americans.

This is the 26th time that we have attempted to bring a bipartisan bill, the Dream Act, for a vote on the floor. And I am going to ask people to vote against the previous question so we can bring a solution to the floor and protect these incredible young people who have given so much to our country.

But this is the 26th time that we have attempted to do this.

And, by the way, this is not just a Democratic bill. There is bipartisan support for this. And what is particularly frustrating is that the Republican leadership of this House will not let us have that vote.

Why?

Because they know it will pass. They know it will pass. They don’t want the majority to work its will in this Chamber. They have deliberately said: No. We are not allowing you to bring that to the floor.

If you want to help these people, you have to bring a bill to the floor. And if you don’t want to help them, well, bring the bill to the floor and vote “no.” But this is ridiculous. There is bipartisan support to fix this problem, to help these people, to live up to our values in this country.

Again, if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 3440, the Dream Act, and this bipartisan, bicameral legislation would help hundreds of thousands of young people who are American in every way except on paper.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. WOMACK). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I would just say to my colleagues: Give us the vote. Give us this vote. If you don’t like it, then vote “no.” But if we were to bring this bill to the floor, I guarantee you it would pass. I think every Democrat would vote for it, and a big chunk of Republicans, maybe even a majority, might vote for this.

□ 0945

I don’t know what the gentleman is afraid of. I don’t know why this is so hard. This is the Congress of the United States. This is the place where these issues are supposed to be resolved; and, instead, all we get from the leadership of this House is obstruction, obstruction, obstruction. They block everything—block everything. Everything is closed. It is my way or the highway. Enough. These people de-

serve better than this institution is providing. They deserve a vote.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SOTO) to discuss our proposal.

Mr. SOTO. Mr. Speaker, I thank my colleague from Massachusetts for yielding.

Yesterday, the University of Central Florida in Orlando had a unique student body president election. The candidates were Karen Caudillo, my constituent, and Josh Bolona, both Dreamers, beneficiaries of the Deferred Action for Childhood Arrivals Act. They ran on a platform of justice and equality, and so did I. Today we celebrate Josh Bolona’s victory on becoming UCF’s first Dreamer student body president.

So what a sad backdrop we have here today. President Trump declared victory for getting \$1.6 billion to start his wall in a tweet late last night—\$1.6 billion to start Trump’s wall. So his wall gets funding, but our Dreamers get left behind. How can I, in good conscience, go home to my constituents and explain this?

I wonder aloud: When will our Dreamers be the priority? When will it be their time to shine? When will they have their moment of opportunity, a reprieve from worrying and from looking over their shoulders every day?

Mr. Speaker, when will the waiting finally stop for them and the living begin? When will the Dreamers finally get to dream?

Every week for 198 days, we have come here to ask our colleagues for their consideration of the bipartisan Dream Act. I remind you of that because it has been 198 days since the President put hundreds of thousands of Dreamers at risk of losing their jobs, careers, their families, and everything they have worked for their entire lives. Many take solace in a court injunction issued in California and New York.

As a lawyer, I can tell you these Dreamers are hanging by a thread. They are one adverse ruling away from oblivion.

What about the over 1 million Dreamers who are not part of the case? Those young people who would be entering the program, the young sisters and the young brothers of Dreamers who are in the DACA program and those Dreamers who did not apply out of concern and out of a mistrust they had for giving their information to a Federal Government that has turned their back on them? They would have no quarter under these injunctions and no rest. They have no peace.

Why can’t we, once and for all, come together to give these deserving young patriots who embody our deepest values the opportunity to earn their citizenship, hardworking patriots like Josh, Karen, and hundreds of thousands of others who will have contributed an estimated \$460 billion to the U.S. economy over the next decade? These young people are making positive and significant contributions to the economic

growth of our country which benefits all of us.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman from Florida an additional 2 minutes.

Mr. SOTO. Mr. Speaker, I know my colleagues across the aisle don’t want deportation of Dreamers on their hands, so why not do something now, at this moment, at this time? Why not pass a law that would permanently allow these young people to build a life here, to graduate from college, to start a new business, and to show their immense gratitude to a country that gave them a chance?

Today we have the opportunity to uphold our values and pass the Dream Act so that these Dreamers and the millions of people who swore to represent them aren’t worrying and wondering any longer. We are asking for one vote, just one vote, that will keep whole our principles and ideals and allow these young people to pursue the American Dream.

So for the 26th time in 198 days, I ask my colleagues to vote against the previous question so that we can immediately bring the Dream Act to the floor and provide certainty for Dreamers like Karen and Josh who want to continue to work, live, and contribute to the only country they love and the only country they have ever known. I cannot afford to wait another day, nor can they.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I don’t want to digress too much, but the gentleman from Massachusetts referred to a process that just was embarrassing and did not work. I recall, last night, testimony from the ranking member, the gentleman from New York (Mrs. LOWEY): “This is one of the best processes that I can recall. We have products that we can be proud of. We worked together.”

Mr. Speaker, it is hard doing business in this town. It is hard doing business because we have disagreements. But let us not also misunderstand that it was President Trump who challenged Congress when our previous administration simply went about writing their own rules and regulations that made the circumstances on our border not only more dangerous, but very costly for every single American by encouraging tens of thousands of people to travel through Central America to come to the United States, and for us to take them into the United States with illegality that has been ruled on by Federal courts in this country.

A legal and lawful process is what President Trump is attempting to have this Congress do. He understands that power under Article I and the power under Article II. I believe that President Trump personally invoked hours of his time to make sure that he properly worked with Congress—key people from the House, key people from the Senate—televised day after day to get

closer on the issue that he felt could gain resolution. It is a hard issue. But to suggest in any way that President Trump is a culprit of anything except leading to the best I believe would be an unfair statement against his intended desire to resolve the issue.

Mr. Speaker, last night, the Rules Committee, under the strong leadership of the gentleman from Georgia, ROB WOODALL, and the strong leadership of TOM COLE, provided evidence-based information not just to sustain the document that we are here for, but actually to continue the explanation of what we are doing and why, including the balances of budgeting and those necessary items but also the content.

Our vice chairman of the Rules Committee, the gentleman from Oklahoma, TOM COLE, doubles in his duty to Congress, and he serves as the lead appropriator, the chairman of the subcommittee that is responsible for health, NIH, and research and development. Mr. COLE's professional attributes really shined last night as he, with great pride, discussed major, hard issues facing this Nation, facing the United States, and facing the medical community in this country. I was very proud of not only his content with the substance, but also with the delivery of the product.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oklahoma (Mr. COLE) to discuss this seemingly impossible work that he made possible.

Mr. COLE. Mr. Speaker, I thank the chairman for his gracious comments. I appreciate the time, and I appreciate the fulsome praise.

I do want to talk just a little bit about process because I think, if you are not on the Appropriations Committee, you probably haven't been able to follow a lot of this. And, frankly, this process can be made better; there is no doubt about it. I suspect, processwise, my friend from Massachusetts and I are not very far apart on where we think it ought to end up. But I do want the full body to understand what we went through to get to this point.

First, it is important to remember that all 12 subcommittees of the Appropriations Committee produced legislation last year. There were full hearings and fulsome debate, and each subcommittee reported out their product. Then the full committee dealt with each subcommittee's report and presentation, and in doing so, all amendments were open from both parties.

Eventually, of course, all those 12 were put into a single bill. There were hundreds of amendments from both sides of the aisle that were made in order in that process. That bill was brought to the House floor in mid-September, and it was passed.

So, the House effectively did all of its work. It did the hearings; it did the markups; it reported it to the floor; and it moved it across the floor. We have been waiting for about 180 days

for the Senate to respond. I could point some fingers. I am not going to. They didn't get a single appropriations bill across the floor, and only a few out of the full committee.

We have finally, about 4 weeks ago, had a bipartisan negotiation at the leadership level that reset the numbers: a big increase from the Budget Control Act for defense spending. That is something Republicans very much wanted, and many Democrats did as well. And, frankly, also, an increase from nondefense discretionary spending as well—so new numbers.

At that point, we began what is a pretty normal appropriations process at the committee level. That is the so-called four-corner prospect, when the ranking member of each subcommittee and the chairman of that committee sit down with their Senate counterparts and negotiate the differences between what were effectively Senate committee bills, but bills that the House had moved fully across the floor.

There is a great deal of give-and-take in that. When you go as far as you can to the subcommittee level, you kick them upstairs to the chairman at the next level. They negotiate, and they solve those.

I can give you an example. In Labor-HHS, we had 12 issues unresolved in a \$170 billion bill. That is actually awfully good. They were moved up to full committee. Nine of those issues were resolved there. Eventually, three more were kicked up to the leadership level, and they were all resolved there.

That happens for each and every subcommittee. So there is a great deal of give-and-take.

Frankly, we begin this process knowing it needs to be a bipartisan product in the end. You have to have 60 votes in the United States Senate. There are 51 Republicans. Frankly, over here, obviously, they will take both Republican and Democratic votes. So there is a good deal of give-and-take in this particular process.

At the end of the day, we have got a bipartisan bill that both the chairman and the ranking member brought before us last night. Again, as I mentioned earlier, from a Republican standpoint, you are probably most pleased with the defense number. That is something we have wanted and the administration wanted.

But in the nondefense area, there are many, many things that both sides agree on are very important for the national well-being: a \$3 billion increase at the National Institutes of Health, the largest increase in a generation; substantially more money on opioids, a crisis we know affects all of our districts, \$3 billion this year and \$3 billion next year spread over a number of subcommittee jurisdictions.

There is a substantial increase in early childhood education and childcare, something, again, that people on both sides of the aisle feel strongly about. There is lots of money for mental health to follow up on some

of the initiatives that were laid out in the 21st Century Cures Act, again, a bipartisan product. Now you are seeing bipartisan appropriations to try and match the money with the legislation that was created by the Committee on Energy and Commerce.

There is money for school safety. This is probably the largest single increase we have had. I think last year under, title 4, we did about \$400 million. This bill has \$1.1 billion, a pretty substantial increase in something I think we all care about. So, again, it has been pretty extraordinary.

Also, I want to point out—we are all proud of our respective committees—that Chairman FRELINGHUYSEN and Ranking Member LOWEY produced an omnibus last year in April or May. They have done three supplementals for the disaster relief. They now have produced this omnibus which will fund the government for fiscal year 2018, and they are hard at work on the next one. So they have been extraordinarily productive.

My friend is right. I wish more of this work got piecemeal to the floor so we could look at each bill. Hopefully, we can do that going forward since we now have a top-line agreement between the two sides for fiscal year 2019 as to what the bill will be.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. Mr. Speaker, I yield the gentleman from Oklahoma an additional 2 minutes.

□ 1000

Mr. COLE. Mr. Speaker, we have the possibility of having a more regular measure. But whether that can be achieved or not, I don't know. In passing this bill, we have at least laid the groundwork for it.

I particularly want to single out Chairman FRELINGHUYSEN and Ranking Member LOWEY because they have shown how Congress can work together. They have managed all 12 of these bills—multiple bills in multiple areas—and gotten them to the floor and across the floor in a bipartisan manner.

So, if we can do the same thing in the body as a whole, I think there would be much more appreciation and understanding and, frankly, much more input. That would be a good thing. My friend is right about that. But if we are going to do that, I would also add we have to think through how many amendments there will be.

How much floor time do you want to give us?

If you are going to come down here with 200 or 300 amendments on each side of the aisle, I guarantee you that all you will be doing is appropriations for the whole year. As appropriators, we might like that. As legislators in other areas, you might not. I think there has got to be some leadership give-and-take on what the appropriate structure is going forward.

But none of that should take away, number one, that the rule itself is

bringing to the floor an extraordinarily important product. If we don't get that product passed here on a bipartisan basis and in the Senate by midnight tomorrow night, both parties will have participated in shutting down the government of the United States. I don't think that is something either of us want to do. As a matter of fact, each of us have tried this once or twice, and we now know it is not a very productive way to proceed.

I think we have got an opportunity, by passing of the rule—and I urge passage of the rule—and then the underlying legislation, to do some really good things for the American people to fulfill our obligations.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I guess I would just say to my colleague from Oklahoma that I have no problem with the appropriators. I think that is what Ranking Member LOWEY was talking about yesterday when she talked about the process. The appropriators have done their work. They work in a bipartisan way and it is not their fault that we are at this moment. As I said, it is not even the fault of the Rules Committee. It is the fault of the Republican leadership.

This bill that we are doing now could have been done last December, but the Republican leadership couldn't figure out a budget agreement until last month. Without top numbers, no one could move forward in the House or in the Senate.

It turned out that what was more important was a tax cut for billionaires. That was the priority. So they passed the tax cut for billionaires and we get five CRs and two government shutdowns as a result. This process cannot be explained away, cannot be justified, and cannot continue.

I probably should have had the bill in front of me here for dramatic effect, but it is 2,200 pages long. Again, it is not what I know is in the bill that I have a problem with. It is what I don't know is in the bill that concerns me. I know it concerns Democrats and Republicans alike.

I just want to go back to something the chairman of the Rules Committee referenced with regard to DACA and President Trump's, somehow, support for these incredible people.

Let's not forget there was no reason at all—none—for this President to end DACA. There was no deadline, there was no court case, there was no law that required that the program come to an end. It was just plain, old-fashioned cruelty and stupidity. That is what was at play here: red meat for the extreme rightwing base that can never get to “yes” on anything regarding immigration.

The way we are treating these young people is unbelievably cruel. The frustration level throughout the country is at an all-time high. Every poll I have seen, Democrats, Republicans, and Independents all overwhelmingly support us helping the DACA recipients.

There are unbelievably high approval ratings for moving forward and passing a bill like the Dream Act, yet we can't even get it to the House floor for a vote.

We talk about a lousy process. That is what we are also talking about.

We talked earlier about guns. We have record-high levels of gun violence in this country and we have massacres that occur on a regular basis. I am so grateful that millions of young people are going to be out on the streets protesting on Saturday, demanding that their government do something. They are frustrated that this Chamber, supposedly the greatest deliberative body in the world, can't even find the time to bring something to the floor for a debate. All we do is have moments of silence in the aftermath of massacres.

It would give me hope for the future of these young people, because they are not going to take it anymore. They are sick of the indifference. They are sick of the lack of action. They are sick of Members in this Chamber not listening to their voices.

I feel hopeful that, ultimately, we will take action and do the right thing. I will tell you right now, for those who continue to turn their backs on the demands of these young people, I don't think they are coming back here after November.

But, again, the frustration that you are hearing on our side here today—and I know that a lot of my Republican friends feel the same way—is that this place is broken. This process stinks. There has to be a better way to do this. None of us want to shut the government down.

People are going to vote how they want to on the omnibus, but I would say: Don't endorse this lousy, broken process by voting for the rule. People should vote against this rule.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. SESSIONS. Mr. Speaker, I would like to inquire of the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 3½ minutes remaining. The gentleman from Massachusetts has 7 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I would inquire if the gentleman has any other speakers.

Mr. SESSIONS. Mr. Speaker, I have one additional speaker.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. WOODALL), the Rules Committee designee to the Budget Committee, a gentleman who has served this Nation well and will continue to serve the Budget Committee well.

Mr. WOODALL. Mr. Speaker, I thank the chairman for his leadership on the committee. It seems like I just saw

him a couple of hours ago, but only because I just saw him a couple of hours ago.

Mr. Speaker, you know as well as anyone that it is hard to get things done around here. It is never made any easier by the recriminations that circulate so widely. I appreciate the Speaker's admonition about engaging in conflicts of personality. This is hard.

This isn't the bill I would have voted for. In fact, it is not the bill I voted for the first time around. When this House did its job 9 months ago, when it was supposed to do its job, we voted on a completely different bill. But as my friend from Massachusetts knows full well, Mr. Speaker, if Republicans had 60 votes in the Senate, we wouldn't be going through these machinations.

We go through these machinations for one reason and one reason only, and that is, after a Republican-led House gets its work done, the Senate can't. The Senate can't because they work in a much more bipartisan way. As bipartisan as this institution is, that institution is even more so by the Senate rules.

We talk about this as if it is a spending bill, Mr. Speaker. I just want to be clear: this includes brownfields act reauthorization. That is the bill that lets us go into environmentally damaged areas and restore them. We haven't been able to get that done just in the normal course of doing business. So to get it across the Senate floor, it is now added into this bill.

The Child Protection Improvement Act, Mr. Speaker, is the bill that provides the database so that caregivers and parents can go and see who it is that is taking care of their children and make sure folks are properly vetted. We couldn't get that through in the normal process, so we had to add it into this bill.

Mr. Speaker, the CLOUD Act is the bill that allows law enforcement to go and access information stored on clouds in other countries so that you don't have to wait 9 months through bureaucracies so that you can identify those terrorists, those criminals, earlier and more often. We couldn't get that through the regular process, so we have got that in the bill.

E-Verify, Mr. Speaker, is the provision that allows any employer to dial in online to make sure that they are hiring American citizens. It is buried in this bill, Mr. Speaker.

Together, we are getting things done. This bill is an example of that. It is a source of progress, not an impediment.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from the great State of Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

I have been here long enough to see my Republican colleagues bring to the floor these bills and plop them down heavily on the table.

I have been here long enough to have citizens assault me in a town meeting and ask: “Have you read the bill?”

I have been here long enough to hear the demagoguery about: "What's in the bill? Do you know what's in the bill? Have you read the bill? How can you do this?"

I have heard demagoguery about the 3-day rule. I call it the 24-hour-and-2-second rule. That is the last second of the first day, 24 hours of the second day, and the first second of the third day. We are not even going to make that. This was filed at 8 o'clock last night.

I ask any Member in this House to join me in the well if you have read this bill. Join me if you have read this bill.

No one is joining me.

These are earmarks. They call them authorizing legislation, but they are earmarks. They are pieces of legislation in this bill that are against the rules, of course, but we will waive those rules. They are things that were gone through in the dark of night, at 8 o'clock last night.

These are the appropriations bills, the only piece of this legislation that were done properly.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield an additional 1 minute to the gentleman from Maryland.

Mr. HOYER. When the Speaker became the Speaker, he said: "We will advance major legislation one issue at a time."

How can any self-respecting Member of this House, how can any self-respecting Republican who made that representation to my Tea Party friends, vote for this rule?

I have no idea.

This is an abomination of the legislative process. You have had 6 months to get it right. Six weeks ago, the Speaker promised that an issue of great importance to us, DACA, would be solved. It hasn't been addressed, much less solved.

But the real problem is that nobody knows what is in this legislation. With all due respect to the chairman of the Rules Committee, he hasn't read this bill.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MCGOVERN. Mr. Speaker, I yield an additional 1 minute to the gentleman from Maryland.

Mr. HOYER. Mr. MCGOVERN hasn't read the bill. I have not read the bill. It was 8 o'clock last night. The only person that could read this bill is the supercomputers. None of us even claim to be supercomputers.

This rule ought to go down. Very frankly, there are a lot of things in here I know that I like and I know that everybody else likes, but if we defeat the rule, we ought to go back to a process that we can respect, that you argued you were going to follow, that you pledged to the American people you were going to follow, and that Mr. Cantor and Mr. MCCARTHY and Mr.

RYAN wrote a book about and said they were going to change this institution and do it right.

This is wrong. Vote "no."

□ 1015

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 3 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by echoing the words of our distinguished minority whip and by saying that we need a better process, and I hope my colleagues will vote against the rule.

I just want to say to my friends on the other side of the aisle, one of the reasons why I think there is so much polarization in this Chamber, why it is hard to kind of get things done, is because of the process. I think process matters. When people don't have the opportunity to read the bills, when people are routinely denied the opportunity to bring to the floor their ideas for debate and vote, it results in increased tensions and increased polarization; and, quite frankly, it undermines the integrity of this institution.

This is supposed to be the people's House. We all represent the same number of constituents, yet routinely the voices of the people are denied to be heard on this House floor.

So I would urge my colleagues to vote "no" on the rule, vote "no" on the previous question so we can bring the Dream Act to the floor, we can help the Dreamers, we can help those DACA recipients who everybody says publicly that they want to help, yet, when it comes to actually helping them, all we get is obstruction from the Republican leadership here. Let's bring that to the floor. This is our 26th time trying to do it. Let's do something that will make a real difference, that will help these people.

They deserve our help. They deserve our support. They are valued members of our community. They are American in every way except they weren't born here. And Democrats, Republicans, and Independents overwhelmingly believe we ought to help them. We ought to stop playing politics with the Dreamers.

I know the President is holding them hostage and wants a ransom that gets bigger and bigger, and bigger, and bigger. Enough. Let's do what is right for these people. So vote "no" on the rule. Make it clear that this process is something that we cannot endorse or embrace. We want a change in process. Vote against the previous question so we can bring up relief for the Dreamers.

Finally, I just, again, plead with the Republican leadership of this House, we need to have a better process here. If you want to end the polarization, if you want to end the partisanship, you have to open this place up. I don't think that is too much to ask.

With that, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank not only the gentleman from Massachusetts (Mr. MCGOVERN) but also thanks to the minority whip for coming and engaging in this issue.

Mr. Speaker, let us not forget that this last summer, last summer, we engaged in all 12 spending bills on the floor of the House of Representatives. The Appropriations Committee received over 700 thoughts, ideas, so to speak, amendments for them to consider. It was an open process. Mr. Speaker, on the floor, 232 amendments were a part of the process of the 12 bills.

Last night, NITA LOWEY, the ranking member, sat before the Rules Committee at about midnight and said: It is late, but the process worked. The process worked for Democrats. The process worked for appropriators to work on a bipartisan basis, and the process worked in the United States Senate.

Mr. Speaker, two members of the Appropriations staff, Shannon O'Keefe and Nancy Fox, are sterling members of the professional staff of the House of Representatives who did one heck of a job to make sure our Rules Committee—staff and Members—got the information we needed.

I agree the process should be better. I urge my colleagues to support this rule and the underlying bill.

Mr. SESSIONS. Mr. Speaker, when the Committee on Rules filed its report (H. Rept. 115-614) to accompany House Resolution 796 the Committee was unaware that the waiver of all points of order against consideration of the motion to concur in the Senate Amendment to H.R. 1625 included:

A waiver of section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) allocation of such authority.

A waiver of section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 796 OFFERED BY
MR. MCGOVERN

At the end of the resolution, add the following new sections:

SEC 7. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order

against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 8. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adopting the resolution, if ordered;

Suspending the rules and passing H.R. 4227; and

Suspending the rules and passing H.R. 5131.

The vote was taken by electronic device, and there were—yeas 233, nays 186, not voting 10, as follows:

[Roll No. 123]

YEAS—233

Abraham	Collins (GA)	Gianforte
Aderholt	Collins (NY)	Gibbs
Allen	Comer	Gohmert
Amash	Comstock	Goodlatte
Arrington	Conaway	Gosar
Babin	Cook	Gowdy
Bacon	Costello (PA)	Granger
Banks (IN)	Crawford	Graves (GA)
Barletta	Culberson	Graves (LA)
Barr	Curbelo (FL)	Graves (MO)
Barton	Curtis	Griffith
Bergman	Davidson	Grothman
Biggs	Davis, Rodney	Guthrie
Bilirakis	Denham	Handel
Bishop (MI)	Dent	Harper
Bishop (UT)	DeSantis	Harris
Black	DesJarlais	Hartzler
Blackburn	Diaz-Balart	Hensarling
Blum	Donovan	Herrera Beutler
Bost	Duffy	Hice, Jody B.
Brady (TX)	Duncan (SC)	Higgins (LA)
Brat	Duncan (TN)	Hill
Brooks (AL)	Dunn	Holding
Brooks (IN)	Emmer	Hollingsworth
Buchanan	Estes (KS)	Hudson
Buck	Farenthold	Huizenga
Bucshon	Faso	Hultgren
Budd	Ferguson	Hunter
Burgess	Fitzpatrick	Hurd
Byrne	Fleischmann	Issa
Calvert	Flores	Jenkins (KS)
Carter (GA)	Fortenberry	Jenkins (WV)
Carter (TX)	Fox	Johnson (LA)
Chabot	Frelinghuysen	Johnson (OH)
Cheney	Gaetz	Johnson, Sam
Coffman	Gallagher	Jordan
Cole	Garrett	Joyce (OH)

Katko	Newhouse	Shimkus
Kelly (MS)	Noem	Shuster
Kelly (PA)	Norman	Simpson
King (IA)	Nunes	Smith (MO)
King (NY)	Olson	Smith (NE)
Kinzinger	Palazzo	Smith (NJ)
Knight	Palmer	Smith (TX)
Kustoff (TN)	Paulsen	Smucker
Labrador	Pearce	Stefanik
LaHood	Perry	Stewart
LaMalfa	Pittenger	Stivers
Lamborn	Poe (TX)	Taylor
Lance	Poliquin	Tenney
Latta	Posey	Thompson (PA)
Lewis (MN)	Ratcliffe	Thornberry
LoBiondo	Reed	Tipton
Long	Reichert	Trott
Loudermilk	Renacci	Turner
Love	Rice (SC)	Upton
Lucas	Roby	Valadao
Luetkemeyer	Roe (TN)	Wagner
MacArthur	Rogers (AL)	Walberg
Marchant	Rogers (KY)	Walden
Marino	Rohrabacher	Walker
Marshall	Rokita	Walorski
Massie	Rooney, Francis	Walters, Mimi
Mast	Rooney, Thomas	Weber (TX)
McCarthy	J.	Webster (FL)
McCaull	Ros-Lehtinen	Wenstrup
McClintock	Roskam	Westerman
McHenry	Ross	Williams
McKinley	Rothfus	Wilson (SC)
McMorris	Rouzer	Wittman
Rodgers	Royce (CA)	Womack
McSally	Russell	Woodall
Meadows	Rutherford	Yoder
Meehan	Sanford	Yoho
Messer	Scalise	Young (AK)
Mitchell	Schweikert	Young (IA)
Moolenaar	Scott, Austin	Zeldin
Mooney (WV)	Sensenbrenner	
Mullin	Sessions	

NAYS—186

Adams	Eshoo	Lujan Grisham,
Aguilar	Espallat	M.
Barragan	Esty (CT)	Lujan, Ben Ray
Bass	Evans	Lynch
Beatty	Foster	Maloney,
Bera	Frankel (FL)	Carolyn B.
Beyer	Fudge	Maloney, Sean
Bishop (GA)	Gabbard	Matsui
Blumenauer	Gallego	McCollum
Blunt Rochester	Garamendi	McEachin
Bonamici	Gomez	McGovern
Boyle, Brendan	Gonzalez (TX)	McNerney
F.	Gottheimer	Meeks
Brady (PA)	Green, Al	Meng
Brown (MD)	Green, Gene	Moore
Brownley (CA)	Grijalva	Moulton
Bustos	Gutierrez	Murphy (FL)
Butterfield	Hanabusa	Nadler
Capuano	Hastings	Napolitano
Carbajal	Heck	Neal
Cardenas	Higgins (NY)	Nolan
Carson (IN)	Himes	Norcross
Cartwright	Hoyer	O'Halleran
Castor (FL)	Huffman	O'Rourke
Castro (TX)	Jackson Lee	Pallone
Chu, Judy	Jayapal	Panetta
Cicilline	Jeffries	Pascarell
Clark (MA)	Johnson (GA)	Payne
Clay	Johnson, E. B.	Pelosi
Cleaver	Kaptur	Perlmutter
Clyburn	Keating	Peters
Cohen	Kelly (IL)	Peterson
Connolly	Kennedy	Pocan
Cooper	Khanna	Polis
Correa	Kihuen	Price (NC)
Costa	Kildee	Quigley
Courtney	Kilmer	Raskin
Crist	Kind	Rice (NY)
Crowley	Krishnamoorthi	Richmond
Cuellar	Kuster (NH)	Rosen
Davis (CA)	Langevin	Roybal-Allard
DeFazio	Larsen (WA)	Ruiz
DeGette	Larson (CT)	Ruppersberger
Delaney	Lawrence	Rush
DeLauro	Lawson (FL)	Ryan (OH)
DelBene	Lee	Sánchez
Demings	Levin	Sarbanes
DeSaulnier	Lewis (GA)	Schakowsky
Deutch	Lieu, Ted	Schiff
Dingell	Lipinski	Schneider
Doggett	Loebach	Schrader
Doyle, Michael	Lofgren	Scott (VA)
F.	Lowenthal	Scott, David
Ellison	Lowe	Serrano
Engel		Sewell (AL)

Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Soto
Speier
Suozi
Swalwell (CA)

Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey

Vela
Velázquez
Visclosky
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—10

Amodi
Bridenstine
Clarke (NY)
Cramer

Cummings
Davis, Danny
Jones
Pingree

Walz
Wilson (FL)

□ 1044

Messrs. McCLINTOCK, GOSAR, and KELLY of Pennsylvania changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 207, not voting 12, as follows:

[Roll No. 124]

AYES—211

Abraham
Aderholt
Allen
Amodi
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Brady (TX)
Brat
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Crawford
Culberson
Curbelo (FL)
Curtis
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan

Duffy
Duncan (SC)
Dunn
Emmer
Estes (KS)
Farenthold
Lance
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Frelinghuysen
Gaetz
Gallagher
Gianforte
Gibbs
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grothman
Guthrie
Handel
Harper
Hartzler
Hensarling
Herrera Beutler
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)

Kinzinger
Knight
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meehan
Messer
Mitchell
Moolenaar
Mullin
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pittenger
Poe (TX)
Poliquin
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)

Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Ryan (WI)
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions

Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner

Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Zeldin

NOES—207

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Biggs
Bishop (GA)
Blum
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Davidson
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DeBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Engel
Eshoo
Español
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi

Garrett
Gohmert
Gomez
Gonzalez (TX)
Gosar
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Hanabusa
Harris
Hastings
Heck
Hice, Jody B.
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson, E. B.
Jordan
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Labrador
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebbeck
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Massie
Matsui
McCollum
McEachin
McGovern
McNerney
Meadows
Meeks
Meng
Mooney (WV)
Moore
Moulton
Nadler
Napolitano

Neal
Nolan
Norcross
Norman
O'Halloran
O'Rourke
Pallone
Panetta
Pascarella
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pocan
Polis
Posey
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sanchez
Sanford
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Smith (WA)
Soto
Speier
Suozi
Swalwell (CA)
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wilson (FL)
Yarmuth
Yoho

NOT VOTING—12

Blumenauer
Bridenstine
Cramer
Cummings

Davis, Danny
Gottheimer
Johnson (GA)
Jones

Murphy (FL)
Pingree
Schrader
Walz

□ 1052

Mr. KING of Iowa changed his vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VEHICULAR TERRORISM
PREVENTION ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4227) to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. ESTES) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 2, not voting 10, as follows:

[Roll No. 125]

YEAS—417

Abraham
Adams
Aderholt
Aguilar
Allen
Amodi
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Brady (TX)
Brat
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Courtney
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DeBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Grijalva
Deutch
Diaz-Balart
Carson (IN)
Carter (GA)
Carter (TX)

Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DeBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Grijalva
Deutch
Diaz-Balart
Carson (IN)
Doggett
Donovan

Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Español
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxy
Frankel (FL)
Frelinghuysen
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel

Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loeb sack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
MacArthur
Maloney,
Carolyn B.
Maloney, Sean
Marchant

Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger

Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walker
Walorski
Walters, Mimi
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

□ 1100

Ms. JACKSON LEE changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SURFACE TRANSPORTATION SECURITY IMPROVEMENT ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5131) to improve the effectiveness of Federal efforts to identify and address homeland security risks to surface transportation, secure against vehicle-based attacks, and conduct a feasibility assessment of introducing new security technologies and measures, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BACON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 5, not voting 15, as follows:

[Roll No. 126]

YEAS—409

Abraham
Adams
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan
F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano

Carbajal
Cardenas
Carson (IN)
Carter (GA)
Carter (TX)
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham

Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loeb sack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer

Lujan Grisham,
M.
Luján, Ben Ray
Lynch
MacArthur
Maloney,
Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus

Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—2

Amash

NOT VOTING—10

Bridenstine
Butterfield
Cramer
Cummings

Davis, Danny
Jones
Lewis (GA)
Pingree

Walz
Wilson (FL)

NAYS—5

Amash

NOT VOTING—15

Aguilar
Bridenstine

Cartwright
Cramer
Cummings
Davis, Danny

DeSaulnier Jayapal Rush
Deutch Jones Scott, David
Issa Pingree Walz

□ 1107

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUBMISSION OF MATERIAL EXPLANATORY OF THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO THE AMENDMENT OF THE SENATE TO H.R. 1625

Pursuant to section 6 of House Resolution 796, the chairman of the Committee on Appropriations submitted explanatory material relating to the amendment of the House of Representatives to the amendment of the Senate to H.R. 1625. The contents of this submission will be published in Books II and III of this RECORD.

TARGETED REWARDS FOR THE GLOBAL ERADICATION OF HUMAN TRAFFICKING

Mr. FRELINGHUYSEN. Mr. Speaker, pursuant to House Resolution 796, I call up the bill (H.R. 1625) to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLES.

This Act may be cited as the “Targeted Rewards for the Global Eradication of Human Trafficking” or the “TARGET Act”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) *FINDINGS.*—Congress finds the following:

(1) *Trafficking in persons is a major transnational crime, as recognized by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.; division A of Public Law 106–386).*

(2) *Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises.*

(3) *Combating trafficking in persons requires a global approach to identifying and apprehending the world’s worst human trafficking rings.*

(b) *SENSE OF CONGRESS.*—It is the sense of Congress that the Department of State’s rewards program is a powerful tool in combating sophisticated international crime and that the Department of State and Federal law enforcement should work in concert to offer rewards that target human traffickers who prey on the most vulnerable people around the world.

SEC. 3. REWARDS FOR JUSTICE.

Section 36(k)(5) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)(5)) is amended—

(1) in the matter preceding subparagraph (A), by striking “means”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as redesignated, 2 ems to the right;

(3) by inserting before clause (i), as redesignated, the following:

“(A) means—”;

(4) in clause (ii), as redesignated, by striking the period at the end and inserting “; and”; and (5) by adding at the end following:

“(B) includes severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) involving at least 1 jurisdiction outside of the United States.”.

MOTION TO CONCUR

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore (Mr. HULTGREN). The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Frelinghuysen moves that the House concur in the Senate amendment to H.R. 1625 with an amendment consisting of the text of Rules Committee Print 115–66.

The text of the House amendment to the Senate amendment to the text is as follows:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2018”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Explanatory statement.

Sec. 5. Statement of appropriations.

Sec. 6. Availability of funds.

Sec. 7. Adjustments to compensation.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Title I—Agricultural Programs

Title II—Farm Production and Conservation Programs

Title III—Rural Development Programs

Title IV—Domestic Food Programs

Title V—Foreign Assistance and Related Programs

Title VI—Related Agencies and Food and Drug Administration

Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Title I—Department of Commerce

Title II—Department of Justice

Title III—Science

Title IV—Related Agencies

Title V—General Provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2018

Title I—Military Personnel

Title II—Operation and Maintenance

Title III—Procurement

Title IV—Research, Development, Test and Evaluation

Title V—Revolving and Management Funds

Title VI—Other Department of Defense Programs

Title VII—Related Agencies

Title VIII—General Provisions

Title IX—Overseas Contingency Operations

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Title I—Corps of Engineers—Civil

Title II—Department of the Interior

Title III—Department of Energy

Title IV—Independent Agencies

Title V—General Provisions

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2018

Title I—Department of the Treasury

Title II—Executive Office of the President and Funds Appropriated to the President

Title III—The Judiciary

Title IV—District of Columbia

Title V—Independent Agencies

Title VI—General Provisions—This Act

Title VII—General Provisions—Government-wide

Title VIII—General Provisions—District of Columbia

DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2018

Title I—Departmental Management, Operations, Intelligence, and Oversight

Title II—Security, Enforcement, and Investigations

Title III—Protection, Preparedness, Response, and Recovery

Title IV—Research, Development, Training, and Services

Title V—General Provisions

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Title I—Department of the Interior

Title II—Environmental Protection Agency

Title III—Related Agencies

Title IV—General Provisions

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related Agencies

Title V—General Provisions

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2018

Title I—Legislative Branch

Title II—General Provisions

DIVISION J—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related Agencies

Title IV—Overseas Contingency Operations

Title V—General Provisions

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2018

Title I—Department of State and Related Agency

Title II—United States Agency for International Development

Title III—Bilateral Economic Assistance

Title IV—International Security Assistance

Title V—Multilateral Assistance

Title VI—Export and Investment Assistance

Title VII—General Provisions

Title VIII—Overseas Contingency Operations/Global War on Terrorism

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related Agencies

Title IV—General Provisions—This Act

DIVISION M—EXTENSIONS

Title I—Airport and Airway Extension
 Title II—Immigration Extensions
 Title III—National Flood Insurance Program Extension
 Title IV—Pesticide Registration Improvement Act Extension
 Title V—Generalized System of Preferences
 Title VI—Judicial Redaction Authority Extension
 Title VII—Budgetary Effects

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

DIVISION S—OTHER MATTER

Title I—Child Protection Improvements Act
 Title II—Save America's Pastime Act
 Title III—Keep Young Athletes Safe Act
 Title IV—Consent of Congress to Amendments to the Constitution of the State of Arizona
 Title V—Stop School Violence Act
 Title VI—Fix NICS Act
 Title VII—State Sexual Risk Avoidance Education Program
 Title VIII—Small Business Credit Availability Act
 Title IX—Small Business Access to Capital After a Natural Disaster Act
 Title X—Taylor Force Act
 Title XI—FARM Act
 Title XII—Tipped Employees
 Title XIII—Revisions to Pass-Through Period and Payment Rules

DIVISION T—REVENUE PROVISIONS

DIVISION U—TAX TECHNICAL CORRECTIONS

DIVISION V—CLOUD ACT

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about March 22, 2018, and submitted by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018.

SEC. 6. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 7. ADJUSTMENTS TO COMPENSATION.

(a) Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2018.

(b) There is appropriated for payment to Emily Robin Minerva, heir of Louise McIntosh Slaughter, late a Representative from the State of New York, \$174,000.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, \$46,532,000, of which not to exceed \$5,051,000 shall be available for the immediate Office of the Secretary; not to exceed \$800,000 shall be available for the Office of the Assistant to the Secretary for Rural Development: *Provided*, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed \$1,496,000 shall be available for the Office of Homeland Security; not to exceed \$4,711,000 shall be available for the Office of Partnerships and Public Engagement; not to exceed \$23,105,000 shall be available for the Office of the Assistant Secretary for Administration, of which \$22,301,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided further*, That funds made available by this Act to an agency in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed \$3,869,000 shall be available for the Office of Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed \$7,500,000 shall be available for the Office of Communications: *Provided further*, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further*, That not to exceed \$11,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$19,786,000, of which

\$4,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155.

OFFICE OF HEARINGS AND APPEALS

For necessary expenses of the Office of Hearings and Appeals, \$15,222,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$9,525,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$58,950,000, of which not less than \$33,000,000 is for cybersecurity requirements of the department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$6,028,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$901,000: *Provided*, That funds made available by this Act to an agency in the Civil Rights mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$24,206,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$64,414,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$3,503,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), \$98,208,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97–98).

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$44,546,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, \$4,136,000.

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

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, \$800,000: *Provided*, That funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$86,757,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$191,717,000, of which up to \$63,350,000 shall be available until expended for the Census of Agriculture: *Provided*, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,202,766,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$500,000, except for greenhouses which shall each be limited to \$1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed \$1,100,000 each, and except for two buildings to be constructed at a cost not to exceed \$3,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$500,000, whichever is greater: *Provided further*, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be

that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$140,600,000 to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$887,171,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Research and Education Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for research grants for 1994 institutions, education grants for 1890 institutions, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: *Provided further*, That each institution eligible to receive funds under the Evans-Allen program receives no less than \$1,000,000: *Provided further*, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: *Provided further*, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: *Provided further*, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 4501(b) may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$483,626,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Extension Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for facility improvements at 1890 institutions shall remain available until expended: *Provided further*, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension

receive no less than \$1,000,000: *Provided further*, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93-471 shall be available for retirement and employees' compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$37,000,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Integrated Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2019: *Provided further*, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$901,000: *Provided*, That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$981,893,000, of which \$470,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which \$11,520,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$37,857,000, to remain available until expended, shall be for Animal Health Technical Services; of which \$705,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which \$62,840,000, to remain available until expended, shall be used to support avian health; of which \$4,251,000, to remain available until expended, shall be for information technology infrastructure; of which \$178,170,000, to remain available until expended, shall be for specialty crop pests; of which, \$9,326,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which \$16,523,000, to remain available until expended, shall be for zoonotic disease management; of which \$40,966,000, to remain available until expended, shall be for emergency preparedness and response; of which \$56,000,000, to remain available until expended, shall be for tree and wood pests; of which \$5,725,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to \$1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which \$2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided*, That of amounts available under this heading for wildlife

services methods development, \$1,000,000 shall remain available until expended: *Provided further*, That of amounts available under this heading for the screwworm program, \$4,990,000 shall remain available until expended; of which \$3,000,000, to remain available until expended, shall be for National Bio and Agro-Defense human capital development: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed five, of which two shall be for replacement only: *Provided further*, That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2018, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$151,595,000, of which \$3,000,000 shall be available for the purposes of section 12306 of Public Law 113-79: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$61,227,000 (from fees collected) shall be obligated during the current

fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

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

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than \$20,705,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87-128).

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,235,000.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$800,000: *Provided*, That funds made available by this Act to an agency in the Food Safety mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,056,844,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2018 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.): *Provided further*, That not later than 180 days after the date of enactment of this Act, the Food Safety and Inspection Service shall issue equivalence determinations for all countries wishing to continue exporting Siluriformes to the United States: *Provided further*, That unless the requirements pursuant to the previous proviso have been met, thereafter, none of the funds made available by this or any other Act may be used to inspect, at point of entry, Siluriformes from countries

exporting to the United States until all requirements under section 557.2 of title 9, Code of Federal Regulations have been met and a final determination of equivalence final rule has been published in the Federal Register adding such countries to the list under section 327.2 of title 9, Code of Federal Regulations: *Provided further*, That of the funds made available under this heading, \$7,500,000 shall remain available until expended for public health veterinarian recruitment and retention incentives: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

TITLE II

FARM PRODUCTION AND CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION

For necessary expenses of the Office of the Under Secretary for Farm Production and Conservation, \$901,000: *Provided*, That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FARM PRODUCTION AND CONSERVATION BUSINESS CENTER

For necessary expenses of the Farm Production and Conservation Business Center, \$1,028,000, to remain available until expended: *Provided*, That \$145,000 of amounts appropriated for the current fiscal year pursuant to section 1241(a) of the Farm Security and Rural Investment Act of 1985 (16 U.S.C. 3841(a)) shall be transferred to and merged with this account.

FARM SERVICE AGENCY SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,202,146,000: *Provided*, That not more than 50 percent of the \$78,013,000 made available under this heading for information technology related to farm program delivery, including the Modernize and Innovate the Delivery of Agricultural Systems and other farm program delivery systems, may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over \$25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further*, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2018 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or

other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$3,904,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out well-head or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural Credit Insurance Fund, as follows: \$2,750,000,000 for guaranteed farm ownership loans and \$1,500,000,000 for farm ownership direct loans; \$1,960,000,000 for unsubsidized guaranteed operating loans and \$1,530,000,000 for direct operating loans; emergency loans, \$25,610,000; Indian tribe land acquisition loans, \$20,000,000; guaranteed conservation loans, \$150,000,000; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$60,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Con-

gressional Budget Act of 1974, as follows: farm operating loans, \$61,812,000 for direct operating loans, \$21,756,000 for unsubsidized guaranteed operating loans, emergency loans, \$1,260,000 and \$2,272,000 for Indian highly fractionated land loans to remain available until expended.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$325,068,000: *Provided*, That of this amount, \$314,998,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”, of which \$8,000,000 shall be available until September 30, 2019.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, \$74,829,000: *Provided*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

NATURAL RESOURCES CONSERVATION SERVICE CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$874,107,000, to remain available until September 30, 2019: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That of the amounts made available under this heading, \$5,600,000, shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, \$150,000,000, to remain available until expended: *Provided*, That for funds provided by this Act or any other prior Act, the limi-

tation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and land treatment measures): *Provided further*, That of the amounts made available under this heading, \$50,000,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, \$10,000,000 is provided: *Provided*, That of the amounts made available under this heading, \$5,000,000 shall remain available until expended for watershed rehabilitation projects in states with high-hazard dams and other watershed structures and that have recently incurred flooding events which caused fatalities.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE III

RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$230,835,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support Rural Development programs: *Provided further*, That in addition to any other funds appropriated for purposes authorized by section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), any amounts collected under such section, as amended by this Act, will immediately be credited to this account and will remain available until expended for such purposes.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$1,100,000,000 shall be for direct loans and \$24,000,000,000 shall be for unsubsidized guaranteed loans; \$28,000,000 for section 504 housing repair loans; \$40,000,000 for section 515 rental housing; \$230,000,000 for section 538 guaranteed multi-family housing loans; \$10,000,000 for credit sales of single family housing acquired property; \$5,000,000 for section 523 self-help housing land development loans; and \$5,000,000 for section 524 site development loans: *Provided*, That section 514(f)(3)(A) of the Housing Act of 1949 (42 U.S.C. 1484(f)(3)(A)) is amended by striking “United States” and inserting “United States,” and by inserting before the semicolon the following: “, or a person legally admitted to the United States and authorized to work in agriculture”.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$42,350,000 shall be for direct loans; section 504 housing repair loans, \$3,452,000; section 523 self-help housing land development loans, \$368,000; section 524 site development loans, \$58,000; and repair, rehabilitation, and new construction of section 515 rental housing, \$10,524,000: *Provided*, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further*, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: *Provided further*, That of the amounts available under this paragraph for section 502 direct loans, no less than \$5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2018: *Provided further*, That the Secretary shall implement provisions to pro-

vide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as “Asset Management Fee” of up to \$7,500 per property.

In addition, for the cost of direct loans, grants, and contracts, as authorized by sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486), \$14,710,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$412,254,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$1,345,293,000, of which \$40,000,000 shall be available until September 30, 2019; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2018 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: *Provided further*, That except as provided in the third proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2018 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

MULTI-FAMILY HOUSING REVITALIZATION
PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$47,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$25,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, \$22,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$30,000,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, \$40,000,000, to remain available until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$2,800,000,000 for direct loans and \$148,287,000 for guaranteed loans.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, \$4,849,000, to remain available until expended.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$43,778,000, to remain available until expended: *Provided*, That \$4,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That \$5,778,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, \$77,342,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$6,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development

Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), \$18,889,000.

For the cost of direct loans, \$4,361,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which \$557,000 shall be available through June 30, 2018, for Federally Recognized Native American Tribes; and of which \$1,072,000 shall be available through June 30, 2018, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, \$4,468,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$45,000,000.

The cost of grants authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed \$10,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$27,550,000, of which \$2,750,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which \$16,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a), of which \$1,000,000 shall be for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107-171.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$293,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$560,263,000, to remain available until expended, of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act and such grants may not exceed \$1,000,000 notwithstanding section 306A(f)(1) of such Act: *Provided further*, That \$68,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105-83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105-83 for training and technical assistance programs: *Provided further*, That not to exceed \$40,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$8,000,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed \$19,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed \$4,000,000 shall be for solid waste management grants: *Provided further*, That \$10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year

balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305, 306, and 317 of the Rural Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g) shall be made as follows: loans made pursuant to sections 305, 306, and 317, notwithstanding 317(c), of that Act, rural electric, \$5,500,000,000; guaranteed underwriting loans pursuant to section 313A, \$750,000,000; 5 percent rural telecommunications loans, cost of money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$690,000,000: *Provided*, That up to \$2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems.

For the cost of direct loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, \$863,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$33,270,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$29,851,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$32,000,000, to remain available until expended: *Provided*, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$5,000,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$30,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

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

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, \$800,000: *Provided*, That funds made available by this Act to an agency in the Food, Nutrition and Consumer Services mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD AND NUTRITION SERVICE
CHILD NUTRITION PROGRAMS
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$24,254,139,000 to remain available through September 30, 2019, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That of the total amount available, \$17,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further*, That of the total amount available, \$30,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment, with a value of greater than \$1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: *Provided further*, That of the total amount available, \$28,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111-80): *Provided further*, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "2010 through 2017" and inserting "2010 through 2018": *Provided further*, That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence by striking "for fiscal year 2017" and inserting "for fiscal year 2018": *Provided further*, That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended in the first sentence by striking "for fiscal year 2017" and inserting "for fiscal year 2018".

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

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,175,000,000, to remain available through September 30, 2019, of which \$25,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deemed necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than \$60,000,000 shall be used for breastfeeding peer counselors and other related activities, and \$14,000,000 shall be used for infrastructure: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011

et seq.), \$74,013,499,000, of which \$3,000,000,000, to remain available through December 31, 2019, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, \$998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available through September 30, 2019: *Provided further*, That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2019: *Provided further*, That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$322,139,000, to remain available through September 30, 2019: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2018 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2019: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 15 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$153,841,000: *Provided*, That of the funds provided herein, \$2,000,000 shall be used for the purposes of section 4404 of Public Law 107-171, as amended by section 4401 of Public Law 110-246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

For necessary expenses of the Office of the Under Secretary for Trade and Foreign Agricultural Affairs, \$875,000: *Provided*, That funds made available by this Act to any

agency in the Trade and Foreign Agricultural Affairs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CODEX ALIMENTARIUS

For necessary expenses of the Office of Codex Alimentarius, \$3,796,000.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$199,666,000, of which no more than 6 percent shall remain available until September 30, 2019, for overseas operations to include the payment of locally employed staff: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

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

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83-480) and the Food for Progress Act of 1985, \$149,000, shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83-480), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,600,000,000, to remain available until expended: *Provided*, That the Administrator of the United States Agency for International Development shall in each instance notify in writing the Committees on Appropriations of both Houses of Congress, the Committee on Agriculture of the House, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House, and the Committee on Agriculture, Nutrition, and Forestry of the Senate and make publicly available online the amount and use of authority in section 202(a) of the Food for Peace Act (7 U.S.C. 1722(a)) to notwithstand the minimum level of nonemergency assistance required by section 412(e)(2) of the Food for Peace Act (7 U.S.C. 1736f(e)(2)) not later than 15 days after the date of such action.

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

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$207,626,000, to remain available until expended, of which \$1,000,000 is for the use of recently developed potable water

technologies in school feeding projects: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further*, That of the amount made available under this heading, \$10,000,000, shall remain available until expended for necessary expenses to carry out the provisions of section 3207 of the Agricultural Act of 2014 (7 U.S.C. 1726c).

COMMODITY CREDIT CORPORATION EXPORT
(LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, \$8,845,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,382,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$2,463,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND
DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; in addition to amounts appropriated to the FDA Innovation Account, for carrying out the activities described in section 1002(b)(4) of the 21st Century Cures Act (Public Law 114-255); for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$5,138,041,000: *Provided*, That of the amount provided under this heading, \$911,346,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; \$193,291,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$493,600,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j-42, and shall be credited to this account and remain available until expended; \$40,214,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j-52, and shall be credited to this account and remain available until expended; \$18,093,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j-12, and shall be credited to this account and remain available until expended; \$9,419,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j-21, and shall be credited to this account and remain available until expended; \$672,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further*, That in addition to and not-

withstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal year 2018 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2018, including any such fees collected prior to fiscal year 2018 but credited for fiscal year 2018, shall be subject to the fiscal year 2018 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2018 of user fees specified under this heading and authorized for fiscal year 2019, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2019 for which the Secretary accepts payment in fiscal year 2018 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$1,041,615,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$1,617,881,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$359,614,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$197,252,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$487,197,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$63,331,000 shall be for the National Center for Toxicological Research; (7) \$625,646,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$172,003,000 shall be for Rent and Related activities, of which \$50,559,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$237,671,000 shall be for payments to the General Services Administration for rent; and (10) \$335,831,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods and Veterinary Medicine, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: *Provided further*, That of the amounts that are made available under this heading for "other activities", and that are not derived from user fees, \$1,500,000 shall be transferred to and merged with the appropriation for "Department of Health and Human Services—Office of Inspector General" for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further*, That of the total amount made available under this heading, \$1,500,000

shall be used by the Commissioner of Food and Drugs, in coordination with the Secretary of Agriculture, for consumer outreach and education regarding agricultural biotechnology and biotechnology-derived food products and animal feed, including through publication and distribution of science-based educational information on the environmental, nutritional, food safety, economic, and humanitarian impacts of such biotechnology, food products, and feed: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j-31, outsourcing facility fees authorized by 21 U.S.C. 379j-62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee-3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), and medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb-4a, shall be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$11,788,000, to remain available until expended.

FDA INNOVATION ACCOUNT, CURES ACT

For necessary expenses to carry out the purposes described under section 1002(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes under the heading "Salaries and Expenses", \$60,000,000, to remain available until expended: *Provided*, That amounts appropriated in this paragraph are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for "Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses" solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the account: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, \$249,000,000, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than \$48,000,000, to remain available until September 30, 2019, shall be for the purchase of information technology and of which not less than \$2,700,000 shall be

for expenses of the Office of the Inspector General: *Provided*, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further*, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a new no-year account in the Treasury, which may be established for the sole purpose of recording adjustments for and liquidating such unpaid obligations: *Provided further*, That if any furlough or reduction-in-force of personnel at the Commission occurs as a result of an action under 5 U.S.C. 7119, the Commission shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate no later than 30 days after the furlough or reduction-in-force occurs detailing the agency's reasoning for conducting a furlough or reduction-in-force: *Provided further*, That in the report the Commission shall explain why the furlough or reduction-in-force was the only reasonable course of action in response to an action taken under 5 U.S.C. 7119: *Provided further*, That after the conclusion of any furlough or reduction-in-force of the Commission in response to an action taken under 5 U.S.C. 7119, the Comptroller General shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that describes (1) the long-term cost of any pay increases the Commission must make in response to an action taken under 5 U.S.C. 7119; and (2) the operational impact of the furlough or reduction-in-force.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$70,600,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 71 passenger motor vehicles of which 68 shall be for replacement only, and for the hire of such vehicles: *Provided*, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and

information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 717 of this Act: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, or functions of the offices of the Chief Financial Officer or any personnel from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress and in accordance with the requirements of section 717 of this Act: *Provided further*, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow the National Finance Center to perform technology upgrades: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center: *Provided further*, That the Secretary of Agriculture shall conduct and submit a detailed cost benefit analysis to the Committees on Appropriations that includes a complete analysis of the National Finance Center data center and two other operationally comparable data centers in both size and complexity in supported applications that details and provides: (1) the cost effectiveness of each center; (2) a security analysis of each center; and (3) each center's Federal Risk and Authorization Management Program (FedRAMP) certifications status and

the center's demonstrated history record and ability for maintaining Continuity of Operations Plan (COOP) functions and not miss critical operations: *Provided further*, That the cost-benefit analysis shall be submitted no later than 90 days after enactment of this Act to the Committees on Appropriations: *Provided further*, That not later than 90 days after submission of the cost-benefit analysis, the Comptroller General of the United States shall submit to the Committees on Appropriations a sufficiency review of the cost-benefit analysis, including any findings and recommendations relating to such review.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over \$25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further*, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to \$250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113-235.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility

that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 709. Except as otherwise specifically provided by law, not more than \$20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2019, for information technology expenses: *Provided*, That except as otherwise specifically provided by law, unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2019, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113-79), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than \$2,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 714. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 715. Notwithstanding subsection (b) of section 14222 of Public Law 110-246 (7 U.S.C. 612c-6; in this section referred to as "section 14222"), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries

and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as "section 32") in excess of \$1,266,582,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities—\$465,000,000; State Option Contracts—\$5,000,000; Removal of Defective Commodities—\$2,500,000; Administration of Section 32 Commodity Purchases—\$35,853,000: *Provided*, That of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2018, such unobligated balances shall carryover into the next fiscal year and shall remain available until expended for any of the three stated purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed \$350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further*, That, with the exception of any available carryover funds authorized in the first proviso of this section to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

SEC. 716. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2019 appropriations Act.

SEC. 717. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89-106 (7 U.S.C. 2263), that—

- (1) creates new programs;
 - (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 employees;
 - (5) reorganizes offices, programs, or activities; or
 - (6) contracts out or privatizes any functions or activities presently performed by Federal employees;
- unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both

Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

(c) The Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of \$500,000 or 10 percent of the total cost, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel; or

(3) carrying out activities or functions that were not described in the budget request; unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 718. Notwithstanding section 310(b)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for

any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, non-Commodity Futures Trading Commission, or non-Farm Credit Administration employee.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. (a) There is hereby established in the Treasury of the United States a Working Capital Fund (the Fund) to be administered by the Food and Drug Administration (FDA), without fiscal year limitation, for the payment of salaries, travel, and other expenses necessary to the maintenance and operation of (1) a supply service for the purchase, storage, handling, issuance, packing, or shipping of stationery, supplies, materials, equipment, and blank forms, for which stocks may be maintained to meet, in whole or in part, the needs of the FDA and requisitions of other Government Offices, and (2) such other services as the Commissioner of the FDA, subject to review by the Secretary of Health and Human Services, determines may be performed more advantageously as central services. The Fund shall be reimbursed from applicable discretionary resources, notwithstanding any otherwise applicable purpose limitations, available when services are performed or stock furnished, or in advance, on a basis of rates which shall include estimated or actual charges for personal services, materials, equipment, information technology, and other expenses. Charges for equipment and information technology shall include costs associated with maintenance, repair, and depreciation (including improvement and replacement).

(b) Of any discretionary resources appropriated in this Act for fiscal year 2018 for "Department of Health and Human Services, Food and Drug Administration, Salaries and Expenses", not to exceed \$5,000,000 of amounts available as of September 30 may be transferred to and merged with the Fund established under subsection (a), notwithstanding any otherwise applicable purpose limitations.

(c) No amounts may be transferred pursuant to this section that are designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 723. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the

Food and Drug Administration, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 724. Of the unobligated balances from amounts made available for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$800,000,000 are hereby rescinded.

SEC. 725. The Secretary shall continue an intermediary loan packaging program based on the pilot program in effect for fiscal year 2013 for packaging and reviewing section 502 single family direct loans. The Secretary shall continue agreements with current intermediary organizations and with additional qualified intermediary organizations. The Secretary shall work with these organizations to increase effectiveness of the section 502 single family direct loan program in rural communities and shall set aside and make available from the national reserve section 502 loans an amount necessary to support the work of such intermediaries and provide a priority for review of such loans.

SEC. 726. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: *Provided*, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

SEC. 727. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107-76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: *Provided*, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture.

SEC. 728. None of the funds made available by this Act may be used to implement, administer, or enforce the "variety" requirements of the final rule entitled "Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)" published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term "variety" as defined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and "variety" as applied in the definition of the term "staple food" as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: *Provided*, That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock

to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113-79).

SEC. 729. None of the funds made available by this Act or any other Act may be used—

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940); or

(2) to prohibit the transportation, processing, sale, or use of industrial hemp, or seeds of such plant, that is grown or cultivated in accordance with subsection section 7606 of the Agricultural Act of 2014, within or outside the State in which the industrial hemp is grown or cultivated.

SEC. 730. Funds provided by this or any prior Appropriations Act for the Agriculture and Food Research Initiative under 7 U.S.C. 450i(b) shall be made available without regard to section 7128 of the Agricultural Act of 2014 (7 U.S.C. 3371 note), under the matching requirements in laws in effect on the date before the date of enactment of such section: *Provided*, That the requirements of 7 U.S.C. 450i(b)(9) shall continue to apply.

SEC. 731. For tree assistance payments under section 1501(e) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)) to eligible orchardists or nursery tree growers (as defined in such section) of pecan trees with a tree mortality rate that exceeds 7.5 percent (adjusted for normal mortality) and is less than 15 percent (adjusted for normal mortality), \$15,000,000, to be available until expended, for losses incurred during the period beginning January 1, 2017 and ending December 31, 2017.

SEC. 732. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p-2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

SEC. 733. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

SEC. 734. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

SEC. 735. None of the funds made available by this or any other Act may be used to carry out the final rule promulgated by the Food and Drug Administration and put into effect November 16, 2015, in regards to the hazard analysis and risk-based preventive control requirements of the current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals rule with respect to the regulation of the production, distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process.

SEC. 736. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 737. There is hereby appropriated \$1,996,000 to carry out section 1621 of Public Law 110-246.

SEC. 738. No partially hydrogenated oils as defined in the order published by the Food and Drug Administration in the Federal Register on June 17, 2015 (80 Fed. Reg. 34650 et seq.) shall be deemed unsafe within the meaning of section 409(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(a)) and no food that is introduced or delivered for introduction into interstate commerce that bears or contains a partially hydrogenated oil shall be deemed adulterated under sections 402(a)(1) or 402(a)(2)(C)(i) of this Act by virtue of bearing or containing a partially hydrogenated oil until the compliance date as specified in such order (June 18, 2018).

SEC. 739. For the cost of refinancing a loan pursuant to section 749 of division A of Public Law 115-31, and in addition to amounts provided by that section, for any borrower identified by the Federal Financing Bank for refinancing a loan where the modification calculation methodology used for such refinancing pursuant to section 185 of Office of Management and Budget Circular No. A-11 results in a cost to the pilot program, \$5,000,000, to remain available until expended: *Provided*, That these funds shall also be available for refinancing a loan pursuant to any extension or expansion of this pilot program that is enacted subsequent to this Act for those same borrowers.

SEC. 740. None of the funds made available by this Act may be used by the Secretary of Agriculture, acting through the Food and Nutrition Service, to commence any new research and evaluation projects until the Secretary submits to the Committees on Appropriations of both Houses of Congress a research and evaluation plan for fiscal year 2018, prepared in coordination with the Research, Education, and Economics mission area of the Department of Agriculture, and a period of 30 days beginning on the date of the submission of the plan expires to permit Congressional review of the plan.

SEC. 741. There is hereby appropriated \$8,000,000, to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): *Provided*, That the Secretary may allow eligible entities to offer loans to customers in any part of their service territory and to offer loans to replace a manufactured housing unit with another manufactured housing unit, if replacement would be more cost effective in saving energy: *Provided further*, That funds provided in section 769 of division A, Public Law 115-31, shall remain available until September 30, 2019.

SEC. 742. (a) The Secretary of Agriculture shall—

(1) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable—

- (A) veterinary control and oversight;
- (B) disease history and vaccination practices;
- (C) livestock demographics and traceability;
- (D) epidemiological separation from potential sources of infection;
- (E) surveillance practices;
- (F) diagnostic laboratory capabilities; and
- (G) emergency preparedness and response; and

(2) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (1).

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 743. There is hereby appropriated \$1,000,000 for the Secretary to carry out a pilot program that provides forestry inventory analysis, forest management and economic outcomes modelling for certain currently enrolled Conservation Reserve Program participants. The Secretary shall allow the Commodity Credit Corporation to enter into agreements with and provide grants to qualified non-profit organizations dedicated to conservation, forestry and wildlife habitats, that also have experience in conducting accurate forest inventory analysis through the use of advanced, cost-effective technology. The Secretary shall focus the analysis on lands enrolled for at least eight years and located in areas with a substantial concentration of acres enrolled under conservation practices devoted to multiple bottomland hardwood tree species including CP03, CP03A, CP11, CP22, CP31 and CP40.

SEC. 744. None of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell dogs and cats for use in research, experiments, teaching, or testing.

SEC. 745. In addition to amounts otherwise made available by this Act and notwithstanding the last sentence of 16 U.S.C. 1310, there is appropriated \$4,000,000, to remain available until expended, to implement non-renewable agreements on eligible lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301-1311).

SEC. 746. (a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the “Secretary”) or the designee of the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at

least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for “Rural Utilities Service—Rural Water and Waste Disposal Program Account” for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) Subsection (a) shall not apply with respect to a project for which the engineering plans and specifications include use of iron and steel products otherwise prohibited by such subsection if the plans and specifications have received required approvals from State agencies prior to the date of enactment of this Act.

(g) For purposes of this section, the terms “United States” and “State” shall include each of the several States, the District of Columbia, and each federally recognized Indian tribe.

SEC. 747. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2018, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

SEC. 748. For the purposes of determining eligibility or level of program assistance for Rural Development programs the Secretary shall not include incarcerated prison populations.

SEC. 749. There is hereby appropriated \$1,000,000, to remain available until expended, for a pilot program for the Secretary to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers to facilitate the acquisition of RHS multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing, by non-profit housing organizations and public housing authorities as authorized by law that commit to keep such properties in the RHS multi-family housing program for a period of time as determined by the Secretary.

SEC. 750. Beginning on the date of enactment of this Act through fiscal year 2019, notwithstanding any other provision of law, any fee issued by the State’s Electronic Benefit Transfer contractor and subcontractors, including Affiliates of the contractor or subcontractor, related to the switching or routing of benefits for Department of Agriculture domestic food assistance programs shall be prohibited: *Provided*, That for purposes of this provision, the term “switching” means the routing of an intrastate or interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in one State to the issuer of the card that may be in the same or different State.

SEC. 751. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action

on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 752. (a) The Secretary of Agriculture (referred to in this section as the “Secretary”) shall carry out a pilot program during fiscal year 2018 with respect to the 2017 crop year for county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)), that provides all or some of the State Farm Service Agency offices in each State the opportunity to provide agricultural producers in the State a supplemental payment described in subsection (c) based on the alternate calculation method described in subsection (b) for 1 or more counties in a State if the office for that State determines that the alternate calculation method is necessary to ensure that, to the maximum extent practicable, there are not significant yield calculation disparities between comparable counties in the State.

(b) The alternate calculation method referred to in subsection (a) is a method of calculating the actual yield for the 2017 crop year for county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)), under which—

(1) county data of the National Agricultural Statistics Service (referred to in this section as “NASS data”) is used for the calculations;

(2) if there is insufficient NASS data for a county (as determined under standards of the Secretary in effect as of the date of enactment of this Act) or the available NASS data produces a substantially disparate result, the calculation of the county yield is determined using comparable contiguous county NASS data as determined by the Farm Service Agency office in the applicable State; and

(3) if there is insufficient NASS data for a comparable contiguous county (as determined under standards of the Secretary in effect as of the date of enactment of this Act), the calculation of the county yield is determined using reliable yield data from other sources, such as Risk Management Agency data, National Agricultural Statistics Service district data, National Agricultural Statistics Service State yield data, or other data as determined by the Farm Service Agency office in the applicable State.

(c)(1) A supplemental payment made under the pilot program established under this section may be made to an agricultural producer who is subject to the alternate calculation method described in subsection (b) if that agricultural producer would otherwise receive a county-level agriculture risk coverage payment for the 2017 crop year in an amount that is less than the payment that the agricultural producer would receive under the alternate calculation method.

(2) The amount of a supplemental payment to an agricultural producer under this section may not exceed the difference between—

(A) the payment that the agricultural producer would have received without the alternate calculation method described in subsection (b); and

(B) the payment that the agricultural producer would receive using the alternate calculation method.

(d)(1) There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, \$5,000,000, to remain available until September 30, 2019, to carry out the pilot program described in this section.

(2) Of the funds appropriated, the Secretary shall use not more than \$5,000,000 to carry out the pilot program described in this section.

(e)(1) To the maximum extent practicable, the Secretary shall select States to participate in the pilot program under this section so the cost of the pilot program equals the amount provided under subsection (d).

(2) To the extent that the cost of the pilot program exceeds the amount made available, the Secretary shall reduce all payments under the pilot program on a pro rata basis.

(f) Nothing in this section affects the calculation of actual yield for purposes of county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)) other than payments made in accordance with the pilot program under this section.

(g) A calculation of actual yield made using the alternate calculation method described in subsection (b) shall not be used as a basis for any agriculture risk coverage payment determinations under section 1117 of the Agricultural Act of 2014 (7 U.S.C. 9017) other than for purposes of the pilot program under this section.

SEC. 753. For an additional amount for “National Institute of Food and Agriculture—Research and Education Activities”, \$6,000,000, to be available until expended, for relocation expenses and for the alteration and repair of leased buildings and improvements pursuant to 7 U.S.C. 2250: *Provided*, That not later than 60 days after enactment of this Act, the Secretary of Agriculture shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of this funding.

SEC. 754. The Secretary of Agriculture and the Secretary’s designees are hereby granted the same access to information and subject to the same requirements applicable to the Secretary of Housing and Urban Development as provided in section 453 of the Social Security Act (42 U.S.C. 653) and section 6103(1)(7)(D)(ix) of the Internal Revenue Code of 1986 (26 U.S.C. 1603(1)(7)(D)(ix)) to verify the income for individuals participating in sections 502, 504, 521, and 524 of the Housing Act of 1949 (42 U.S.C. 1972, 1474, 1490a, and 1490r), notwithstanding section 453(1)(1) of the Social Security Act.

SEC. 755. In addition to amounts otherwise made available by this Act under the heading “Domestic Food Programs—Food and Nutrition Services—Child Nutrition Programs”, there is appropriated \$2,000,000, to remain available until September 30, 2019, to allow allied professional associations to develop a training program for school nutrition personnel that focuses on school food service meal preparation and workforce development.

SEC. 756. None of the funds made available by this Act may be used to procure raw or processed poultry products imported into the United States from the People’s Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Care Food Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

SEC. 757. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster, as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

SEC. 758. Section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), is amended by

striking paragraph (1) and inserting the following:

“(1) **AUTHORITY; MAXIMUM AMOUNT.**—To the extent provided in advance in appropriations Acts, the Secretary may assess and collect a fee for a lender to access the automated underwriting systems of the Department in connection with such lender’s participation in the single family loan program under this section and only in an amount necessary to cover the costs of information technology enhancements, improvements, maintenance, and development for automated underwriting systems used in connection with the single family loan program under this section, except that such fee shall not exceed \$50 per loan.”

SEC. 759. Of the total amounts made available by this Act for direct loans and grants in the following headings: “Rural Housing Service—Rural Housing Insurance Fund Program Account”; “Rural Housing Service—Mutual and Self-Help Housing Grants”; “Rural Economic Infrastructure Grants”; “Rural Housing Service—Rural Community Facilities Program Account”; “Rural Business-Cooperative Service—Rural Business Program Account”; “Rural Business-Cooperative Service—Rural Economic Development Loans Program Account”; “Rural Business-Cooperative Service—Rural Cooperative Development Grants”; “Rural Utilities Service—Rural Water and Waste Disposal Program Account”; and “Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account”, at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: *Provided*, That 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 1980, 1990, and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average: *Provided further*, That with respect to specific activities for which program levels have been made available by this Act that are not supported by budget authority, the requirements of this section shall be applied to such program level.

SEC. 760. (a) No funds shall be used to finalize the proposed rule entitled “Eligibility of the People’s Republic of China (PRC) to Export to the United States Poultry Products from Birds Slaughtered in the PRC” published in the Federal Register by the Department of Agriculture on June 16, 2017 (82 Fed. Reg. 27625), unless the Secretary of Agriculture shall—

(1) ensure that the poultry slaughter inspection system for the PRC is equivalent to that of the United States;

(2) ensure that, before any poultry products can enter the United States from any such poultry plant, such poultry products comply with all other applicable requirements for poultry products in interstate commerce in the United States;

(3) conduct periodic verification reviews and audits of any such plants in the PRC intending to export into the United States processed poultry products;

(4) conduct re-inspection of such poultry products at United States ports-of-entry to check the general condition of such products, for the proper certification and labeling of such products, and for any damage to such products that may have occurred during transportation; and

(5) ensure that shipments of any such poultry products selected to enter the United States are subject to additional re-inspec-

tion procedures at appropriate levels to verify that the products comply with relevant Federal regulations or standards, including examinations for product defects and laboratory analyses to detect harmful chemical residues or pathogen testing appropriate for the products involved.

(b) This section shall be applied in a manner consistent with obligations of the United States under any trade agreement to which the United States is a party.

SEC. 761. (a) Section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) is amended in the matter following paragraph (3) by striking “\$5,000,000” and inserting “\$25,000,000”.

(b) Section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005) is amended—

(1) in paragraph (3), by striking “\$5,000,000” and inserting “\$25,000,000”; and

(2) in paragraph (4), by striking “\$5,000,000” and inserting “\$25,000,000”.

SEC. 762. In addition to funds appropriated in this Act, there is hereby appropriated \$116,000,000, to remain available until expended, under the heading “Food for Peace Title II Grants”: *Provided*, That the funds made available under this section shall be used for the purposes set forth in the Food for Peace Act for both emergency and non-emergency purposes.

SEC. 763. In addition to any other funds made available in this Act or any other Act, there is appropriated \$5,000,000 to carry out section 18(g)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)), to remain available until expended.

SEC. 764. None of the funds made available by this Act may be used by the Food and Drug Administration to develop, issue, promote, or advance any regulations applicable to food manufacturers for population-wide sodium reduction actions or to develop, issue, promote or advance final guidance applicable to food manufacturers for long term population-wide sodium reduction actions until the date on which a dietary reference intake report with respect to sodium is completed.

SEC. 765. Pursuant to section 185 of Public Law 114–223 (as added by Public Law 114–254 (130 Stat. 1018)), the Secretary of Agriculture may provide financial and technical assistance to remove and dispose of debris and sediment that could adversely affect health and safety on non-Federal land in a flood-affected county or parish: *Provided*, That such assistance may be used to restore pre-disaster hydraulic capacity of the watershed: *Provided further*, That such assistance may not be used to correct an operation and maintenance issue that existed prior to the disaster.

SEC. 766. Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended by adding at the end the following:

“(m) **EXEMPTION FROM CERTAIN REPORTING REQUIREMENTS.**—

“(1) **DEFINITION OF EXEMPTED PRODUCER.**—In this subsection, the term ‘exempted producer’ means a producer or landowner eligible to participate in any conservation program administered by the Secretary.

“(2) **EXEMPTION.**—Notwithstanding the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282; 31 U.S.C. 6101 note), the requirements of parts 25 and 170 of title 2, Code of Federal Regulations (and any successor regulations), shall not apply with respect to assistance received by an exempted producer from the Secretary, acting through the Natural Resources Conservation Service.”

SEC. 767. There is hereby appropriated \$600,000 for the purposes of section 727 of division A of Public Law 112–55.

SEC. 768. None of the funds made available by this Act may be used in contravention of—

(1) section 9(b)(10) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(10)); or

(2) section 245.8 of title 7, Code of Federal Regulations.

SEC. 769. There is hereby appropriated \$1,000,000, to remain available until September 30, 2019, for the cost of loans and grants that is consistent with section 4206 of the Agricultural Act of 2014, for necessary expenses of the Secretary to support projects that provide access to healthy food in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities.

SEC. 770. During fiscal year 2018, the Food and Drug Administration shall not allow the introduction or delivery for introduction into interstate commerce of any food that contains genetically engineered salmon until the FDA publishes final labeling guidelines for informing consumers of such content.

SEC. 771. For an additional amount for “Animal and Plant Health Inspection Service—Salaries and Expenses”, \$7,500,000, to remain available until September 30, 2019, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

SEC. 772. (a) The Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6931) is amended—

(1) by striking “Subtitle B—Farm and Foreign Agricultural Services” and inserting “Subtitle B—Farm Production and Conservation”; and

(2) by revising section 225 to read as follows:

“SEC. 225. UNDER SECRETARY OF AGRICULTURE FOR FARM PRODUCTION AND CONSERVATION.

“(a) **AUTHORIZATION.**—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Farm Production and Conservation.

“(b) **CONFIRMATION REQUIRED.**—If the Secretary establishes the position of Under Secretary of Agriculture for Farm Production and Conservation authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

“(c) **FUNCTIONS OF UNDERSECRETARY.**—The Under Secretary of Agriculture for Farm Production and Conservation shall perform such functions and duties as the Secretary shall prescribe.

“(d) **SUCCESSION.**—Any official who is serving as Under Secretary of Agriculture for Farm and Foreign Agricultural Services on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a).”

(b) Section 5314 of title 5, United States Code, is amended by striking “Under Secretary of Agriculture for Farm and Foreign Agricultural Services.” and inserting “Under Secretary of Agriculture for Farm Production and Conservation.” and “Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.”

SEC. 773. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption,” and published on November 27, 2015, with respect to the regulation of the production, distribution, sale, or receipt of grape varieties that are grown, harvested and used solely for wine and receive commercial processing that adequately reduces the presence

of microorganisms of public health significance.

SEC. 774. None of the funds made available by this Act may be used to revoke an exception made—

(1) pursuant to the rule entitled “Exceptions to Geographic Areas for Official Agencies Under the USGSA” published by the Department of Agriculture in the Federal Register on April 18, 2003 (68 Fed. Reg. 19137, 19139); and

(2) on a date before April 14, 2017.

SEC. 775. There is hereby appropriated \$20,000,000, to remain available until expended, for an additional amount for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., to help address the opioid epidemic in rural America.

SEC. 776. For school year 2018–2019, only a school food authority that had a negative balance in the nonprofit school food service account as of January 31, 2018, shall be required to establish a price for paid lunches in accordance with Section 12(p) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(p).

SEC. 777. There is hereby appropriated \$5,000,000, to remain available until September 30, 2019, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

SEC. 778. For an additional amount for “Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses”, \$94,000,000, to remain available until expended, in addition to amounts otherwise made available for necessary expenses of processing opioid and other articles imported or offered for import through international mail facilities of the U.S. Postal Service; *Provided*, That such additional amounts shall also be available for expanding and enhancing inspection capacity related to such processing activity (including but not limited to increasing staffing, obtaining necessary equipment and supplies, and expanding and upgrading infrastructure, laboratory facilities, and data libraries); *Provided further*, That amounts appropriated under this section shall be in addition to amounts otherwise made available for research and criminal investigations related to such import articles, and be available for enhancing such research and investigations; *Provided further*, That the Secretary of Health and Human Services shall provide quarterly reports to the Committees on Appropriations of the House and Senate on the obligation of amounts appropriated under this section.

SEC. 779. For an additional amount for “Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program”, \$600,000,000, to remain available until expended, for the Secretary of Agriculture to conduct a new broadband loan and grant pilot program under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.): *Provided*, That for the purpose of the new pilot program, the authorities provided in such Act shall include the authority to make grants for such purposes, as described in section 601(a) of such Act; *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974; *Provided further*, That at least 90 percent of the households to be served by a project receiving a loan or grant under the pilot program shall be in a rural area without sufficient access to broadband, defined for this pilot program as 10 Mbps downstream, and 1 Mbps upstream, which shall be reevaluated and redetermined, as necessary, on an annual basis by the Secretary of Agri-

culture; *Provided further*, That an entity to which a loan or grant is made under the pilot program shall not use the loan or grant to overbuild or duplicate broadband expansion efforts made by any entity that has received a broadband loan from the Rural Utilities Service; *Provided further*, That in addition to other available funds, not more than four percent of the funds can be used for administrative costs to carry out this pilot program and up to three percent may be utilized for technical assistance and pre-development planning activities to support the most rural communities, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”; *Provided further*, That the Rural Utility Service is directed to expedite program delivery methods that would implement this section; *Provided further*, That for purposes of this section, the Secretary shall adhere to the notice, reporting and service area assessment requirements set forth in sections 6104(a)(2)(D) and 6104(a)(2)(E) of the Agricultural Act of 2014 (7 U.S.C. 950bb(d)(5), and 950bb(d)(8) and 950bb(d)(10)).

SEC. 780. For an additional amount for the cost of direct loans and grants made under the “Rural Water and Waste Disposal Program Account”, \$500,000,000, to remain available until expended, of which not to exceed \$495,000,000 shall be for grants.

SEC. 781. The Secretary of Agriculture and the Commissioner of Food and Drugs shall—

(1) post on a public Website in a searchable format information on competitive grant awards made using funds made available under an appropriations Act (other than funds appropriated to the Commodity Credit Corporation, the Forest Service, or funds provided under the heading “Food for Peace Title II Grants”) that includes, with respect to each such award, the Congressional District corresponding to the State, District, Tribal jurisdiction, or territory of the United States in which the recipient of the funds is geographically located; and

(2) not provide advance notification of such grant awards to any person outside of the Department of Agriculture or the Food and Drug Administration except potential awardees, until such information is posted, as described in paragraph (1).

SEC. 782. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

SEC. 783. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111).

This division may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018”.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging

in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$495,000,000, to remain available until September 30, 2019, of which \$13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code; *Provided*, That, of amounts provided under this heading, not less than \$16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities; *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$113,500,000, to remain available until expended; *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export

administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), \$262,500,000, to remain available until expended, of which \$21,000,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$39,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY
MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$39,000,000.

ECONOMIC AND STATISTICAL ANALYSIS
SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$99,000,000, to remain available until September 30, 2019.

BUREAU OF THE CENSUS
CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, \$270,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That the Bureau of the Census shall collect and analyze data for the Annual Social and Economic Supplement to the Current Population Survey using the same health insurance questions included in previous years, in addition to the revised questions implemented in the Current Population Survey beginning in February 2014.

PERIODIC CENSUSES AND PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, \$2,544,000,000, to remain available until September 30, 2020: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, \$2,580,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census: *Provided further*, That not more than 50 percent of the amounts made available under this heading for information technology related to 2020 census delivery, including the Census Enterprise Data Collection and Processing (CEDCaP) program, may be obligated until the Secretary updates the previous expenditure plan and resubmits to the Committees on Appropriations of the House of Rep-

resentatives and the Senate a plan for expenditure that: (1) identifies for each CEDCaP project/investment over \$25,000: (A) the functional and performance capabilities to be delivered and the mission benefits to be realized; (B) an updated estimated lifecycle cost, including cumulative expenditures to date by fiscal year, and all revised estimates for development, maintenance, and operations; (C) key milestones to be met; and (D) impacts of cost variances on other Census programs; (2) details for each project/investment: (A) reasons for any cost and schedule variances; and (B) top risks and mitigation strategies; and (3) has been submitted to the Government Accountability Office.

NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$39,500,000, to remain available until September 30, 2019: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended: *Provided further*, That \$7,500,000 shall be to update the national broadband availability map in coordination with the Federal Communications Commission and using partnerships previously developed with the States.

PUBLIC TELECOMMUNICATIONS FACILITIES,
PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK
OFFICE
SALARIES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$3,500,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2018, so as to result in a fiscal year 2018 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2018, should the total amount of such offsetting collections be less than \$3,500,000,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$3,500,000,000 in fiscal year 2018 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representa-

tives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office "Salaries and Expenses" account: *Provided further*, That from amounts provided herein, not to exceed \$900 shall be made available in fiscal year 2018 for official reception and representation expenses: *Provided further*, That in fiscal year 2018 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112-29): *Provided further*, That within the amounts appropriated, \$1,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), \$724,500,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed \$20,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, \$155,000,000, to remain available until expended, of which \$140,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which \$15,000,000 shall be for the National Network for Manufacturing Innovation (also known as "Manufacturing USA").

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of

existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), \$319,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; pilot programs for state-led fisheries management, notwithstanding any other provision of law; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,536,331,000, to remain available until September 30, 2019, except that funds provided for cooperative enforcement shall remain available until September 30, 2020: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, \$144,000,000 shall be derived by transfer from the fund entitled “Promote and Develop Fishery Products and Research Pertaining to American Fisheries”, which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: *Provided further*, That of the \$3,697,831,000 provided for in direct obligations under this heading, \$3,536,331,000 is appropriated from the general fund, \$144,000,000 is provided by transfer, and \$17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION
(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$2,290,684,000, to remain available until September 30, 2020, except that funds provided

for acquisition and construction of vessels and construction of facilities shall remain available until expended: *Provided*, That of the \$2,303,684,000 provided for in direct obligations under this heading, \$2,290,684,000 is appropriated from the general fund and \$13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, \$1,302,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2019: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$349,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERY DISASTER ASSISTANCE

For the necessary expenses associated with the mitigation of fishery disasters, \$20,000,000 to remain available until expended: *Provided*, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters as declared by the Secretary of Commerce.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2018, obligations of direct loans may not exceed \$24,000,000 for Individual Fishing Quota loans and not to exceed \$100,000,000 for traditional

direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed \$4,500 for official reception and representation, \$63,000,000.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of the Herbert C. Hoover Building, \$45,130,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$32,744,000.

GENERAL PROVISIONS—DEPARTMENT OF
COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2018: *Provided*, That the life cycle cost for the Joint Polar Satellite System is \$11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is \$10,828,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building,

Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 109. The Secretary of Commerce may waive the requirement for bonds under 40 U.S.C. 3131 with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a et seq.).

SEC. 110. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" and shall remain available until September 30, 2020, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 111. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the Bureau of the Census, shall be available for expenses of cooperative agreements with appropriate entities, in-

cluding any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

This title may be cited as the "Department of Commerce Appropriations Act, 2018".

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$114,000,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$35,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to \$35,400,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, \$504,500,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account: *Provided*, That not to exceed \$35,000,000 of the total amount made available under this heading shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$97,250,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$13,308,000: *Provided*, That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, \$897,500,000, of which not to exceed \$20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount pro-

vided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$10,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$164,977,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$126,000,000 in fiscal year 2018), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2018, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at \$38,977,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, \$2,136,750,000: *Provided*, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$225,908,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That,

notwithstanding any other provision of law, fees collected pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees collected in fiscal year 2018, net of amounts necessary to pay refunds due depositors, exceed \$225,908,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2018, net of amounts necessary to pay refunds due depositors, (estimated at \$231,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS
SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,409,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$16,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$15,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY
RELATIONS SERVICE
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, \$15,500,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, \$20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE
SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,311,492,000, of which not to exceed \$6,000 shall be available

for official reception and representation expenses, and not to exceed \$15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$53,400,000, to remain available until expended.

FEDERAL PRISONER DETENTION
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, \$1,536,000,000, to remain available until expended: *Provided*, That not to exceed \$20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading "General Administration, Detention Trustee" shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, \$101,031,000, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT
INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in transnational organized crime and drug trafficking, \$542,850,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$9,030,202,000, of which not to exceed \$216,900,000 shall remain available until expended: *Provided*, That not to exceed \$184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information

technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$370,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,190,326,000, of which not to exceed \$75,000,000 shall remain available until expended and not to exceed \$90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,293,776,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed \$20,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$7,114,000,000: *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal

Prison System: *Provided further*, That not to exceed \$5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2019: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$161,571,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994

Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) ("the 2013 Act"); and the Rape Survivor Child Custody Act of 2015 (Public Law 114-22) ("the 2015 Act"); and for related victims services, \$492,000,000, to remain available until expended, which shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (34 U.S.C. 20101), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) \$215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) \$35,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$3,500,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(4) \$11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) \$53,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative;

(6) \$35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$40,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$5,000,000 is for enhanced training and services to end violence against and abuse of

women in later life, as authorized by section 40802 of the 1994 Act;

(11) \$16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) \$6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(15) \$500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) \$4,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) \$1,500,000 for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) ("the 2013 Act"); and other programs, \$90,000,000, to remain available until expended, of which—

(1) \$48,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$5,000,000 is for a nationwide incident-based crime statistics program; and

(2) \$42,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act, of which \$4,000,000 is for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention.

STATE AND LOCAL LAW ENFORCEMENT
ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) (“the 1990 Act”); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) (“the 2002 Act”); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) (“the 2013 Act”); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198) (“CARA”); the Justice for All Reauthorization Act of 2016 (Public Law 114-324); and other programs, \$1,677,500,000, to remain available until expended as follows—

(1) \$415,500,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, \$10,000,000 is for the Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), \$5,000,000 is for an initiative to support evidence-based policing, \$2,500,000 is for an initiative to enhance prosecutorial decision-making, \$2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System, \$2,500,000 is for a national training initiative to improve police-based responses to people with mental illness or developmental disabilities, \$20,000,000 is for competitive and evidence-based programs to reduce gun crime and gang violence, \$2,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315, \$15,500,000 is for prison rape prevention and prosecution grants to states and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79), and \$16,000,000 is for emergency law enforcement assistance for events occurring during or after fiscal year 2018, as authorized by section 609M of the Justice Assistance Act of 1984 (34 U.S.C. 50101);

(2) \$240,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)); *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$77,000,000 for victim services programs for victims of trafficking, as authorized by

section 107(b)(2) of Public Law 106-386, for programs authorized under Public Law 109-164, or programs authorized under Public Law 113-4;

(4) \$3,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful conviction review;

(5) \$14,000,000 for economic, high technology, white collar and Internet crime prevention grants, including as authorized by section 401 of Public Law 110-403;

(6) \$20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(7) \$22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology’s Office of Law Enforcement Standards for research, testing and evaluation programs;

(8) \$1,000,000 for the National Sex Offender Public Website;

(9) \$75,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than \$25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

(10) \$30,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(11) \$130,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$120,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108-405, section 303);

(B) \$6,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Public Law 108-405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108-405;

(12) \$47,500,000 for a grant program for community-based sexual assault response reform;

(13) \$12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(14) \$35,000,000 for assistance to Indian tribes;

(15) \$85,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110-199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed \$6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, \$5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and \$4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: *Provided*, That up to \$7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to

\$5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(16) \$75,000,000 for the Comprehensive School Safety Initiative;

(17) \$65,000,000 for initiatives to improve police-community relations, of which \$22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement, \$25,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, and \$17,500,000 is for an Edward Byrne Memorial criminal justice innovation program; and

(18) \$330,000,000 for comprehensive opioid abuse reduction activities, including as authorized by CARA, and for the following programs, which shall address opioid abuse reduction consistent with underlying program authorities—

(A) \$75,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(B) \$30,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(C) \$30,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) \$20,000,000 for a veterans treatment courts program;

(E) \$30,000,000 for a program to monitor prescription drugs and scheduled listed chemical products; and

(F) \$145,000,000 for a comprehensive opioid abuse program:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); the Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) (“the 1990 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110-401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) (“the 2013 Act”); the Justice for All Reauthorization Act of 2016 (Public Law 114-324); and other juvenile justice programs, \$282,500,000, to remain available until expended as follows—

(1) \$60,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, \$500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) \$94,000,000 for youth mentoring grants;

(3) \$27,500,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$5,000,000 shall be for the Tribal Youth Program;

(B) \$4,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(C) \$500,000 shall be for an Internet site providing information and resources on children of incarcerated parents;

(D) \$2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(E) \$8,000,000 shall be for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence; and

(F) \$8,000,000 shall be for an opioid-affected youth initiative;

(4) \$21,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$76,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110-401) shall not apply for purposes of this Act);

(6) \$2,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(7) \$2,000,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (3) and (6) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and \$24,800,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to “Public Safety Officer Benefits” from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); and the Violence Against Women

and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”), \$275,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) \$225,500,000 is for grants under section 1701 of title I of the 1968 Act (34 U.S.C. 10381) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (34 U.S.C. 10384(c)), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated under this paragraph, \$30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, anti-methamphetamine activities, and anti-opioid activities: *Provided further*, That of the amounts appropriated under this paragraph, \$10,000,000 is for community policing development activities in furtherance of the purposes in section 1701: *Provided further*, That of the amounts appropriated under this paragraph \$36,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall be transferred to and merged with “Research, Evaluation, and Statistics” for administration by the Office of Justice Programs;

(2) \$10,000,000 is for activities authorized by the POLICE Act of 2016 (Public Law 114-199);

(3) \$8,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and

(4) \$32,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort

services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title

under the headings “Research, Evaluation and Statistics”, “State and Local Law Enforcement Assistance”, and “Juvenile Justice Programs”—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2015 through 2018 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2976(g)(1) of such part (34 U.S.C. 10631(g)(1)).

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2978(e)(1) and (2) of such part (34 U.S.C. 10633(e)(1) and (2)).

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (34 U.S.C. 10581), the requirements under the second sentence of section 2901(f) of such part (34 U.S.C. 10581(f)).

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12109(a)) shall not apply to amounts made available by this or any other Act.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102-140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2018, except up to \$40,000,000 may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed \$30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102-140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2018, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed \$10,000,000 of the excess unobligated balances available under section

524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2018, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

SEC. 217. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113-76, section 524 of division G of Public Law 113-235, section 525 of division H of Public Law 114-113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal years 2017 and 2018.

This title may be cited as the “Department of Justice Appropriations Act, 2018”.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,544,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, in carrying out the purposes of Title V of Public Law 100-685 and Executive Order 13803, hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, \$1,965,000: *Provided*, That notwithstanding any other provision of law, the National Space Council may accept personnel support from Federal agencies, departments, and offices, and such Federal agencies, departments, and offices may detail staff without reimbursement to the National Space Council for purposes provided herein.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$6,221,500,000, to remain available until September 30, 2019: *Provided*, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed \$8,000,000,000: *Provided further*, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104: *Provided further*,

That, of the amounts provided, \$595,000,000 is for an orbiter and a lander to meet the science goals for the Jupiter Europa mission as outlined in the most recent planetary science decadal survey: *Provided further*, That the National Aeronautics and Space Administration shall use the Space Launch System as the launch vehicles for the Jupiter Europa mission, plan for an orbiter launch no later than 2022 and a lander launch no later than 2024, and include in the fiscal year 2020 budget the 5-year funding profile necessary to achieve these goals.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$685,000,000, to remain available until September 30, 2019.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$760,000,000, to remain available until September 30, 2019: *Provided*, That \$130,000,000 shall be for RESTORE.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,790,000,000, to remain available until September 30, 2019: *Provided*, That not less than \$1,350,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than \$2,150,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously: *Provided further*, That of the amounts provided for SLS, not less than \$300,000,000 shall be for Exploration Upper Stage development: *Provided further*, That \$895,000,000 shall be for Exploration Ground Systems, including \$350,000,000 for a second mobile launch platform and associated SLS activities: *Provided further*, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the

House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated system that includes the Space Launch System, the Orion Multi-Purpose Crew Vehicle, and associated ground systems that will ensure an Exploration Mission-2 crewed launch as early as possible, as well as a system-based funding profile for a sustained launch cadence beyond the initial crewed test launch: *Provided further*, That acquisition of Orion crew vehicles, SLS launch vehicles, Exploration Ground Systems, mobile launch platforms, and their associated components may be funded incrementally in fiscal year 2018 and thereafter: *Provided further*, That \$395,000,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,751,500,000, to remain available until September 30, 2019.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$100,000,000, to remain available until September 30, 2019, of which \$18,000,000 shall be for the Established Program to Stimulate Competitive Research and \$40,000,000 shall be for the National Space Grant College and Fellowship Program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$2,826,900,000, to remain available until September 30, 2019.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or

condemnation of real property, as authorized by law, and environmental compliance and restoration, \$562,240,000, to remain available until September 30, 2023: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2018 in an amount not to exceed \$9,470,300: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$39,000,000, of which \$500,000 shall remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until a prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86-209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$6,334,476,000, to remain available until September 30, 2019, of which not to exceed \$544,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading

of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, \$182,800,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, \$902,000,000, to remain available until September 30, 2019.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$328,510,000: *Provided*, That not to exceed \$8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2018 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86-209 (42 U.S.C. 1880 et seq.), \$4,370,000: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, \$15,200,000, of which \$400,000 shall remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The Director of the National Science Foundation shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the National Science Foundation.

This title may be cited as the "Science Appropriations Act, 2018".

TITLE IV
RELATED AGENCIES
COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,700,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$379,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$2,250 for official reception and representation expenses, \$93,700,000, to remain available until expended.

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES
CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$410,000,000, of which \$376,000,000 is for basic field programs and required independent audits; \$5,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$19,400,000 is for manage-

ment and grants oversight; \$4,000,000 is for client self-help and information technology; \$4,500,000 is for a Pro Bono Innovation Fund; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996d(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES
CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2017 and 2018, respectively.

MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), \$3,431,000.

OFFICE OF THE UNITED STATES TRADE
REPRESENTATIVE
SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, \$57,600,000, of which \$1,000,000 shall remain available until expended: *Provided*, That of the total amount made available under this heading, not to exceed \$124,000 shall be available for official reception and representation expenses.

TRADE ENFORCEMENT TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, \$15,000,000, to be derived from the Trade Enforcement Trust Fund: *Provided*, That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act.

STATE JUSTICE INSTITUTE
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) \$5,121,000, of which \$500,000 shall remain available until September 30, 2019: *Provided*, That not to exceed \$2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V
GENERAL PROVISIONS
(INCLUDING RESCISSIONS)
(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity

or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, 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 under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through 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 employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any 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.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term "promotional items" has the meaning given the term in OMB Circular A-87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts

attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. 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 included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (34 U.S.C. 20101) in any fiscal year in excess of \$4,436,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) \$10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes; and (2) 3 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants

or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 514. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

(b) None of the funds appropriated or otherwise made available under this Act may be

used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST, the FBI, and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the FBI, that the acquisition of such system is in the national interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General.

SEC. 515. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 516. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 517. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin “curios or relics” firearms, parts, or ammunition.

SEC. 518. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States–Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States–Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States–Morocco Free Trade Agreement.

SEC. 519. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

SEC. 520. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 521. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for fiscal year 2018.

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains

unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 523. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce, Economic Development Administration, Economic Development Assistance Programs, \$10,000,000 is rescinded not later than September 30, 2018.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2018, from the following accounts in the specified amounts—

(1) “Working Capital Fund”, \$154,768,000;

(2) “Federal Bureau of Investigation, Salaries and Expenses”, \$127,291,000 including from, but not limited to, fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs;

(3) “State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs”, \$15,000,000;

(4) “State and Local Law Enforcement Activities, Office of Justice Programs”, \$40,000,000;

(5) “State and Local Law Enforcement Activities, Community Oriented Policing Services”, \$10,000,000; and

(6) “Legal Activities, Assets Forfeiture Fund”, \$304,000,000, is permanently rescinded.

(c) The Departments of Commerce and Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2018, specifying the amount of each rescission made pursuant to subsections (a) and (b).

SEC. 524. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 525. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 526. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 527. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at

United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 528. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 529. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP, after consultation with the Federal Bureau of Investigation, have certified—

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

SEC. 530. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 531. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

SEC. 532. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, the National Space Council, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 533. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 534. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

SEC. 535. Of the amounts made available by this Act, not less than 10 percent of each total amount provided, respectively, for Public Works grants authorized by the Public Works and Economic Development Act of 1965 and grants authorized by section 27 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3722) shall be allocated for assistance in persistent poverty counties: *Provided*, That 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 most recent Small Area Income and Poverty Estimates.

SEC. 536. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 537. None of the funds made available by this Act may be used in contravention of section 7606 (“Legitimacy of Industrial Hemp Research”) of the Agricultural Act of 2014 (Public Law 113-79) by the Department of Justice or the Drug Enforcement Administration.

SEC. 538. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the

States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

SEC. 539. Not later than 30 days after the enactment of this Act, the Secretary of Commerce (Secretary) shall lift the stay on the effective date of the final rule for the seafood import monitoring program published by the Secretary on December 9, 2016, (81 Fed. Reg. 88975 et seq.) for the species described in section 300.324(a)(3) of title 50, Code of Federal Regulations: *Provided*, That the compliance date for the species described in section 300.324(a)(3) of title 50, Code of Federal Regulations, shall occur not later than December 31, 2018: *Provided further*, That not later than December 31, 2018, the Secretary shall establish a traceability program for United States inland, coastal, and marine aquaculture of shrimp and abalone from point of production to entry into United States commerce: *Provided further*, That the Secretary shall promulgate such regulations as are necessary and appropriate to establish and implement the program: *Provided further*, That information collected pursuant to a regulation promulgated under this section shall be confidential and not be disclosed except for the information disclosed under section 401(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)): *Provided further*, That any regulations promulgated under this section shall be enforced as if this section were a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the regulations were promulgated under such Act.

SEC. 540. For an additional amount for “Department of Justice, State and Local Law Enforcement Activities, Office of Justice Programs, State and Local Law Enforcement Assistance”, \$2,500,000 to keep young athletes safe.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018”.

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2018

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$41,628,855,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (includ-

ing all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,772,118,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$13,231,114,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,790,440,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,715,608,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,988,362,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of

the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$764,903,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,802,554,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$8,264,626,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,408,817,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, \$38,816,957,000: *Provided*, That not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, \$45,384,353,000: *Provided*, That not to exceed \$15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$6,605,546,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, \$39,544,193,000: *Provided*, That not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$34,059,257,000: *Provided*, That not more than \$15,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$38,458,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$9,385,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That of the funds provided under this heading, \$631,670,000, of which \$157,917,000, to remain available until September 30, 2019, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security co-operation programs: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,877,104,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair

of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,069,707,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$284,837,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,202,307,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$7,284,170,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$6,900,798,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$14,538,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$235,809,000, to remain available until transferred: *Provided*, That the Secretary of the

Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$365,883,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$352,549,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$19,002,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of De-

fense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY
USED DEFENSE SITES
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$248,673,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND
CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$129,900,000, to remain available until September 30, 2019.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, \$350,000,000, to remain available until September 30, 2020.

DEPARTMENT OF DEFENSE ACQUISITION
WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, \$500,000,000, to remain available for obligation until September 30, 2019: *Provided*, That no other amounts may be otherwise credited or transferred to the Fund, or deposited into the Fund, in fiscal year 2018 pursuant to section 1705(d) of title 10, United States Code: *Provided further*, That within 60 days after the date of enactment of this Act, the Secretary of Defense shall transfer to the Treasury from amounts made available under this heading an amount equal to any amounts transferred to the Fund for fiscal year 2018 before the date of the enactment of this Act pursuant to section 1705(d)(3) of title 10, United States Code, or any other provision of law: *Provided further*, That amounts so transferred shall be deposited in the Treasury as miscellaneous receipts.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground

handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,535,794,000, to remain available for obligation until September 30, 2020.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$3,196,910,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF WEAPONS AND TRACKED
COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,391,573,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,548,740,000, to remain available for obligation until September 30, 2020.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon

prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$8,298,418,000, to remain available for obligation until September 30, 2020.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$19,957,380,000, to remain available for obligation until September 30, 2020.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,510,590,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$804,335,000, to remain available for obligation until September 30, 2020.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine (AP), \$861,853,000;
Carrier Replacement Program (CVN 80), \$1,569,646,000;
Carrier Replacement Program (CVN 79), \$2,561,058,000;
Virginia Class Submarine, \$3,305,315,000;
Virginia Class Submarine (AP), \$2,145,596,000;
CVN Refueling Overhauls, \$1,569,669,000;

CVN Refueling Overhauls (AP), \$75,897,000;
DDG-1000 Program, \$216,968,000;
DDG-51 Destroyer, \$3,357,079,000;
DDG-51 Destroyer (AP), \$90,336,000;
Littoral Combat Ship, \$1,566,971,000;
Amphibious Ship Replacement, \$1,800,000,000;
Expeditionary Sea Base, \$635,000,000;
LHA Replacement, \$1,710,927,000;
Expeditionary Fast Transport, \$225,000,000;
TAO Fleet Oiler, \$457,988,000;
TAO Fleet Oiler (AP), \$75,068,000;
Towing, Salvage, and Rescue Ship, \$76,204,000;
T-AGS Oceanographic Survey Ship, \$180,000,000;
Ship to Shore Connector, \$524,554,000;
Service Craft, \$62,994,000;
For outfitting, post delivery, conversions, and first destination transportation, \$489,073,000;

Completion of Prior Year Shipbuilding Programs, \$117,542,000; and
Polar Icebreakers, \$150,000,000.

In all: \$23,824,738,000, to remain available for obligation until September 30, 2022: *Provided*, That additional obligations may be incurred after September 30, 2022, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That funds appropriated or otherwise made available by this Act for production of the common missile compartment of nuclear-powered vessels may be available for multiyear procurement of critical components to support continuous production of such compartments only in accordance with the provisions of subsection (i) of section 2218a of title 10, United States Code (as added by section 1023 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328)).

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$7,941,018,000, to remain available for obligation until September 30, 2020.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title,

\$1,942,737,000, to remain available for obligation until September 30, 2020.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$18,504,556,000, to remain available for obligation until September 30, 2020.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,207,747,000, to remain available for obligation until September 30, 2020.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$3,552,175,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,651,977,000, to remain available for obligation until September 30, 2020.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts

therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$20,503,273,000, to remain available for obligation until September 30, 2020.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$5,429,270,000, to remain available for obligation until September 30, 2020.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), \$67,401,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,647,426,000, to remain available for obligation until September 30, 2019.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,010,754,000, to remain available for obligation until September 30, 2019: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$37,428,078,000, to remain available for obligation until September 30, 2019.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease,

and operation of facilities and equipment, \$22,010,975,000, to remain available for obligation until September 30, 2019: *Provided*, That, of the funds made available in this paragraph, \$250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$210,900,000, to remain available for obligation until September 30, 2019.

TITLE V

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,685,596,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$34,428,167,000; of which \$31,521,850,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2019, and of which up to \$15,349,700,000 may be available for contracts entered into under the TRICARE program; of which \$867,002,000, to remain available for obligation until September 30, 2020, shall be for procurement; and of which \$2,039,315,000, to remain available for obligation until September 30, 2019, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than \$1,095,100,000 shall be made available to the United States Army Medical Research and Materiel Command to carry out the congressionally directed medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United

States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$961,732,000, of which \$104,237,000 shall be for operation and maintenance, of which no less than \$49,401,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$21,045,000 for activities on military installations and \$28,356,000, to remain available until September 30, 2019, to assist State and local governments; \$18,081,000 shall be for procurement, to remain available until September 30, 2020, of which \$16,787,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments and \$1,294,000 for activities on military installations; and \$839,414,000, to remain available until September 30, 2019, shall be for research, development, test and evaluation, of which \$831,900,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$934,814,000, of which \$552,648,000 shall be for counter-narcotics support; \$120,813,000 shall be for the drug demand reduction program; \$236,353,000 shall be for the National Guard counter-drug program; and \$25,000,000 shall be for the National Guard counter-drug schools program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$321,887,000, of which \$319,087,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$2,800,000, to remain available until September 30, 2019, shall be for research, development, test and evaluation.

TITLE VII RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

For necessary expenses of the Intelligence
Community Management Account,
\$537,600,000.

TITLE VIII
GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 25 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,250,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple

reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2018: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2018: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts:

- (1) "Environmental Restoration, Army";
- (2) "Environmental Restoration, Navy";
- (3) "Environmental Restoration, Air Force";
- (4) "Environmental Restoration, Defense-Wide";
- (5) "Environmental Restoration, Formerly Used Defense Sites"; and
- (6) "Drug Interdiction and Counter-drug Activities, Defense".

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be deter-

mined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows: V-22 Osprey aircraft variants; up to 13 SSN Virginia Class Submarines and Government-furnished equipment; and DDG-51 Arleigh Burke class Flight III guided missile destroyers, the MK41 Vertical Launching Systems, and associated Government-furnished systems and

subsystems: *Provided*, That the term of any multiyear procurement contract for V-22 Osprey aircraft variants entered into for use of any part of any appropriation contained in this Act may not exceed 5 years.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During the current fiscal year, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2019 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2019 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2019.

(c) As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army Science and Technology Reinvention Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.

(d) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than \$500,000 of the funds appropriated or made available in this

Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. Of the funds made available in this Act, \$20,000,000 shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than \$43,100,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$30,800,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) \$10,600,000 shall be available from “Air-craft Procurement, Air Force”; and

(3) \$1,700,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2018, not more than 6,030 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2019 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$131,000,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2018. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of

Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 5131).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8032. None of the funds made available by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled "Army Senior Reserve Officer's Training Corps (SROTC) Program Review and Criteria", dated January 27, 2014.

SEC. 8033. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided*, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8034. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2019 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2019 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2019 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8035. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2019: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated

or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2019.

SEC. 8036. Up to \$10,322,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8037. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8038. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8040. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

"Other Procurement, Army", 2016/2018, \$5,517,000;

"Aircraft Procurement, Navy", 2016/2018, \$172,000,000;

"Aircraft Procurement, Air Force", 2016/2018, \$56,900,000;

"Procurement of Ammunition, Air Force", 2016/2018, \$5,000,000;

"Procurement, Defense-wide", 2016/2018, \$7,264,000;

"Missile Procurement, Army", 2017/2019, \$19,319,000;

"Aircraft Procurement, Army", 2017/2019, \$17,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", 2017/2019, \$7,064,000;

"Procurement of Ammunition, Army", 2017/2019, \$15,507,000;

"Other Procurement, Army", 2017/2019, \$12,535,000;

"Aircraft Procurement, Navy", 2017/2019, \$45,900,000;

"Weapons Procurement, Navy", 2017/2019, \$32,200,000;

"Shipbuilding and Conversion, Navy: Carrier Replacement Program", 2017/2021, \$14,000,000;

"Aircraft Procurement, Air Force", 2017/2019, \$78,347,000;

"Missile Procurement, Air Force", 2017/2019, \$31,639,000;

"Space Procurement, Air Force", 2017/2019, \$34,900,000;

"Procurement of Ammunition, Air Force", 2017/2019, \$18,000,000;

"Other Procurement, Air Force", 2017/2019, \$136,691,000;

"Research, Development, Test and Evaluation, Army", 2017/2018, \$62,331,000;

"Research, Development, Test and Evaluation, Navy", 2017/2018, \$9,128,000;

"Research, Development, Test and Evaluation, Air Force", 2017/2018, \$131,000,000; and

"Defense Health Program: Research, Development, Test and Evaluation", 2017/2018, \$30,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. Of the amounts appropriated for "Working Capital Fund, Army", \$99,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8048. None of the funds made available by this Act for Evolved Expendable Launch Vehicle service competitive procurements may be used unless the competitive procurements are open for award to all certified providers of Evolved Expendable Launch Vehicle-class systems: *Provided*, That the award shall be made to the provider that offers the best value to the government.

SEC. 8049. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations and \$24,000,000 to the Red Cross.

SEC. 8050. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8051. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small

Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget.

SEC. 8052. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8053. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8054. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8055. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8056. None of the funds available to the Department of Defense may be obligated

to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force until a written modification has been proposed to the House and Senate Appropriations Committees: *Provided further*, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: *Provided further*, That any proposed modification shall not preclude the ability of the commander of United States Pacific Command to meet operational requirements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8057. Of the funds appropriated in this Act under the heading "Operation and Maintenance, Defense-wide", \$35,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8058. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That the Secretary of Defense shall, not later than 60 days after enactment of this Act, submit a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8061. Of the amounts appropriated for “Operation and Maintenance, Navy”, up to \$1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under sec-

tion 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8067. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$66,881,780 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8068. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P-1, R-1, and O-1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in section (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)–(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

SEC. 8069. In addition to amounts provided elsewhere in this Act, \$10,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any

other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8070. Any notice that is required to be submitted to the Committees on Appropriations of the Senate and the House of Representatives under section 806(c)(4) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) after the date of the enactment of this Act shall be submitted pursuant to that requirement concurrently to the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, \$705,800,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$92,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; \$221,500,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which \$120,000,000 shall be for co-production activities of SRBMD systems in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for SRBMD, as amended; \$310,000,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which \$120,000,000 shall be for co-production activities of Arrow 3 Upper Tier systems in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for Arrow 3 Upper Tier, as amended, of which \$105,000,000 shall be for testing of the upper-tier component to the Israeli Missile Defense Architecture in the United States; and \$82,300,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, \$117,542,000 shall be available until September 30, 2018, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading “Shipbuilding and Conversion, Navy”, 2008/2018: Carrier Replacement Program \$20,000,000;

(2) Under the heading “Shipbuilding and Conversion, Navy”, 2012/2018: DDG-51 Destroyer \$19,436,000;

(3) Under the heading “Shipbuilding and Conversion, Navy”, 2012/2018: Littoral Combat Ship \$6,394,000;

(4) Under the heading “Shipbuilding and Conversion, Navy”, 2012/2018: LHA Replacement \$14,200,000;

(5) Under the heading “Shipbuilding and Conversion, Navy”, 2013/2018: DDG-51 Destroyer \$31,941,000;

(6) Under the heading “Shipbuilding and Conversion, Navy”, 2014/2018: Littoral Combat Ship \$20,471,000; and

(7) Under the heading “Shipbuilding and Conversion, Navy”, 2015/2018: LCAC \$5,100,000.

SEC. 8073. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for Fiscal Year 2018.

SEC. 8074. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8075. The budget of the President for fiscal year 2019 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8076. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8077. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by \$4,000,000.

SEC. 8078. The Secretary of Defense may use up to \$800,000,000 of the amounts appropriated or otherwise made available in this Act to the Department of Defense for the rapid acquisition and deployment of supplies and associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2302 note): *Provided*, That the Secretary of Defense shall notify the congressional defense committees promptly of all uses of this authority.

SEC. 8079. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would

reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8080. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8081. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8082. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2019.

SEC. 8083. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8084. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2018: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8085. None of the funds made available by this Act may be used to eliminate, restructure, or realign Army Contracting Command—New Jersey or make disproportionate personnel reductions at any Army Contracting Command—New Jersey sites without 30-day prior notification to the congressional defense committees.

SEC. 8086. Notwithstanding any other provision of law, any transfer of funds, appro-

priated or otherwise made available by this Act, for support to friendly foreign countries in connection with the conduct of operations in which the United States is not participating, pursuant to section 331(d) Title 10 U.S.C. shall be made in accordance with sections 8005 or 9002 of this Act, as applicable.

SEC. 8087. Any transfer of amounts appropriated to, credited to, or deposited in the Department of Defense Acquisition Workforce Development Fund in or for fiscal year 2018 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States Code, shall be covered by and subject to sections 8005 or 9002 of this Act, as applicable.

SEC. 8088. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110-457; 22 U.S.C. 2370c-1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 8089. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of \$10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations,

unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8090. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8091. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8092. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

SEC. 8093. None of the funds appropriated by this Act may be available for the purpose of making remittances to the Department of Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8094. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8095. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a “covered subcontractor” is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or sub-

contract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$115,519,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8097. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

SEC. 8098. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8099. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed \$1,500,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2018.

SEC. 8100. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

SEC. 8101. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8102. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) and section 1034 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).

SEC. 8103. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on

which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8105. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

SEC. 8106. The Secretary of Defense, in consultation with the Service Secretaries, shall submit two reports to the congressional defense committees, not later than March 1, 2018, and not later than September 1, 2018, detailing the submission of records during the previous 6 months to databases accessible to the National Instant Criminal Background Check System (NICS), including the Interstate Identification Index (III), the National Crime Information Center (NCIC), and the NICS Index, as required by Public Law 110-180: *Provided*, That such reports shall provide the number and category of records submitted by month to each such database, by Service or Component: *Provided further*, That such reports shall identify the number and category of records submitted by month to those databases for which the Identification for Firearm Sales (IFFS) flag or other database flags were used to pre-validate the records and indicate that such persons are prohibited from receiving or possessing a firearm: *Provided further*, That such reports shall describe the steps taken during the previous 6 months, by Service or Component, to ensure complete and accurate submission and appropriate flagging of records of individuals prohibited from gun possession or receipt pursuant to 18 U.S.C. 922(g) or (n) including applicable records involving proceedings under the Uniform Code of Military Justice.

SEC. 8107. (a) Of the funds appropriated in this Act for the Department of Defense, amounts may be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the “Foreign Claims Act”); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

SEC. 8108. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8109. The Secretary of Defense shall post grant awards on a public Website in a searchable format.

SEC. 8110. The Secretary of each military department, in reducing each research, development, test and evaluation and procurement account of the military department as required under paragraph (1) of section 828(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2430 note), as amended by section 825(a)(3) of the National Defense Authorization Act for Fiscal Year 2018, shall allocate the percentage reduction determined under paragraph (2) of such section 828(d) proportionally from all programs, projects, or activities under such account: *Provided*, That the authority under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note) to transfer amounts available in the Rapid Prototyping Fund shall be subject to section 8005 or 9002 of this Act, as applicable.

SEC. 8111. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States: *Provided*, That this prohibition applies only if a performance of a flight demonstration team at a location within the United States was canceled during the current fiscal year due to insufficient funding.

SEC. 8112. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8113. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 8114. None of the funds made available in this or any other Act may be used to pay

the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8115. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112-81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

SEC. 8116. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

SEC. 8117. None of the funds provided in this Act for the T-AO(X) program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

SEC. 8118. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby reduced by \$110,780,000.

SEC. 8119. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

SEC. 8120. None of the funds made available by this Act may be used to propose, plan for, or execute a new or additional Base Realignment and Closure (BRAC) round.

SEC. 8121. Of the amounts appropriated in this Act for “Operation and Maintenance, Navy”, \$289,255,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant

Ship Sales Act of 1946 (50 U.S.C. 4405): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8122. Of the amounts appropriated in this Act, the Secretary of Defense may use up to \$46,000,000 under the heading “Operation and Maintenance, Defense-Wide”, and up to \$45,000,000 under the heading “Research, Development, Test and Evaluation, Defense-Wide” to develop, replace, and sustain Federal Government security and suitability background investigation information technology systems of the Office of Personnel Management or other Federal agency responsible for conducting such investigations: *Provided*, That the Secretary may transfer additional amounts into these headings or into “Procurement, Defense-Wide” using established reprogramming procedures prescribed in the Department of Defense Financial Management Regulation 7000.14, Volume 3, Chapter 6, dated September 2015: *Provided further*, That such funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8123. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8124. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

SEC. 8125. Notwithstanding any other provision of law, any transfer of funds appropriated or otherwise made available by this Act to the Global Engagement Center established by section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 22 U.S.C. 2656 note) shall be made in accordance with section 8005 or 9002 of this Act, as applicable.

SEC. 8126. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Fund may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

SEC. 8127. In addition to amounts provided elsewhere in this Act, there is appropriated \$235,000,000, for an additional amount for “Operation and Maintenance, Defense-Wide”, to remain available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and

secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further*, That as a condition of receiving funds under this section a local educational agency or State shall provide a matching share as described in the notice titled “Department of Defense Program for Construction, Renovation, Repair or Expansion of Public Schools Located on Military Installations” published by the Department of Defense in the Federal Register on September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided further*, That these provisions apply to funds provided under this section, and to funds previously provided by Congress to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools to the extent such funds remain unobligated on the date of enactment of this section.

SEC. 8128. In carrying out the program described in the memorandum on the subject of “Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members” issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such memorandum, the Secretary of Defense shall apply such policy and guidance, except that—

(1) the limitation on periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(2) the term “assisted reproductive technology” shall include embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

SEC. 8129. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

SEC. 8130. None of the funds made available by this Act may be used to purchase heavy water from Iran.

SEC. 8131. Section 316(a)(2) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) is amended by striking “the study under this subsection” and inserting “the study and assessment under this section”.

SEC. 8132. Notwithstanding any other provision of law, from funds made available to the Department of Defense in title II of this Act under the heading “Operation and Maintenance, Defense-Wide”, \$15,000,000 shall be available for a project in a country designated by the Secretary of Defense: *Provided*, That in furtherance of the project the Department of Defense is authorized to acquire services, including services performed pursuant to a grant agreement, from another Federal agency, on an advance of funds or reimbursable basis: *Provided further*, That an order for services placed under this section is deemed to be an obligation in the same manner that a similar order placed under a contract with a private contractor is an obligation.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$2,683,694,000: *Provided*,

That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$377,857,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$103,979,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$914,119,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$24,942,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$9,091,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$2,328,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, \$20,569,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$184,589,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$5,004,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$17,352,994,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$6,449,404,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,401,536,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$10,873,895,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$7,575,195,000: *Provided*, That of the funds provided under this heading, not to exceed \$1,000,000,000, to remain available until September 30, 2019, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used to support the Government of Jordan, in such amounts as the Secretary of Defense may determine, to enhance the ability of the armed forces of Jordan to increase or sustain security along its borders, upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of the expenses incurred: *Provided further*, That of the funds provided under this heading, not to exceed \$750,000,000, to remain available until

September 30, 2019, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY

RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$24,699,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$23,980,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, \$3,367,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$53,523,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY

NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$108,111,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$15,400,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, \$4,666,815,000, to remain available until September 30, 2019: *Provided*, That such funds shall be available to the Secretary of Defense for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concur-

rence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the Secretary of Defense may obligate and expend funds made available to the Department of Defense in this title for additional costs associated with existing projects previously funded with amounts provided under the heading “Afghanistan Infrastructure Fund” in prior Acts: *Provided further*, That such costs shall be limited to contract changes resulting from inflation, market fluctuation, rate adjustments, and other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: *Provided further*, That the Secretary may not use more than \$50,000,000 under the authority provided in this section: *Provided further*, That the Secretary shall notify in advance such contract changes and adjustments in annual reports to the congressional defense committees: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not less than \$10,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces, and the recruitment and training of female security personnel: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COUNTER-ISIS TRAIN AND EQUIP FUND

For the “Counter-Islamic State of Iraq and Syria Train and Equip Fund”, \$1,769,000,000, to remain available until September 30, 2019: *Provided*, That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation;

and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria, and their affiliated or associated groups: *Provided further*, That these funds may be used in such amounts as the Secretary of Defense may determine to enhance the border security of nations adjacent to conflict areas including Jordan, Lebanon, Egypt, and Tunisia resulting from actions of the Islamic State of Iraq and Syria: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and Syria, and following written notification to the congressional defense committees of such designation: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria and returned by such forces or groups to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly

reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$420,086,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$709,283,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,191,139,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$191,836,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$405,575,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$157,300,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$130,994,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine

Corps", \$233,406,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$239,359,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$64,307,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$503,938,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$481,700,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SPACE PROCUREMENT, AIR FORCE

For an additional amount for "Space Procurement, Air Force", \$2,256,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$551,509,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$3,324,590,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$517,041,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other

weapons; and other procurement items for the reserve components of the Armed Forces, \$1,300,000,000, to remain available for obligation until September 30, 2020: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$235,368,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, \$167,565,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$129,608,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$394,396,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$148,956,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$395,805,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/

Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$196,300,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the “Office of the Inspector General”, \$24,692,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2018.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$2,250,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of \$75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$5,000,000 of the amounts appropriated by this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commanders’ Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not ex-

ceed \$2,000,000: *Provided further*, That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: *Provided further*, That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to allied forces participating in a combined operation with the armed forces of the United States and coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208

of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of \$50,000,000 annually and any non-standard equipment requirements in excess of \$100,000,000 using ASFF: *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

SEC. 9011. Up to \$500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in “Operation and Maintenance, Defense-Wide” may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9012. None of the funds made available by this Act under the heading “Counter-ISIL Train and Equip Fund” may be used to procure or transfer man-portable air defense systems.

SEC. 9013. For the “Ukraine Security Assistance Initiative”, \$200,000,000 is hereby appropriated, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal weapons of a defensive nature; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or defensive articles provided to the Government of Ukraine from the inventory of the United States: *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this heading, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism

pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9014. Funds appropriated in this title shall be available for replacement of funds for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9013 of this Act.

SEC. 9015. None of the funds made available by this Act under section 9013 for “Assistance and Sustainment to the Military and National Security Forces of Ukraine” may be used to procure or transfer man-portable air defense systems.

SEC. 9016. (a) None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” for payments under section 1233 of Public Law 110-181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan’s military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9017. In addition to amounts otherwise made available in this Act, \$770,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That not later than 30 days prior to exercising the

transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: *Provided further*, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the authority to provide funding under this section shall terminate on September 30, 2018.

SEC. 9018. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

SEC. 9019. None of the funds in this Act may be made available for the transfer of additional C-130 cargo aircraft to the Afghanistan National Security Forces or the Afghanistan Air Force until the Department of Defense provides a report to the congressional defense committees of the Afghanistan Air Force’s medium airlift requirements. The report should identify Afghanistan’s ability to utilize and maintain existing medium lift aircraft in the inventory and the best alternative platform, if necessary, to provide additional support to the Afghanistan Air Force’s current medium airlift capacity.

(RESCISSIONS)

SEC. 9020. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“Operation and Maintenance, Defense-Wide: Coalition Support Fund”, 2017/2018, \$500,000,000;

“Operation and Maintenance, Defense-Wide: DSCA Security Cooperation”, 2017/2018, \$250,000,000;

“Afghanistan Security Forces Fund”, 2017/2018, \$100,000,000;

“Counter-ISIL Train and Equip Fund”, 2017/2018, \$80,000,000;

“Other Procurement, Air Force”, 2017/2019, \$25,100,000; and

“Counter-ISIL Overseas Contingency Operations Transfer Fund”, XXXX, \$1,610,000,000.

SEC. 9021. (a) Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the United States strategy to defeat Al-Qaeda, the Taliban, the Islamic State of Iraq and Syria (ISIS), and their associated forces and co-belligerents.

(b) The report required under subsection (a) shall include the following:

(1) An analysis of the adequacy of the existing legal framework to accomplish the strategy described in subsection (a), particularly with respect to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 50 U.S.C. 1541 note).

(2) An analysis of the budgetary resources necessary to accomplish the strategy described in subsection (a).

(c) Not later than 30 days after the date on which the President submits to the appropriate congressional committees the report required by subsection (a), the Secretary of State and the Secretary of Defense shall testify at any hearing held by any of the appropriate congressional committees on the report and to which the Secretary is invited.

(d) In this section, the term “appropriate congressional committees” means—

(1) the Committees on Foreign Relations, Armed Services and Appropriations of the Senate; and

(2) the Committees on Foreign Affairs, Armed Services and Appropriations of the House of Representatives.

SEC. 9022. Funds available for the Afghanistan Security Forces Fund may be used to provide limited training, equipment, and other assistance that would otherwise be prohibited by 10 U.S.C. 362 to a unit of the security forces of Afghanistan only if the Secretary certifies to the congressional defense committees, within 30 days of a decision to provide such assistance, that (1) a denial of such assistance would present significant risk to U.S. or coalition forces or significantly undermine United States national security objectives in Afghanistan; and (2) the Secretary has sought a commitment by the Government of Afghanistan to take all necessary corrective steps: *Provided*, That such certification shall be accompanied by a report describing: (1) the information relating to the gross violation of human rights; (2) the circumstances that necessitated the provision of such assistance; (3) the Afghan security force unit involved; (4) the assistance provided and the assistance withheld; and (5) the corrective steps to be taken by the Government of Afghanistan: *Provided further*, That every 120 days after the initial report an additional report shall be submitted detailing the status of any corrective steps taken by the Government of Afghanistan: *Provided further*, That if the Government of Afghanistan has not initiated necessary corrective steps within one year of the certification, the authority under this section to provide assistance to such unit shall no longer apply: *Provided further*, That the Secretary shall submit a report to such committees detailing the final disposition of the case by the Government of Afghanistan.

This division may be cited as the “Department of Defense Appropriations Act, 2018”.

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of

authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$123,000,000, to remain available until expended: *Provided*, That the Secretary shall initiate six new study starts during fiscal year 2018: *Provided further*, That the new study starts shall consist of five studies where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one study where the majority of benefits are derived from environmental restoration: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$2,085,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*, That the Secretary shall initiate five new construction starts during fiscal year 2018: *Provided further*, That the new construction starts shall consist of four projects where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one project where the majority of the benefits are derived from environmental restoration: *Provided further*, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than September 30, 2018: *Provided further*, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: *Provided further*, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$425,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary shall initiate one new study start during fiscal year 2018.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and

harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$3,630,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$200,000,000, to remain available until September 30, 2019.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$139,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$35,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$185,000,000, to remain available until September 30, 2019, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*,

That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2019: *Provided*, That not more than 75 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title (as designated under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act)) to specific programs, projects, or activities.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2018, shall be available for obligation or expenditure through 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 for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000: *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount up to a limit of \$5,000,000 per project, study, or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than \$50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), including the determination and designation of new starts.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to \$5,400,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 105. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341): *Pro-*

vided, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 106. None of the funds made available in this title may be used for any acquisition of buoy chain that is not consistent with 48 CFR 225.7007, subsections (a)(1) and (a)(2).

SEC. 107. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 108. None of the funds made available by this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

SEC. 109. Relative to the Rough River Lake Flowage Easement Encroachment Resolution Plan, the Chief of Engineers shall submit to the Committees on Appropriations of both Houses of Congress, not later than 180 days after the date of enactment of this Act, a report that includes an inventory of habitable structures and improvements built, installed, or established in the flowage easement boundary; whether each such structure or improvement in the inventory was built, installed or established within the flowage easement boundary before or after the surveys conducted by the Corps of Engineers in 2013, 2014, and 2015; and what notice landowners had of the flowage easement boundary prior to those surveys.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$10,500,000, to remain available until expended, of which \$898,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, \$1,450,000 shall be available until September 30, 2019, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2018, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES
(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$1,332,124,000, to remain available until expended, of which \$67,693,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$5,551,000 shall be available for transfer to the Lower Colorado

River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided further*, That in accordance with section 4009(c) of Public Law 114-322 and as recommended by the Secretary in a letter dated November 21, 2017, funding provided for such purpose in fiscal year 2017 shall be made available to the North Valley Regional Recycled Water Program, the Orange County Sanitation District Effluent Reuse Implementation Project—Headworks Segregation, and the Groundwater Reliability Improvement Program (GRIP) Recycled Water Project: *Provided further*, That in accordance with section 4007 of Public Law 114-322 and as recommended by the Secretary in a letter dated February 23, 2018, funding provided for such purpose in fiscal year 2017 shall be made available to the Shasta Dam and Reservoir Enlargement Project, the North-of-Delta Offstream Storage Investigation/Sites Reservoir Storage Project, the Upper San Joaquin River Basin Storage Investigation, the Friant-Kern Canal Subsidence Challenges Project, the Boise River Basin Feasibility Study, the Yakima River Basin Water Enhancement Project—Cle Elum Pool Raise, and the Upper Yakima System Storage Feasibility Study.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$41,376,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That

CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2019, \$59,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2018, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$400,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVD—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "2017" and inserting "2020".

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by—

(1) striking "2017" and inserting "2020"; and

(2) striking "\$90,000,000" and inserting "\$120,000,000".

SEC. 204. Notwithstanding any other provision of law, during the period from November 1 through April 30, water users may use their diversion structures for the purpose of recharging the Eastern Snake Plain Aquifer, when the Secretary, in consultation with the Advisory Committee and Water District 1 watermaster, determines there is water available in excess of that needed to satisfy existing Minidoka Project storage and hydropower rights and ensure operational flexibility.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,321,778,000, to remain available until expended: *Provided*, That of such amount, \$162,500,000 shall be available until September 30, 2019, for program direction.

ELECTRICITY DELIVERY AND ENERGY
RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$248,329,000, to remain available until expended: *Provided*, That of such amount, \$28,500,000 shall be available until September 30, 2019, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,205,056,000, to remain available until expended: *Provided*, That of such amount, \$80,000,000 shall be available until September 30, 2019, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$726,817,000, to remain available until expended: *Provided*, That of such amount \$60,000,000 shall be available until September 30, 2019, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, \$4,900,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$252,000,000, to remain available until expended: *Provided*, That, as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114-74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed \$350,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2018: *Provided further*, That the proceeds from such drawdown and sale shall be deposited into the "Energy Security and Infrastructure Modernization Fund" during fiscal year 2018: *Provided further*, That such amounts shall remain available until expended for necessary expenses to carry out the Life Extension II project for the Strategic Petroleum Reserve: *Provided further*, That section 158 of the Continuing Appropriations Act, 2018 (division D of Public Law 115-56), as amended by the Further

Extension of Continuing Appropriations Act, 2018 (subdivision 3 of division B of Public Law 115-123), shall no longer apply.

SPR PETROLEUM ACCOUNT

For the acquisition, transportation, and injection of petroleum products, and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), sections 403 and 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239 note), and section 5010 of the 21st Century Cures Act (Public Law 114-255), \$8,400,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, \$125,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$298,400,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND
DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$840,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which \$35,732,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 16 passenger motor vehicles for replacement only, including one ambulance and one bus, \$6,259,903,000, to remain available until expended: *Provided*, That of such amount, \$183,000,000 shall be available until September 30, 2019, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—
ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110-69), \$353,314,000, to remain available until expended: *Provided*, That of such amount, \$29,250,000 shall be available until September 30, 2019, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN
GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$33,000,000 is appropriated from fees collected in prior years pursuant to section 1702(h) of the Energy Policy Act of 2005 which are not otherwise appropriated, to remain available until September 30, 2019: *Provided further*, That if the amount in the previous proviso is not available from such fees, an amount for such purposes is also appropriated from the general fund so as to result in a total amount appropriated for such purpose of no more than \$23,000,000: *Provided further*, That fees collected pursuant to such section 1702(h) for fiscal year 2018 shall be credited as offsetting collections under this heading and shall not be available until appropriated: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES
MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$5,000,000, to remain available until September 30, 2019.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, \$1,000,000, to remain available until September 30, 2019.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$285,652,000, to remain available until September 30, 2019, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$96,000,000 in fiscal year 2018 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than \$189,652,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$49,000,000, to remain available until September 30, 2019.

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY
ADMINISTRATION
WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$10,642,138,000, to remain available until expended: *Provided*, That of such amount, \$105,600,000 shall be available until September 30, 2019, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION
(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,048,219,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$49,000,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL REACTORS
(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,620,000,000, to remain available until expended, of which, \$85,500,000 shall be transferred to "Department of Energy—Energy Programs—Nuclear Energy", for the Advanced Test Reactor: *Provided*, That of such amount, \$47,651,000 shall be available until September 30, 2019, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, \$407,595,000, to remain available until September 30, 2019, including official reception and representation expenses not to exceed \$12,000.

ENVIRONMENTAL AND OTHER DEFENSE
ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$5,988,048,000, to remain available until expended: *Provided*, That of such amount, \$300,000,000 shall be available until September 30, 2019, for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$840,000,000, to remain available until expended: *Provided*, That of such amount, \$284,653,000 shall be available until September 30, 2019, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$5,000: *Provided*, That during fiscal year 2018, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$6,379,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$6,379,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation estimated at not more than \$0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$51,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE,
SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$30,288,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$18,888,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as

discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation estimated at not more than \$11,400,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION
AND MAINTENANCE, WESTERN AREA POWER
ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, \$223,276,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended, of which \$221,251,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$129,904,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation estimated at not more than \$93,372,000, of which \$91,347,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$209,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$4,176,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$3,948,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections,

to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation estimated at not more than \$228,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2018, the Administrator of the Western Area Power Administration may accept up to \$872,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed \$3,000, and the hire of passenger motor vehicles, \$367,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$367,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2018 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling \$1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling \$1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than \$1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading “Department of Energy—Energy Programs”, enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the “Final Bill” column in the “Department of Energy” table included under the heading “Title III—Department of Energy” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall in-

clude an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for fiscal year 2018.

SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 305. (a) None of the funds made available in this or any prior Act under the heading “Defense Nuclear Nonproliferation” may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

(b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated.

(c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.

SEC. 306. (a) NEW REGIONAL RESERVES.—The Secretary of Energy may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

(1) the justification for the new reserve;

(2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

(3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(4) the location of the reserve; and

(5) the estimate of the total inventory of the reserve.

SEC. 307. The Secretary of Energy may not transfer more than \$274,833,000 from the amounts made available under this title to the working capital fund established under section 653 of the Department of Energy Organization Act (42 U.S.C. 7263): *Provided*, That the Secretary may transfer additional amounts to the working capital fund after the Secretary provides notification in advance of any such transfer to the Committees on Appropriations of both Houses of Congress: *Provided further*, That any such notification shall identify the sources of funds

by program, project, or activity: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress before adding or removing any activities from the fund.

SEC. 308. Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of Energy, in consultation with the Office of Management and Budget, shall submit to the Committees on Appropriations of both Houses of Congress a report that provides a detailed explanation, using specific receipts data and legal authorities, of how each of the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration are executing current receipt authority provided in this and prior year appropriations Acts to create carryover of unobligated balances for purchase power and wheeling expenditures.

SEC. 309. (a) Funds provided by this Act for Project 99-D-143, Mixed Oxide Fuel Fabrication Facility, and any funds provided by prior Acts for such Project that remain unobligated, may be made available only for construction and project support activities for such Project.

(b) The Secretary of Energy shall not be subject to the requirements of subsection (a) if the Secretary waives the requirements of section 3121(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) in accordance with subsection (b) of such section.

(c) If the Secretary waives the requirements of section 3121(a) of the National Defense Authorization Act for Fiscal Year 2018, the Secretary—

(1) shall concurrently submit to the Committees on Appropriations of both Houses of Congress the lifecycle cost estimate used to make the certification under section 3121(b) of such Act; and

(2) may not use funds provided for the Project to eliminate such Project until the date that is 30 days after the submission of the lifecycle cost estimate required under paragraph (1).

SEC. 310. The unappropriated receipts currently in the Uranium Supply and Enrichment Activities account shall be transferred to and merged with the Uranium Enrichment Decontamination and Decommissioning Fund and shall be available only to the extent provided in advance in appropriations Acts.

SEC. 311. Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), upon a determination by the President in this fiscal year that a regional supply shortage of refined petroleum product of significant scope and duration exists, that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and significantly in reducing the adverse impact of such shortage, the Secretary of Energy may draw down and sell refined petroleum product from the Strategic Petroleum Reserve. Proceeds from a sale under this section shall be deposited into the SPR Petroleum Account established in section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247), and such amounts shall be available for obligation, without fiscal year limitation, consistent with that section.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the

Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$155,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$31,000,000, to remain available until September 30, 2019.

DELTA REGIONAL AUTHORITY SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382F(d), 382M, and 382N of said Act, \$25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$30,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further*, That notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for programs undertaken to carry out the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$15,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code: *Provided further*, That during fiscal year 2018, the duties and authority of the Federal Co-chairperson shall be assumed by the Northern Border Regional Commission Program Director if the position of the Federal Co-chairperson and Alternate Federal Co-chairperson is vacant.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION SALARIES AND EXPENSES (INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, \$909,137,000, including official representation expenses not to exceed \$25,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than \$9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2019,

of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$779,768,032 in fiscal year 2018 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than \$10,000,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear technologies, and \$16,200,000 shall be for international activities, except that the amounts provided under this proviso shall not be derived from fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation estimated at not more than \$129,300,892: *Provided further*, That of the amounts appropriated under this heading, \$10,000,000 shall be for university research and development in areas relevant to the Commission's mission, and \$5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering: *Provided further*, That \$68,076.04 of unobligated balances from the funds transferred to the Nuclear Regulatory Commission from the United States Agency for International Development pursuant to section 632(a) of the Foreign Assistance Act of 1961 are rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$12,859,000, to remain available until September 30, 2019: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$10,555,000 in fiscal year 2018 shall be retained and be available until September 30, 2019, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation estimated at not more than \$2,304,000: *Provided further*, That of the amounts appropriated under this heading, \$1,131,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2019.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than \$500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for “Nuclear Regulatory Commission—Salaries and Expenses” shall be expended as directed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

- (1) total budget authority;
- (2) total unobligated balances; and
- (3) total unliquidated obligations.

TITLE V GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4

(in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

This division may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2018”.

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2018

TITLE I DEPARTMENT OF THE TREASURY DEPARTMENTAL OFFICES SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Freedman’s Bank Building; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to Puerto Rico; and Treasury-wide management policies and programs activities, \$201,751,000: *Provided*, That of the amount appropriated under this heading—

- (1) not to exceed \$350,000 is for official reception and representation expenses;
- (2) not to exceed \$258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary’s certificate; and
- (3) not to exceed \$24,000,000 shall remain available until September 30, 2019, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund;

(D) the development and implementation of programs within the Office of Critical Infrastructure Protection and Compliance Pol-

icy, including entering into cooperative agreements;

(E) operations and maintenance of facilities; and

(F) international operations.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, money launderers, drug kingpins, and other national security threats, \$141,778,000: *Provided*, That of the amount appropriated under this heading: (1) up to \$32,000,000 may be transferred to the Departmental Offices Salaries and Expenses appropriation and shall be available for administrative support to the Office of Terrorism and Financial Intelligence; and (2) up to \$5,000,000 shall remain available until September 30, 2019.

CYBERSECURITY ENHANCEMENT ACCOUNT

For salaries and expenses for enhanced cybersecurity for systems operated by the Department of the Treasury, \$24,000,000, to remain available until September 30, 2020: *Provided*, That such funds shall supplement and not supplant any other amounts made available to the Treasury offices and bureaus for cybersecurity: *Provided further*, That the Chief Information Officer of the individual offices and bureaus shall submit a spend plan for each investment to the Treasury Chief Information Officer for approval: *Provided further*, That the submitted spend plan shall be reviewed and approved by the Treasury Chief Information Officer prior to the obligation of funds under this heading: *Provided further*, That of the total amount made available under this heading \$1,000,000 shall be available for administrative expenses for the Treasury Chief Information Officer to provide oversight of the investments made under this heading: *Provided further*, That such funds shall supplement and not supplant any other amounts made available to the Treasury Chief Information Officer.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, \$4,426,000, to remain available until September 30, 2020: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department’s offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement “Internal Revenue Service, Operations Support” or “Internal Revenue Service, Business Systems Modernization”.

OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$37,044,000, including hire of passenger motor vehicles; of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to \$2,800,000 to remain available until September 30, 2019, shall be for audits and investigations conducted pursuant to section 1608

of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed \$1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX
ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$169,634,000, of which \$5,000,000 shall remain available until September 30, 2019; of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE
TROUBLED ASSET RELIEF PROGRAM
SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$34,000,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK
SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed \$10,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$115,003,000, of which not to exceed \$34,335,000 shall remain available until September 30, 2020.

TREASURY FORFEITURE FUND
(RESCISSION)

Of the unobligated balances available under this heading, \$702,000,000 are hereby permanently rescinded not later than September 30, 2018.

(INCLUDING RETURN OF FUNDS)

In addition, of amounts in the Treasury Forfeiture Fund, \$38,800,000 from funds paid to the United States Government by BNP Paribas S.A. as part of, or related to, a plea agreement dated June 27, 2014, entered into between the Department of Justice and BNP Paribas S.A., and subject to a consent order entered by the United States District Court for the Southern District of New York on May 1, 2015, in *United States v. BNPP*, No. 14 Cr. 460 (S.D.N.Y.), are hereby returned to the General Fund of the Treasury.

BUREAU OF THE FISCAL SERVICE
SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, \$338,280,000; of which not to exceed \$4,210,000, to remain available until September 30, 2020, is for information systems modernization initiatives; and of which \$5,000 shall be available for official reception and representation expenses.

In addition, \$165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse

administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

ALCOHOL AND TOBACCO TAX AND TRADE
BUREAU
SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$111,439,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, \$5,000,000 shall be for the costs of accelerating the processing of formula and label applications: *Provided further*, That of the amount appropriated under this heading, \$5,000,000, to remain available until September 30, 2019, shall be for the costs associated with enforcement of the trade practice provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided*, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2018 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$30,000,000.

COMMUNITY DEVELOPMENT FINANCIAL
INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvements Act of 1994 (subtitle A of title I of Public Law 103-325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX-3, \$250,000,000. Of the amount appropriated under this heading—

(1) not less than \$160,000,000, notwithstanding section 108(e) of Public Law 103-325 (12 U.S.C. 4707(e)) with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2019, for financial assistance, technical assistance, training, and outreach under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103-325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to \$2,680,000 may be used for the cost of direct loans, and of which up to \$3,000,000, notwithstanding subsection (d) of section 108 of Public Law 103-325 (12 U.S.C. 4707 (d)), may be available to provide financial assistance, technical assistance, training, and outreach to community development financial institutions to expand investments that benefit individuals with disabilities: *Provided*, That the cost of direct and guaranteed loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000;

(2) not less than \$16,000,000, notwithstanding section 108(e) of Public Law 103-325 (12 U.S.C. 4707(e)), is available until September 30, 2019, for financial assistance, technical assistance, training, and outreach programs designed to benefit Native Amer-

ican, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers;

(3) not less than \$25,000,000 is available until September 30, 2019, for the Bank Enterprise Award program;

(4) not less than \$22,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103-325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2019, for a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) up to \$27,000,000 is available until September 30, 2018, for administrative expenses, including administration of CDFI fund programs and the New Markets Tax Credit Program, of which not less than \$1,000,000 is for development of tools to better assess and inform CDFI investment performance, and up to \$300,000 is for administrative expenses to carry out the direct loan program; and

(6) during fiscal year 2018, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed \$500,000,000: *Provided further*, That such section 114A shall remain in effect until December 31, 2018: *Provided further*, That of the funds awarded under this heading, not less than 10 percent shall be used for awards that support investments that serve populations living in persistent poverty counties: *Provided further*, That for the 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.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,506,554,000, of which not less than \$9,890,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$12,000,000 shall be available for low-income taxpayer clinic grants, and of which not less than \$15,000,000, to remain available until September 30, 2019, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, of which not less than \$206,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided*, That of the amounts made available for the Taxpayer Advocate Service, not less than \$5,500,000 shall be for identity theft casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue

Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,860,000,000, of which not to exceed \$50,000,000 shall remain available until September 30, 2019, and of which not less than \$60,257,000 shall be for the Inter-agency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: \$3,634,000,000, of which not to exceed \$50,000,000 shall remain available until September 30, 2019; of which not to exceed \$10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed \$1,000,000 shall remain available until September 30, 2020, for research; of which not to exceed \$20,000 shall be for official reception and representation expenses: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: *Provided further*, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2019, a summary of cost and schedule performance information for its major information technology systems.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$110,000,000, to remain available until September 30, 2020, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for major information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental

milestones to be achieved and costs to be incurred in the next quarter.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE (INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

SEC. 105. None of the funds made available to the Internal Revenue Service by this Act may be used to make a video unless the Service-Wide Video Editorial Board determines in advance that making the video is appropriate, taking into account the cost, topic, tone, and purpose of the video.

SEC. 106. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and such notice shall be sent to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 107. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 108. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 109. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled "Review of the August 2010 Small Business/Self-Employed Division's Conference in Anaheim, California" (Reference Number 2013-10-037).

SEC. 110. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee, unless such program or process takes into account the conduct and Federal

tax compliance of such employee or former employee.

SEC. 111. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

SEC. 112. Except to the extent provided in section 6014, 6020, or 6201(d) of the Internal Revenue Code of 1986, no funds in this or any other Act shall be available to the Secretary of the Treasury to provide to any person a proposed final return or statement for use by such person to satisfy a filing or reporting requirement under such Code.

SEC. 113. In addition to the amounts otherwise made available in this Act for the Internal Revenue Service, \$320,000,000, to be available until September 30, 2019, shall be transferred by the Commissioner to the "Taxpayer Services", "Enforcement", or "Operations Support" accounts of the Internal Revenue Service for an additional amount to be used solely for carrying out Public Law 115-97: *Provided*, That such funds shall not be available until the Commissioner submits to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for such funds.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY (INCLUDING TRANSFERS OF FUNDS)

SEC. 114. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 115. Not to exceed 2 percent of any appropriations in this title made available under the headings "Departmental Offices—Salaries and Expenses", "Office of Inspector General", "Special Inspector General for the Troubled Asset Relief Program", "Financial Crimes Enforcement Network", "Bureau of the Fiscal Service", and "Alcohol and Tobacco Tax and Trade Bureau" may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from the "Bureau of the Fiscal Service—Salaries and Expenses" to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 119. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 121. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for Fiscal Year 2018.

SEC. 122. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 123. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Forfeiture Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

SEC. 124. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a description of the role customers have in governing in the Franchise Fund.

SEC. 125. During fiscal year 2018—

(1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

(2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the

date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

SEC. 126. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

(1) the obligations made during the previous quarter by object class, office, and activity;

(2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity;

(3) the number of full-time equivalents within each office during the previous quarter;

(4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and

(5) actions taken to achieve the goals, objectives, and performance measures of each office.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).

SEC. 127. Notwithstanding paragraph (2) of section 402(c) of the Helping Families Save their Homes Act of 2009, in utilizing funds made available by paragraph (1) of section 402(c) of such Act, the Special Inspector General for the Troubled Asset Relief Program shall prioritize the performance of audits or investigations of any program that is funded in whole or in part by funds appropriated under the Emergency Economic Stabilization Act of 2008, to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General.

This title may be cited as the "Department of the Treasury Appropriations Act, 2018".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$55,000,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, \$12,917,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all

reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), \$750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,187,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security

Council, including services as authorized by 5 U.S.C. 3109, \$11,800,000.

OFFICE OF ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$100,000,000, of which not to exceed \$12,800,000 shall remain available until expended for continued modernization of information resources within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET
SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, \$101,000,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That of the funds made available for the Office of Management and Budget by this Act, no less than three full-time equivalent senior staff position shall be dedicated solely to the Office of the Intellectual Property Enforcement Coordinator: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY
SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit,

research, or public organizations or agencies, with or without reimbursement, \$18,400,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS
HIGH INTENSITY DRUG TRAFFICKING AREAS
PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$280,000,000, to remain available until September 30, 2019, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to \$2,700,000 may be used for auditing services and associated activities: *Provided further*, That, notwithstanding the requirements of Public Law 106-58, any unexpended funds obligated prior to fiscal year 2016 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: *Provided further*, That each HIDTA designated as of September 30, 2017, shall be funded at not less than the fiscal year 2017 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2018 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

OTHER FEDERAL DRUG CONTROL PROGRAMS
(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$117,093,000, to remain available until expended, which shall be available as follows: \$99,000,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$2,000,000 for drug court training and technical assistance; \$9,500,000 for anti-doping activities; \$2,343,000 for the United States membership dues to the World Anti-Doping Agency; and \$1,250,000 shall be made available as directed by section 1105 of Public Law 109-469; and \$3,000,000, to remain available until expended, shall be for activities authorized by section 103 of Public Law 114-198: *Provided*, That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$798,000, to remain available until September 30, 2019.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, \$19,000,000, to remain available until expended: *Provided*, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT
SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,288,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT
OPERATING EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 pursuant to 3 U.S.C. 106(b)(2), \$302,000: *Provided*, That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT
(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council and Homeland Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 202. Within 90 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203). Such report shall include—

(1) the estimated mandatory and discretionary obligations of funds through fiscal year 2019, by Federal agency and by fiscal year, including—

(A) the estimated obligations by cost inputs such as rent, information technology, contracts, and personnel;

(B) the methodology and data sources used to calculate such estimated obligations; and

(C) the specific section of such Act that requires the obligation of funds; and

(2) the estimated receipts through fiscal year 2019 from assessments, user fees, and other fees by the Federal agency making the collections, by fiscal year, including—

(A) the methodology and data sources used to calculate such estimated collections; and

(B) the specific section of such Act that authorizes the collection of funds.

SEC. 203. (a) During fiscal year 2018, any Executive order or Presidential memorandum issued or revoked by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.

(b) Any such statement shall include—

(1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government;

(2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed by Federal agency, for each year in the 5-fiscal year period beginning in fiscal year 2018; and

(3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2018.

(c) If an Executive order or Presidential memorandum is issued during fiscal year 2018 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued.

(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of \$100,000,000.

This title may be cited as the “Executive Office of the President Appropriations Act, 2018”.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$82,028,000, of which \$1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, \$16,153,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, \$31,291,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$18,889,000.

In addition, there are appropriated such sums as may be necessary under 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

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, \$5,099,061,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under 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.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$8,230,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, \$1,078,713,000 to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$50,944,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the

daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$586,999,000, of which not to exceed \$20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$90,423,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$29,265,000; of which \$1,800,000 shall remain available through September 30, 2019, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$18,699,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY (INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services, Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners”, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for “Courts of Appeals, District

Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3315(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the matter following paragraph 12—

(1) in the second sentence (relating to the District of Kansas), by striking "26 years and 6 months" and inserting "27 years and 6 months"; and

(2) in the sixth sentence (relating to the District of Hawaii), by striking "21 years and 6 months" and inserting "24 years and 6 months".

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking "24 years and 6 months" and inserting "25 years and 6 months".

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking "15 years" and inserting "16 years";

(2) in the second sentence (relating to the central District of California), by striking "14 years and 6 months" and inserting "15 years and 6 months"; and

(3) in the third sentence (relating to the western district of North Carolina), by striking "13 years" and inserting "14 years".

SEC. 307. (a) Section 1871(b) of title 28, United States Code, is amended in paragraph (1) by striking "\$40" and inserting "\$50".

(b) EFFECTIVE DATE.—The amendment made in subsection (a) shall take effect 45 days after the date of enactment of this Act.

This title may be cited as the "Judiciary Appropriations Act, 2018".

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eli-

gible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$13,000,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$265,400,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$14,000,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$121,000,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$71,500,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$58,900,000, to remain available until September 30, 2019, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$6,000,000 of the funds provided under this heading among the items and entities funded under this heading: *Provided further*, That the Joint Committee on Judi-

cial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS (INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$49,890,000, to remain available until expended: *Provided*, That not more than \$20,000,000 in unobligated funds provided in this account may be transferred to and merged with funds made available under the heading "Federal Payment to the District of Columbia Courts," to be available for the same period and purposes as funds made available under that heading for capital improvements to District of Columbia courthouse facilities: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$244,298,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$180,840,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; and of which \$63,458,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That amounts under this heading may be used for programmatic incentives for defendants to successfully complete their terms of supervision.

FEDERAL PAYMENT TO THE DISTRICT OF
COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$41,829,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE
COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2019, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$270,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$45,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112-10): *Provided*, That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112-10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further*, That within funds provided for opportunity scholarships \$3,200,000 shall be for the activities specified in sections 3007(b) through 3007(d) and 3009 of the Act.

FEDERAL PAYMENT FOR THE DISTRICT OF
COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$435,000, to remain available until expended 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

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, \$5,000,000.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund") for programs and activities set forth under the heading "PART A—SUMMARY OF EXPENSES" and at the rate set forth under such heading, as included in D.C. Bill 22-242, as amended as of the date of enactment of this Act: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1-204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47-369.01 and 47-369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating ex-

penses for the District of Columbia for fiscal year 2018 under this heading shall not exceed the estimates included in D.C. Bill 22-242, as amended as of the date of enactment of this Act or the sum of the total revenues of the District of Columbia for such fiscal year: *Provided further*, That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2018, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

FEDERAL PAYMENT TO THE DISTRICT OF
COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$14,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

This title may be cited as the "District of Columbia Appropriations Act, 2018".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED
STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$3,100,000, to remain available until September 30, 2019, of which not to exceed \$1,000 is for official reception and representation expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$8,000 for official reception and representation expenses, \$126,000,000, of which \$1,100,000 shall remain available until expended to carry out the program, including administrative costs, required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110-140; 15 U.S.C. 8004).

ADMINISTRATIVE PROVISIONS—CONSUMER
PRODUCT SAFETY COMMISSION

SEC. 501. During fiscal year 2018, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after—

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements

proposed by such standard for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as "ROV") rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a ROV's rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

(2) a report containing the results of the study completed under paragraph (1) is delivered to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107-252), \$10,100,000, of which \$1,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

ELECTION REFORM PROGRAM

Notwithstanding section 104(c)(2)(B) of the Help America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)), \$380,000,000 is provided to the Election Assistance Commission for necessary expenses 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 by sections 101, 103, and 104 of such Act: *Provided*, That each reference to the "Administrator of General Services" or the "Administrator" in sections 101 and 103 shall be deemed to refer to the "Election Assistance Commission": *Provided further*, That each reference to "\$5,000,000" in section 103 shall be deemed to refer to "\$3,000,000" and each reference to "\$1,000,000" in section 103 shall be deemed to refer to "\$600,000": *Provided further*, That not later than 45 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to states under this heading: *Provided further*, That not later than two years after receiving a payment under this heading, a state shall make available funds for such activities in an amount equal to 5 percent of the total amount of the payment made to the State under this heading.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$322,035,000, to remain available until expended: *Provided*, That \$322,035,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting

collections are received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation estimated at \$0: *Provided further*, That any offsetting collections received in excess of \$322,035,000 in fiscal year 2018 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2017, shall not be available for obligation: *Provided further*, That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$111,150,000 for fiscal year 2018: *Provided further*, That, of the amount appropriated under this heading, not less than \$11,020,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

SEC. 511. Section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452) is amended by adding at the end the following:

“(j) RESERVE SOURCE FOR PAYMENT OF RELOCATION COSTS.—

“(1) FUNDING.—There are hereby authorized to be appropriated, and appropriated, to the TV Broadcaster Relocation Fund established by subsection (d), out of any monies in the Treasury not otherwise appropriated—

“(A) for fiscal year 2018, \$600,000,000, to remain available, notwithstanding subsection (d)(4), until not later than July 3, 2023, pursuant to this subsection; and

“(B) for fiscal year 2019, \$400,000,000, to remain available, notwithstanding subsection (d)(4), until not later than July 3, 2023, pursuant to this subsection.

“(2) AVAILABILITY OF FUNDS.—

“(A) IN GENERAL.—If the Commission makes the certification described in subparagraph (B), amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall be available to the Commission to make—

“(i) reimbursements pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii), including not more than \$350,000,000 for this purpose from funds made available by paragraph (1)(A);

“(ii) payments required by subsection (k), including not more than \$150,000,000 for this purpose from funds made available by paragraph (1)(A);

“(iii) payments required by subsection (l), including not more than \$50,000,000 for this purpose from funds made available by paragraph (1)(A); and

“(iv) payments solely for the purposes of consumer education relating to the reorganization of broadcast television spectrum under subsection (b), including \$50,000,000 for this purpose from funds made available by paragraph (1)(A).

“(B) CERTIFICATION.—The certification described in this subparagraph is a certification from the Commission to the Secretary of the Treasury that the funds available prior to the date of enactment of this subsection in the TV Broadcaster Relocation Fund are likely to be insufficient to reimburse reasonably incurred costs described in subsection (b)(4)(A)(i) or (b)(4)(A)(ii).

“(C) AVAILABILITY FOR PAYMENTS AFTER APRIL 13, 2020.—

“(i) FOR PAYMENTS TO BROADCAST TELEVISION LICENSEES AND MVPDS.—Notwithstanding subsection (b)(4)(D), the Commission may make payments pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii) from amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) after April 13, 2020, if, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse reasonably incurred costs described in such subsection.

“(ii) FOR PAYMENTS TO TELEVISION TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall not be available to the Commission to make payments required by subsection (k) after April 13, 2020, unless, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse costs reasonably incurred by a television translator station or low power television station (as such terms are defined in subsection (k)) on or after January 1, 2017, in order for such station to relocate its television service from one channel to another channel or otherwise modify its facility as a result of the reorganization of broadcast television spectrum under subsection (b).

“(iii) FOR PAYMENTS TO FM BROADCAST STATIONS.—Amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall not be available to the Commission to make payments required by subsection (l) after April 13, 2020, unless, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse costs reasonably incurred by an FM broadcast station (as defined in subsection (1)) for facilities necessary for such station to reasonably minimize disruption of service as a result of the reorganization of broadcast television spectrum under subsection (b).

“(3) UNUSED FUNDS RESCINDED AND DEPOSITED INTO THE GENERAL FUND OF THE TREASURY.—

“(A) RESCISSION AND DEPOSIT.—If any unobligated amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) remain in the Fund after the date described in subparagraph (B), such amounts shall be rescinded and deposited into the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

“(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

“(i) the date of a certification by the Commission under subparagraph (C) that all reimbursements pursuant to subsections (b)(4)(A)(i) and (b)(4)(A)(ii) have been made and that all reimbursements pursuant to subsections (k) and (l) have been made; or

“(ii) July 3, 2023.

“(C) CERTIFICATION.—If all reimbursements pursuant to subsections (b)(4)(A)(i) and (b)(4)(A)(ii) and all reimbursements pursuant to subsections (k) and (l) have been made before July 3, 2023, the Commission shall submit to the Secretary of the Treasury a certification that all such reimbursements have been made.

“(4) ADMINISTRATIVE COSTS.—The amount of auction proceeds that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), including from the proceeds of the forward auction under this section, shall be sufficient to cover the administrative costs incurred by the Commission in making any reimbursements out of the TV Broad-

caster Relocation Fund from amounts made available to that Fund by paragraph (1).

“(k) PAYMENT OF RELOCATION COSTS OF TELEVISION TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—

“(1) PAYMENT REQUIRED.—From amounts made available under subsection (j)(2), the Commission shall reimburse costs reasonably incurred by a television translator station or low power television station on or after January 1, 2017, in order for such station to relocate its television service from one channel to another channel or otherwise modify its facility as a result of the reorganization of broadcast television spectrum under subsection (b). Only stations that are eligible to file and do file an application in the Commission's Special Displacement Window are eligible to seek reimbursement under this paragraph.

“(2) LIMITATION.—The Commission may not make reimbursements under paragraph (1) for lost revenues.

“(3) DUPLICATIVE PAYMENTS PROHIBITED.—In the case of a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations—

“(A) if the licensee of such station has received reimbursement with respect to such station under subsection (b)(4)(A)(i) (including from amounts made available under subsection (j)(2)(A)(i)), or from any other source, such station may not receive reimbursement under paragraph (1); and

“(B) if such station has received reimbursement under paragraph (1), the licensee of such station may not receive reimbursement with respect to such station under subsection (b)(4)(A)(i).

“(4) ADDITIONAL LIMITATION.—The Commission may not make reimbursement under paragraph (1) for costs incurred to resolve mutually exclusive applications, including costs incurred in any auction of available channels.

“(5) DEFINITIONS.—In this subsection:

“(A) LOW POWER TELEVISION STATION.—The term ‘low power television station’ means a low power TV station (as defined in section 74.701 of title 47, Code of Federal Regulations) that was licensed and transmitting for at least 9 of the 12 months prior to April 13, 2017. For purposes of the preceding sentence, the operation of analog and digital companion facilities may be combined.

“(B) TELEVISION TRANSLATOR STATION.—The term ‘television translator station’ means a television broadcast translator station (as defined in section 74.701 of title 47, Code of Federal Regulations) that was licensed and transmitting for at least 9 of the 12 months prior to April 13, 2017. For purposes of the preceding sentence, the operation of analog and digital companion facilities may be combined.

“(1) PAYMENT OF RELOCATION COSTS OF FM BROADCAST STATIONS.—

“(1) PAYMENT REQUIRED.—

“(A) IN GENERAL.—From amounts made available under subsection (j)(2), the Commission shall reimburse costs reasonably incurred by an FM broadcast station for facilities necessary for such station to reasonably minimize disruption of service as a result of the reorganization of broadcast television spectrum under subsection (b).

“(B) LIMITATION.—The Commission may not make reimbursements under subparagraph (A) for lost revenues.

“(C) DUPLICATIVE PAYMENTS PROHIBITED.—If an FM broadcast station has received a payment for interim facilities from the licensee of a television broadcast station that was reimbursed for such payment under subsection (b)(4)(A)(i) (including from amounts made available under subsection (j)(2)(A)(i)),

or from any other source, such FM broadcast station may not receive any reimbursements under subparagraph (A).

“(2) FM BROADCAST STATION DEFINED.—In this subsection, the term ‘FM broadcast station’ has the meaning given such term in section 73.310 of title 47, Code of Federal Regulations, and includes an FM translator, which has the meaning given the term ‘FM translator’ in section 74.1201 of such title.

“(m) RULEMAKING.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall complete a rulemaking to implement subsections (k) and (l).

“(2) MATTERS FOR INCLUSION.—The rulemaking completed under paragraph (1) shall include the development of lists of reasonable eligible costs to be reimbursed by the Commission pursuant to subsections (k) and (l), and procedures for the submission and review of cost estimates and other materials related to those costs consistent with the regulations developed by the Commission pursuant to subsection (b)(4).

“(n) RULE OF CONSTRUCTION.—

“(1) Nothing in subsections (j) through (m) shall alter the final transition phase completion date established by the Commission for full power and Class A television stations.”.

FEDERAL DEPOSIT INSURANCE CORPORATION OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$39,136,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$71,250,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed \$1,500) and rental of conference rooms in the District of Columbia and elsewhere, \$26,200,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$306,317,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons

for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$126,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$16,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2018, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than \$164,317,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE (INCLUDING TRANSFERS OF FUNDS)

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$9,073,938,000, of which—

(1) \$692,069,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) as follows:

(A) \$132,979,000 shall be for the Alexandria Bay, New York, Land Port of Entry;

(B) \$121,848,000 shall be for the San Diego, California, Otay Mesa Land Port of Entry;

(C) \$137,242,000 shall be for the Harrisburg, Pennsylvania, United States Courthouse, as requested by the Federal Judiciary;

(D) \$110,000,000 shall be for the Huntsville, Alabama, United States Courthouse, as requested by the Federal Judiciary;

(E) \$190,000,000 shall be for the Fort Lauderdale, Florida, United States Courthouse, as requested by the Federal Judiciary:

Provided, That each of the foregoing limits of costs on new construction and acquisition projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount;

(2) \$666,335,000 shall remain available until expended for repairs and alterations, including associated design and construction services, of which—

(A) \$289,245,000 is for Major Repairs and Alterations;

(B) \$312,090,000 is for Basic Repairs and Alterations; and

(C) \$65,000,000 is for Special Emphasis Programs, of which—

(i) \$25,000,000 is for Fire and Life Safety;

(ii) \$20,000,000 is for Judiciary Capital Security; and

(iii) \$20,000,000 is for Consolidation Activities: *Provided*, That consolidation projects result in reduced annual rent paid by the tenant agency: *Provided further*, That no consolidation project exceed \$10,000,000 in costs: *Provided further*, That consolidation projects are approved by each of the committees specified in section 3307(a) of title 40, United States Code: *Provided further*, That preference is given to consolidation projects that achieve a utilization rate of 130 usable square feet or less per person for office space: *Provided further*, That the obligation of funds under this paragraph for consolidation activities may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken, including estimated savings, has been submitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects;

(3) \$5,493,768,000 for rental of space to remain available until expended; and

(4) \$2,221,766,000 for building operations to remain available until expended, of which \$1,146,089,000 is for building services, and

\$1,075,677,000 is for salaries and expenses: *Provided*, That not to exceed 5 percent of any appropriation made available under this paragraph for building operations may be transferred between and merged with such appropriations upon notification to the Committees on Appropriations of the House of Representatives and the Senate, but no such appropriation shall be increased by more than 5 percent by any such transfers: *Provided further*, That section 521 of this title shall not apply with respect to funds made available under this heading for building operations: *Provided further*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2018, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$53,499,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; and services as authorized by 5 U.S.C. 3109; \$45,645,000, of which \$24,357,000 is for Real and Personal Property Management and Disposal; \$21,288,000 is for the Office of the Administrator, of which not to exceed \$7,500 is for official reception and representation expenses.

CIVILIAN BOARD OF CONTRACT APPEALS

For expenses authorized by law, not otherwise provided for, for the activities associated with the Civilian Board of Contract Appeals, \$8,795,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$65,000,000: *Provided*, That not to exceed \$50,000 shall be available for payment for information and detection of fraud

against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$4,754,000.

FEDERAL CITIZEN SERVICES FUND (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Products and Programs, including services authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for necessary expenses in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; \$50,000,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the previous amount may be transferred to Federal agencies to carry out the purpose of the Federal Citizen Services Fund: *Provided further*, That the appropriations, revenues, reimbursements, and collections deposited into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed \$100,000,000: *Provided further*, That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2018 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That any appropriations provided to the Electronic Government Fund that remain unobligated may be transferred to the Federal Citizen Services Fund: *Provided further*, That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act.

TECHNOLOGY MODERNIZATION FUND

For the Technology Modernization Fund, \$100,000,000, to remain available until expended, for technology-related modernization activities.

ASSET PROCEEDS AND SPACE MANAGEMENT FUND

For carrying out the purposes of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114-287), \$5,000,000, to be deposited into the Asset Proceeds and Space Management Fund, to remain available until expended.

ENVIRONMENTAL REVIEW IMPROVEMENT FUND

For necessary expenses of the Environmental Review Improvement Fund established pursuant to 42 U.S.C. 4370m-8(d), \$1,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2018 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2019 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 524. From funds made available under the heading Federal Buildings Fund, Limitations on Availability of Revenue, claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. With respect to each project funded under the heading "Major Repairs and Alterations" or "Judiciary Capital Security Program", and with respect to E-Government projects funded under the heading "Federal Citizen Services Fund", the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

SEC. 527. Section 16 of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114-287) is amended—

(1) by inserting the following at the end of subparagraph (a)(1): "The Account shall be under the custody and control of the Chairperson of the Board and deposits in the Account shall remain available until expended.";

(2) by striking subparagraph (b)(1) and inserting in lieu thereof the following:

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the 'Public Buildings Reform Board—Asset Proceeds and Space Management Fund' (in this subsection referred to as the 'Fund'). The Fund shall be

under the custody and control of the Administrator of General Services and deposits in the Fund shall remain available until expended.”.

**HARRY S TRUMAN SCHOLARSHIP FOUNDATION
SALARIES AND EXPENSES**

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93-642, \$1,000,000, to remain available until expended.

**MERIT SYSTEMS PROTECTION BOARD
SALARIES AND EXPENSES**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$44,490,000, to remain available until September 30, 2019, and in addition not to exceed \$2,345,000, to remain available until September 30, 2019, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

**MORRIS K. UDALL AND STEWART L. UDALL
FOUNDATION**

**MORRIS K. UDALL AND STEWART L. UDALL
TRUST FUND**

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), \$1,975,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289); and (2) up to \$1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102-259 and section 817(a) of Public Law 106-568 (20 U.S.C. 5604(7)): *Provided*, That of the total amount made available under this heading \$200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,366,000, to remain available until expended.

**NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION
OPERATING EXPENSES**

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, \$384,911,000, of which \$7,500,000 shall remain

available until expended 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.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, \$4,801,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$7,500,000, to remain available until expended.

**NATIONAL HISTORICAL PUBLICATIONS AND
RECORDS COMMISSION
GRANTS PROGRAM**

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$6,000,000, to remain available until expended.

**NATIONAL CREDIT UNION ADMINISTRATION
COMMUNITY DEVELOPMENT REVOLVING LOAN
FUND**

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$2,000,000 shall be available until September 30, 2019, for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Stop Trading on Congressional Knowledge Act of 2012, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$16,439,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$129,341,000: *Provided*, That of the total amount made available under this heading, not to exceed \$21,000,000 shall remain available until September 30, 2019, for information technology infrastructure modernization and Trust Fund Federal Financial System migration or modernization, and shall be in addition to funds otherwise made available for such purposes upon submitting to the Committees on Appropriations of the Senate and House of Representatives the plan of expenditure as required by the “Consolidated Appropriations Act, 2017”: *Provided further*,

That the amount made available by the previous proviso may not be obligated until the Director of the Office of Personnel Management submits to the Committees on Appropriations of the Senate and the House of Representatives within 90 days of enactment a plan for expenditure of such amount, prepared in consultation with the Director of the Office of Management and Budget, the Administrator of the United States Digital Service, and the Secretary of Homeland Security, that—

(1) identifies the full scope and cost of the IT systems remediation and stabilization project;

(2) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(3) includes a Major IT Business Case under the requirements established by the Office of Management and Budget Exhibit 300;

(4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Government;

(5) complies with all Office of Management and Budget, Department of Homeland Security and National Institute of Standards and Technology requirements related to securing the agency's information system as described in 44 U.S.C. 3554; and

(6) is reviewed and commented upon within 60 days of plan development by the Inspector General of the Office of Personnel Management, and such comments are submitted to the Director of the Office of Personnel Management before the date of such submission: *Provided further*, That of the total amount made available under this heading, \$584,000 may be made available for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition \$131,414,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2018, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles,

\$5,000,000, and in addition, not to exceed \$25,000,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12) as amended by Public Law 107-304, the Whistleblower Protection Enhancement Act of 2012 (Public Law 112-199), and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$26,535,000.

POSTAL REGULATORY COMMISSION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435), \$15,200,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT
BOARD
SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), \$8,000,000, to remain available until September 30, 2019.

PUBLIC BUILDINGS REFORM BOARD
SALARIES AND EXPENSES

For salaries and expenses of the Public Buildings Reform Board in carrying out the Federal Assets Sale and Transfer Act of 2016 (Public Law 114-287), \$5,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,652,000,000, to remain available until expended; of which funding for information technology initiatives shall be increased over the fiscal year 2017 level by not less than \$45,000,000; of which not less than \$14,748,358 shall be for the Office of Inspector General; of which not to exceed \$75,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and

transportation; and (3) related lodging or subsistence; and of which not less than \$68,950,000 shall be for the Division of Economic and Risk Analysis.

In addition to the foregoing appropriation, for costs associated with relocation under a replacement lease for the Commission's headquarters facilities, not to exceed \$244,507,052, to remain available until expended: *Provided*, That for purposes of calculating the fee rate under section 31(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(j)) for fiscal year 2018, all amounts appropriated under this heading shall be deemed to be the regular appropriation to the Commission for fiscal year 2018: *Provided further*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,652,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account and not to exceed \$244,507,052 of such offsetting collections shall be available until expended for costs under this heading associated with relocation under a replacement lease for the Commission's headquarters facilities: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2018 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2018 appropriation from the general fund estimated at not more than \$0: *Provided further*, That if any amount of the appropriation for costs associated with relocation under a replacement lease for the Commission's headquarters facilities is subsequently de-obligated by the Commission, such amount that was derived from the general fund shall be returned to the general fund, and such amounts that were derived from fees or assessments collected for such purpose shall be paid to each national securities exchange and national securities association, respectively, in proportion to any fees or assessments paid by such national securities exchange or national securities association under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) in fiscal year 2018.

SELECTIVE SERVICE SYSTEM
SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$22,900,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States Code, and not to exceed \$3,500 for official reception and representation expenses, \$268,500,000, of which not less than \$12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided*, That the Administrator is authorized to charge fees to

cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed \$4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108-447, during fiscal year 2018: *Provided further*, That \$6,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2019: *Provided further*, That \$3,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, \$247,100,000, to remain available until September 30, 2019: *Provided*, That \$130,000,000 shall be available to fund grants for performance in fiscal year 2018 or fiscal year 2019 as authorized by section 21 of the Small Business Act: *Provided further*, That \$31,000,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That \$18,000,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 22(l) of the Small Business Act (15 U.S.C. 649(l)).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$19,900,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94-305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$3,438,172, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2018 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2018 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$29,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2018 commitments for loans authorized under subparagraph (C) of section 502(7) of The Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2018 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed \$4,000,000,000: *Provided further*, That during fiscal year 2018, guarantees of trust certificates authorized by section

5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$152,782,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. Of the unobligated balances available for the Immediate Disaster Assistance Program authorized by section 42 of the Small Business Act (15 U.S.C. 657n) and the Expedited Disaster Assistance Loan Program authorized by section 12085 of Public Law 110-246, \$2,600,000 are hereby permanently cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 532. Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended by striking “25 percent” each place such term appears and inserting “50 percent”.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$58,118,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices.

OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$245,000,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435).

UNITED STATES TAX COURT SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$50,739,887, of which \$500,000 shall remain available until expended: *Provided*, That travel expenses of the judges

shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, 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 under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each

agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2018 from appropriations made available for salaries and expenses for fiscal year 2018 in this Act, shall remain available through September 30, 2019, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

(b) Subsection (a) shall not apply—

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing non-domestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the inter-agency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 618. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term "Executive agency covered by this Act" means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 619. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers' Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors' Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges' Retirement Fund (28 U.S.C. 178(1)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits

under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

SEC. 620. In addition to amounts made available in prior fiscal years, the Public Company Accounting Oversight Board (Board) shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an amount not to exceed \$1,000,000 of funds collected by the Board between January 1, 2017 and December 31, 2017, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2018 shall remain available until expended.

SEC. 621. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled "Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts" unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 622. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(4) White House Director of Urban Affairs.

SEC. 623. None of the funds in this Act may be used for the Director of the Office of Personnel Management to award a contract, enter an extension of, or exercise an option on a contract to a contractor conducting the final quality review processes for background investigation fieldwork services or background investigation support services that, as of the date of the award of the contract, are being conducted by that contractor.

SEC. 624. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 625. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

SEC. 626. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the

provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

SEC. 627. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided*, That this section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II.

SEC. 628. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 629. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication activities, or other law enforcement- or victim assistance-related activity.

SEC. 630. Section 633(a) of title VI of division E of the Consolidated Appropriations Act, 2017 (Public Law 115-31) is amended—

(1) by inserting "and" at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 631. None of the funds made available by this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

SEC. 632. (a) The United States courthouse located at 501 East Court Street in Jackson, Mississippi, shall be known and designated as the "Thad Cochran United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Thad Cochran United States Courthouse".

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS
(INCLUDING TRANSFER OF FUNDS)

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2018 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at \$19,947 except station wagons for which the maximum shall be \$19,997: *Provided*, That these limits may be exceeded by not to exceed \$7,250 for police-type vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a

felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13693 (March 19, 2015), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title 5, United States Code, (pursuant to schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement,

or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such as mailing, telephone or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

SEC. 719. (a) In this section, the term “agency”—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the United States Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate inter-agency and multi-agency groups designated by the Director (including the President’s Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed \$17,000,000 for Government-Wide innovations, initiatives, and activities: *Provided further*, That the funds transferred to or for reimbursement of “General Services Administration, Government-wide Policy” during fiscal year 2018 shall remain available for obligation through September 30, 2019: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the inter-agency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving

the distribution of Federal funds shall comply with any relevant requirements in part 200 of title 2, Code of Federal Regulations: *Provided*, That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS’ INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual’s access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual’s access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care’s HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management

and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2018, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall 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. Such amounts shall be available until expended to the Office of Personnel Management and shall be

deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms "contribution", "expenditure", "independent expenditure", "electioneering communication", "candidate", "election", and "Federal office" has the meaning given such term in the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2018, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2018, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2018, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2018 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2018 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) For the purposes of this subsection, the rates payable to an employee who is covered

by this subsection and who is paid from a schedule not in existence on September 30, 2017, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2017, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2017.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2018 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as "Rest of United States" pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2017.

SEC. 738. (a) The Vice President may not receive a pay raise in calendar year 2018, notwithstanding the rate adjustment made under section 104 of title 3, United States Code, or any other provision of law.

(b) An employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, may not receive a pay rate increase in calendar year 2018, notwithstanding schedule adjustments made under section 5318 of title 5, United States Code, or any other provision of law, except as provided in subsection (g), (h), or (i). This subsection applies only to employees who are holding a position under a political appointment.

(c) A chief of mission or ambassador at large may not receive a pay rate increase in calendar year 2018, notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96-465) or any other provision of law, except as provided in subsection (g), (h), or (i).

(d) Notwithstanding sections 5382 and 5383 of title 5, United States Code, a pay rate increase may not be received in calendar year 2018 (except as provided in subsection (g), (h), or (i)) by—

(1) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above level IV of the Executive Schedule; or

(2) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above level IV of the Executive Schedule.

(e) Any employee paid a rate of basic pay (including any locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase in calendar year 2018, notwithstanding any other provision of law, except as provided in subsection (g), (h), or (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, or to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS-15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) A career appointee in the Senior Executive Service who receives a Presidential appointment and who makes an election to retain Senior Executive Service basic pay entitlements under section 3392 of title 5, United States Code, is not subject to this section.

(h) A member of the Senior Foreign Service who receives a Presidential appointment to any position in the executive branch and who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96-465) is not subject to this section.

(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position with higher-level duties and a pre-established higher level or range of pay, except that any such increase must be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(k) If an employee affected by subsections (b) through (e) is subject to a biweekly pay period that begins in calendar year 2018 but ends in calendar year 2019, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period.

SEC. 739. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2018 for which the cost to the United States Government was more than \$100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

- (1) a description of its purpose;
- (2) the number of participants attending;
- (3) a detailed statement of the costs to the United States Government, including—
 - (A) the cost of any food or beverages;
 - (B) the cost of any audio-visual services;
 - (C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days after the end of a quarter, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2018 for which the cost to the United States Government was more than \$20,000.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M-12-12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 740. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 741. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 743. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

SEC. 744. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling." *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal 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.

SEC. 746. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal 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.

SEC. 747. (a) During fiscal year 2018, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111-203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate of such request.

(b) Any notification required by this section shall be made available on the Bureau's public Web site.

SEC. 748. If, for fiscal year 2018, new budget authority provided in appropriations Acts exceeds the discretionary spending limit for any category set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 due to estimating differences with the Congressional Budget Office, an adjustment to the discretionary spending limit in such category for fiscal year 2018 shall be made by the Director of the Office of Management and Budget in the amount of the excess but the total of all such adjustments shall not exceed 0.2 percent of the sum of the adjusted discretionary spending limits for all categories for that fiscal year.

SEC. 749. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the available funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or responsibility center;
- (3) establishes or changes allocations specifically denied, limited or increased under this Act;
- (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;
- (5) re-establishes any program or project previously deferred through reprogramming;
- (6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or
- (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local

funds under this title through November 7, 2018.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to le-

galize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) No funds available for obligation or expenditure by the District of Columbia government under any authority may be used to enact any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.

SEC. 810. No funds available for obligation or expenditure by the District of Columbia government under any authority shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2018 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42).

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2018 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2018 in this Act, shall remain available through September 30, 2019, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

SEC. 816. (a)(1) During fiscal year 2019, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Act referred to in paragraph (2) (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(2) The Act referred to in this paragraph is the Act of the Council of the District of Columbia pursuant to which a proposed budget is approved for fiscal year 2019 which (subject to the requirements of the District of Columbia Home Rule Act) will constitute the local portion of the annual budget for the District of Columbia government for fiscal year 2019 for purposes of section 446 of the District of Columbia Home Rule Act (sec. 1-204.46, D.C. Official Code).

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2019 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2019.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2019 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2019 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. Except as expressly provided otherwise, any reference to “this Act” contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the “Financial Services and General Government Appropriations Act, 2018”.

DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Secretary and for executive management for operations and support, \$139,602,000: *Provided*, That not to exceed \$30,000 shall be for official reception and representation expenses: *Provided further*, That of the funds provided under this heading, \$2,000,000 shall be withheld from obligation until the Secretary complies with section 107 of this Act.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, \$710,297,000, of which \$227,516,000 shall remain available until September 30, 2019: *Provided*, That not to exceed \$2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, \$29,569,000, to remain available until September 30, 2019.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Management Directorate for research and development, \$2,545,000, to remain available until September 30, 2019.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, \$245,905,000, of which \$77,915,000 shall remain available until September 30, 2019: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses and not to exceed \$2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Inspector General for operations and support, \$168,000,000: *Provided*, That not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

SEC. 101. Hereafter, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454).

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

SEC. 103. (a) Notwithstanding section 518 of division F of the Consolidated Appropriations Act, 2016 (Public Law 114-113), the Secretary of Homeland Security shall submit a report not later than October 15, 2018, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2017 and 2018.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2019.

SEC. 104. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

SEC. 105. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703(g)(4)(B) of title 31, United States Code (as added by Public Law 102-393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfers.

SEC. 106. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

SEC. 107. (a) Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives, a report for fiscal year 2017 on visa overstay data by country as required by section 1376 of title 8, United States Code: *Provided*, That the report on visa overstay data shall also include—

(1) overstays from all nonimmigrant visa categories under the immigration laws, delineated by each of the classes and sub-classes of such categories; and

(2) numbers as well as rates of overstays for each class and sub-class of such nonimmigrant categories on a per-country basis.

(b) The Secretary of Homeland Security shall publish on the Department's website the metrics developed to measure the effectiveness of security between the ports of entry, including the methodology and data supporting the resulting measures.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State,

and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$11,485,164,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$681,441,500 shall be available until September 30, 2019; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$15,000,000 may be transferred to the Bureau of Indian Affairs for the maintenance and repair of roads on Native American reservations, as required by the Border Patrol: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, \$2,281,357,000, of which \$846,343,000 shall remain available until September 30, 2020, and of which \$1,435,014,000 shall remain available until September 30, 2022.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$6,993,975,000; of which \$6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which \$33,700,000 shall remain available until September 30, 2019; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which not less than \$9,000,000 shall be available for facilities repair and maintenance projects; of which not less than \$84,000,000 shall be available for vehicle fleet recapitalization; and of which not less than \$4,110,337,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 shall be available until expended for conducting special oper-

ations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further*, That of the amounts made available under this heading, \$5,000,000 shall be withheld from obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives the report required under section 212 of this Act.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, \$81,899,000, to remain available until September 30, 2020; of which not less than \$29,000,000 shall be available for facilities repair and maintenance projects.

TRANSPORTATION SECURITY ADMINISTRATION OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, \$7,207,851,000, to remain available until September 30, 2019: *Provided*, That not to exceed \$7,650 shall be for official reception and representation expenses: *Provided further*, That security service fees authorized under section 4494 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2018 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$4,737,851,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, \$167,314,000, to remain available until September 30, 2020.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, \$20,190,000, to remain available until September 30, 2019.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operations and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase or lease of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$7,373,313,000; of which \$503,000,000 shall be for defense-related activities, of which \$163,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President sub-

sequently so designates all such amounts and transmits such designations to the Congress; and of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That not to exceed \$23,000 shall be for official reception and representation expenses: *Provided further*, That \$25,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a future-years capital investment plan for fiscal years 2019 through 2023 is submitted to the Committees on Appropriations of the Senate and the House of Representatives pursuant to section 220 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$13,397,000, to remain available until September 30, 2022.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve; operations and maintenance of the Coast Guard Reserve Program; personnel and training costs; and equipment and services; \$114,875,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for acquisition, construction, renovation, and improvement of aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), vessels, and aircraft, including equipment related thereto, \$2,694,745,000; of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which \$2,573,000,000 shall be available until September 30, 2022, of which \$95,000,000 shall be immediately available and allotted to contract for long lead time materials for the eleventh National Security Cutter notwithstanding the availability of funds for production or post-production costs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses of the Coast Guard for research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; \$29,141,000, to remain available until September 30, 2020, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,676,117,000, to remain available until expended.

UNITED STATES SECRET SERVICE OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652

vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; \$1,915,794,000; of which \$39,692,000 shall remain available until September 30, 2019, of which \$6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which \$9,866,000 shall be for premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as amended by the Secret Service Recruitment and Retention Act of 2018: *Provided*, That not to exceed \$19,125 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, \$90,480,000, to remain available until September 30, 2020.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, \$250,000, to remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS

SEC. 201. (a) For fiscal year 2018, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$45,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

(b) None of the funds made available by this Act for the following accounts shall be available to compensate any employee for overtime in an annual amount in excess of \$45,000:

(1) "U.S. Immigration and Customs Enforcement—Operations and Support", except that the Secretary of Homeland Security, or the designee of the Secretary, may waive such amount as necessary for national security purposes and in cases of immigration emergencies.

(2) "United States Secret Service—Operations and Support", except that the Secretary of Homeland Security, or the designee of the Secretary, may waive such amount as necessary for national security purposes.

SEC. 202. Funding made available under the heading "U.S. Customs and Border Protection—Operations and Support" and "U.S.

Customs and Border Protection—Procurement, Construction, and Improvements" shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico in addition to funding provided by 48 U.S.C. 740.

SEC. 203. Hereafter, no U.S. Customs and Border Protection aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security without prior notice to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 204. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112-42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 205. For an additional amount for "U.S. Customs and Border Protection—Operations and Support", \$31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2018 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114-25), or other such authorizing language: *Provided*, That to the extent that amounts realized from such collections exceed \$31,000,000, those amounts in excess of \$31,000,000 shall be credited to this appropriation, to remain available until expended.

SEC. 206. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 207. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel inspection laws pursuant to section 501(b) of title 46, United States Code, for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure

of the House of Representatives within 2 business days of any request for waivers of navigation and vessel inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

SEC. 208. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) In this section, the term "border crossing fee" means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 209. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to "U.S. Immigration and Customs Enforcement—Operations and Support" as necessary to ensure the detention of aliens prioritized for removal.

SEC. 210. None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

SEC. 211. None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system.

SEC. 212. The Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives that (a) identifies any instance during fiscal year 2017 or 2018 in which payments have been made by U.S. Immigration and Customs Enforcement, or employees of U.S. Immigration and Customs Enforcement have erroneously entered into financial obligations, for activities in violation of subpart D of part 550 of title 5, Code of Federal Regulations; (b) includes specific actions the Office of the Chief Financial Officer and the Office of the Principal Legal Advisor will take to improve agency-wide understanding of such subpart D; and (c) includes a certification by the Director of U.S. Immigration and Customs Enforcement that the Office of the Chief Financial Officer and the Office of the Principal Legal Advisor have developed a plan and implemented training necessary for strengthening internal controls necessary to avoid violations of such subpart D.

SEC. 213. (a) Notwithstanding any other provision of law, for employees of U.S. Immigration and Customs Enforcement and their dependents eligible for Payments During Evacuation in accordance with title 5, Code of Federal Regulations, part 550, from August 23, 2017, through December 1, 2017, as a result of Hurricanes Harvey, Irma, and Maria, the requirement of section 550.405(b)(2) of such title to reduce subsistence expenses to 60 percent of the applicable rate shall not apply.

(b) The Secretary of Homeland Security may authorize reimbursement for lodging, meals, and incidental expenses for such employees and their dependents using the actual expense method set forth in subpart D

of part 301–11 of title 41, Code of Federal Regulations, subject to the cap of 300 percent of the applicable maximum per diem rate, as provided in such section.

SEC. 214. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SEC. 215. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

SEC. 216. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2018, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

SEC. 217. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

SEC. 218. None of the funds made available by this Act under the heading “Coast Guard—Operating Expenses” shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading “Coast Guard—Operating Expenses”: *Provided*, That to the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

SEC. 219. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to \$10,000,000 may be reprogrammed to or from the Military Pay and Allowances funding category within “Coast Guard—Operating Expenses” in accordance with subsection (a) of section 503 of this Act.

SEC. 220. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives a future-years capital investment plan as described in the second proviso under the heading “Coast Guard—Acquisition, Construction, and Improvements” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114-4), which shall be subject to the requirements in the third and fourth provisos under such heading.

SEC. 221. None of the funds in this Act shall be used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 222. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A-76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 223. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 224. Funds made available for Overseas Contingency Operations/Global War on Terrorism under the heading “Coast Guard—Operating Expenses” may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 225. Section 423 of title 14, United States Code, is amended by inserting after subsection (c) the following:

“(d) In addition to amounts computed pursuant to subsections (a) through (c) of this section, a full TSP member (as defined in section 8440e(a) of title 5) of the Coast Guard is entitled to continuation pay pursuant to section 356 of title 37.”.

SEC. 226. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading “United States Secret Service—Operations and Support” at the end of the fiscal year.

SEC. 227. None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

SEC. 228. For purposes of section 503(a)(3) of this Act, up to \$15,000,000 may be reprogrammed within “United States Secret Service—Operations and Support”.

SEC. 229. Funding made available in this Act for “United States Secret Service—Operations and Support” is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

SEC. 230. (a) Of the amount made available in this Act under “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”, \$1,571,000,000 shall be available only as follows:

(1) \$251,000,000 for approximately 14 miles of secondary fencing, all of which provides for cross-barrier visual situational awareness, along the southwest border in the San Diego Sector;

(2) \$445,000,000 for 25 miles of primary pedestrian levee fencing along the southwest border in the Rio Grande Valley Sector;

(3) \$196,000,000 for primary pedestrian fencing along the southwest border in the Rio Grande Valley Sector;

(4) \$445,000,000 for replacement of existing primary pedestrian fencing along the southwest border;

(5) \$38,000,000 for border barrier planning and design; and

(6) \$196,000,000 for acquisition and deployment of border security technology.

(b) The amounts designated in subsection (a)(2) through (a)(4) shall only be available for operationally effective designs deployed as of the date of the Consolidated Appropriations Act, 2017, (Public Law 115-31), such as currently deployed steel bollard designs, that prioritize agent safety.

(c) None of the funds provided in this or any other Act shall be obligated for construction of a border barrier in the Santa Ana National Wildlife Refuge.

SEC. 231. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a risk-based plan for improving security along the borders of the United States, including the use of personnel, fencing, other forms of tactical infrastructure, and technology, to include—

(1) A statement of goals, objectives, activities, and milestones for the plan.

(2) A detailed implementation schedule for the plan with estimates for the planned obligation of funds for fiscal years 2019 through 2027 that are linked to the milestone-based delivery of specific—

(A) capabilities and services;

(B) mission benefits and outcomes;

(C) program management capabilities; and

(D) lifecycle cost estimates.

(3) A description of the manner in which specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs.

(4) An identification of the planned locations, quantities, and types of resources, such as fencing, other physical barriers, or other tactical infrastructure and technology, under the plan.

(5) A description of the methodology and analyses used to select specific resources for deployment to particular locations under the plan that includes—

(A) analyses of alternatives, including comparative costs and benefits;

(B) an assessment of effects on communities and property owners near areas of infrastructure deployment; and

(C) a description of other factors critical to the decision-making process.

(6) An identification of staffing requirements under the plan, including full-time equivalents, contractors, and detailed personnel, by activity.

(7) A description of performance metrics for the plan for assessing and reporting on the contributions of border security capabilities realized from current and future investments.

(8) A description of the status of the actions of the Department of Homeland Security to address open recommendations by the Office of Inspector General and the Government Accountability Office relating to border security, including plans, schedules, and associated milestones for fully addressing such recommendations.

(9) A plan to consult State and local elected officials on the eminent domain and construction process relating to physical barriers;

(10) An analysis, following consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, of the environmental impacts, including on wildlife, of the construction and

placement of physical barriers planned along the Southwest border, including in the Santa Ana National Wildlife Refuge; and

(11) Certifications by the Under Secretary of Homeland Security for Management, that—

(A) the plan has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A-11, part 7; and

(B) all activities under the plan comply with Federal acquisition rules, requirements, guidelines, and practices.

(b) The Secretary shall concurrently submit the plan required in subsection (a) to the Comptroller General of the United States, who shall evaluate the plan and report to the Committees on Appropriations of the Senate and the House of Representatives on the strengths and weaknesses of such plan not later than 120 days after receiving such plan.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the National Protection and Programs Directorate for operations and support, \$1,482,165,000, of which \$8,912,000 shall remain available until September 30, 2019: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the National Protection and Programs Directorate for procurement, construction, and improvements, \$414,111,000, to remain available until September 30, 2019.

RESEARCH AND DEVELOPMENT

For necessary expenses of the National Protection and Programs Directorate for research and development, \$15,126,000, to remain available until September 30, 2019.

OFFICE OF HEALTH AFFAIRS

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Health Affairs for operations and support, \$121,569,000, of which \$14,020,000 shall remain available until September 30, 2019.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, \$1,030,135,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, \$85,276,000, to remain available until September 30, 2019.

FEDERAL ASSISTANCE

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities,

\$3,293,932,000, which shall be allocated as follows:

(1) \$507,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which \$85,000,000 shall be for Operation Stonegarden, and \$10,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under such 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2018, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) \$630,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which \$50,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$100,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which \$10,000,000 shall be for Amtrak security and \$2,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) \$100,000,000 for Port Security Grants in accordance with section 70107 of title 46, United States Code.

(5) \$700,000,000, to remain available until September 30, 2019, of which \$350,000,000 shall be for Assistance to Firefighter Grants and \$350,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(6) \$350,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) \$249,200,000 for the National Predisaster Mitigation Fund under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), to remain available until expended.

(8) \$262,531,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(9) \$120,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(10) \$275,201,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$7,900,720,000, to remain available until expended, of which \$7,366,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113-89; 128 Stat. 1020), \$203,500,000, to remain available until September 30, 2019, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which \$13,573,000 shall be available for mission support associated with flood management; and of which \$189,927,000 shall be available for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2018, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) \$165,224,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) \$1,123,000,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) \$175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017): *Provided further*, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e), and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That up to \$5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

SEC. 301. Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under “Federal Emergency Management Agency—Federal Assistance”, may be used by the grantee for expenses directly related to administration of the grant.

SEC. 302. Applications for grants under the heading “Federal Emergency Management

Agency—Federal Assistance”, for paragraphs (1) through (4), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

SEC. 303. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) through (4), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award.

SEC. 304. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

SEC. 305. Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading “Federal Emergency Management Agency—Federal Assistance” for grants under paragraph (1) in this Act, or under the heading “Federal Emergency Management Agency—State and Local Programs” in Public Law 114-4, division F of Public Law 113-76, or division D of Public Law 113-6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred between January 1, 2014, and December 31, 2014, or during the award period of performance.

SEC. 306. The reporting requirements in paragraphs (1) and (2) under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114-4) shall be applied in fiscal year 2018 with respect to budget year 2019 and current fiscal year 2018, respectively—

(1) in paragraph (1) by substituting “fiscal year 2019” for “fiscal year 2016”; and

(2) in paragraph (2) by inserting “business” after “fifth”.

SEC. 307. In making grants under the heading “Firefighter Assistance Grants”, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 308. The aggregate charges assessed during fiscal year 2018, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2018, and remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support of the E-Verify Program, \$108,856,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Citizenship and Immigration Services for procurement, construction, and improvements of the E-Verify Program, \$22,657,000, to remain available until September 30, 2020.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, \$254,000,000, of which \$62,701,000 shall remain available until September 30, 2019: *Provided*, That not to exceed \$7,180 shall be for official reception and representation expenses.

SCIENCE AND TECHNOLOGY DIRECTORATE OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, \$331,113,000, of which \$196,361,000 shall remain available until September 30, 2019: *Provided*, That not to exceed \$7,650 shall be for official reception and representation expenses.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, \$509,830,000, to remain available until September 30, 2020.

DOMESTIC NUCLEAR DETECTION OFFICE OPERATIONS AND SUPPORT

For necessary expenses of the Domestic Nuclear Detection Office for operations and support, \$54,664,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Domestic Nuclear Detection Office for procurement, construction, and improvements, \$89,096,000, to remain available until September 30, 2020.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Domestic Nuclear Detection Office for research and development, \$145,661,000, to remain available until September 30, 2020.

FEDERAL ASSISTANCE

For necessary expenses of the Domestic Nuclear Detection Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, \$46,019,000, to remain available until September 30, 2020.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided*, That the Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds made available in this Act may be used by U.S. Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by U.S. Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 403. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 404. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, up to \$10,000,000 may be allocated by U.S. Citizenship and Immigration Services in fiscal year 2018 for the purpose of providing an Immigrant Integration grants program.

(b) None of the funds made available to U.S. Citizenship and Immigration Services for grants for immigrant integration under subsection (a) may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 405. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

SEC. 406. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 407. (a) There is to be established a “Federal Law Enforcement Training Centers—Procurement, Construction, and Improvements” appropriations account for planning, operational development, engineering, and purchases prior to sustainment and for information technology-related procurement, construction, and improvements, including non-tangible assets of the Federal Law Enforcement Training Centers.

(b) The Director of the Federal Law Enforcement Training Centers may accept transfers to the account established by subsection (a) from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law Enforcement Training Centers maintain administrative control and ownership upon completion of such facilities.

SEC. 408. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2018 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(c) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in subsections (a), (b), (c), and (d) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

(f) Notwithstanding subsection (c), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 5 days in advance of such transfer.

SEC. 504. Section 504 of the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115-31), related to

the operations of a working capital fund, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2018, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2019, from appropriations for "Operations and Support" and for "Coast Guard—Operating Expenses", and salaries and expenses for "Coast Guard—Acquisition, Construction, and Improvements" and "Coast Guard—Reserve Training" for fiscal year 2018 in this Act shall remain available through September 30, 2019, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2018 until the enactment of an Act authorizing intelligence activities for fiscal year 2018.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

(1) making or awarding a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) awarding a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Department of Homeland Security funds;

(3) making a sole-source grant award; or

(4) announcing publicly the intention to make or award items under paragraph (1), (2), or (3), including a contract covered by the Federal Acquisition Regulation.

(b) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(c) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be

used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act: *Provided*, That for purposes of the preceding sentence, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. Section 519 of division F of Public Law 114-113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 514. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

SEC. 515. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 516. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 517. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 518. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

SEC. 519. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 520. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 521. Hereafter, in developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews'

privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 523. (a) For an additional amount for financial systems modernization, \$41,800,000, to remain available until September 30, 2019.

(b) Funds made available in subsection (a) for financial systems modernization may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 524. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 525. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 526. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations: *Provided further*, That the total cost to the Department of Homeland Security of any such conference shall not exceed \$500,000.

SEC. 527. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 528. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time positions or costs more than \$5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 529. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

SEC. 530. (a) Funding provided in this Act for "Operations and Support" and funding provided in this Act for "Coast Guard—Operating Expenses" may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), "minor" refers to end items with a unit cost of \$250,000 or less for personal property, and \$2,000,000 or less for real property.

SEC. 531. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 532. For fiscal year 2018, the Secretary of Homeland Security may provide, out of discretionary funds available to the Department of Homeland Security, for the primary and secondary schooling of dependents of Department of Homeland Security personnel who are stationed outside the continental United States and for the transportation of such dependents in the same manner and to the same extent that, pursuant to section 544 of title 14, United States Code, the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of, and the transportation of, dependents of Coast Guard personnel stationed outside the continental United States: *Provided*, That no amounts may be provided from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That no amounts may be provided from amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 533. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2019 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives specific reductions in proposed discretionary budget authority commensurate with the revenues assumed in such proposals in the event that they are not enacted prior to October 1, 2018.

SEC. 534. (a) For an additional amount for "Federal Emergency Management Agency—Federal Assistance", \$41,000,000, to remain available until September 30, 2019, exclusively for providing reimbursement of ex-

traordinary law enforcement personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.

(b) Funds under subsection (a) shall be available only for costs that a State or local agency—

(1) incurs on or after October 1, 2017, and before October 1, 2018;

(2) can demonstrate to the Administrator as being—

(A) in excess of the costs of normal and typical law enforcement operations;

(B) directly attributable to the provision of protection described herein; and

(C) associated with a non-governmental property designated or identified to be secured by the United States Secret Service pursuant to section 3 or section 4 of the Presidential Protection Assistance Act of 1976 (Public Law 94-524); and

(3) certifies to the Administrator as being for protection activities requested by the Director of the United States Secret Service.

(c) For purposes of subsection (a), a designation or identification of a property to be secured under subsection (b)(2)(C) made after incurring otherwise eligible costs shall apply retroactively to October 1, 2017.

(d) The Administrator may establish written criteria consistent with subsections (a) and (b).

(e) None of the funds provided shall be for hiring new or additional personnel.

(f) The Inspector General of the Department of Homeland Security shall audit reimbursements made under this section.

SEC. 535. (a) The Secretary of Homeland Security may include in the President's budget proposal for Coast Guard for fiscal year 2019, submitted pursuant to section 1105(a) of title 31, United States Code, and accompanying justification materials, an account structure established by section 563 of Division F of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

(b) Not earlier than October 1, 2018, the accounts designated under subsection (a) may be established, and the Secretary of Homeland Security may execute appropriations of the Department as provided pursuant to such subsection, including any continuing appropriations made available for fiscal year 2019 before enactment of a regular appropriations Act.

(c) Notwithstanding any other provision of law, the Secretary of Homeland Security may transfer any appropriation made available to the Department of Homeland Security by any appropriations Acts to the accounts created pursuant to subsection (b) to carry out the requirements of such subsection, and shall notify the Committees on Appropriations of the Senate and the House of Representatives within 5 days of each transfer.

(d)(1) Not later than November 1, 2018, the Secretary of Homeland Security shall establish the preliminary baseline for application of reprogramming and transfer authorities and submit the report specified in paragraph (2) to the Committees on Appropriations of the Senate and the House of Representatives.

(2) The report required in this subsection shall include—

(A) a delineation of the amount and account of each transfer made pursuant to subsection (b) or (c);

(B) a table for each appropriation with a separate column to display the President's budget proposal, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, adjustments made pursuant to the transfer authority in subsection (b) or (c), and the fiscal year level;

(C) a delineation in the table for each appropriation, adjusted as described in paragraph (2), both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(D) an identification of funds directed for a specific activity.

(e) The Secretary shall not exercise the authority provided in subsections (b), (c), and (d) unless, not later than June 1, 2018, the Chief Financial Officer has submitted to the Committees on Appropriations of the Senate and the House of Representatives—

(1) technical assistance on new legislative language in the account structure under subsection (a); and

(2) comparison tables of fiscal years 2017, 2018, and 2019 in the account structure under subsection (a).

SEC. 536. (a) None of the funds appropriated by this or previous appropriations Acts or otherwise made available to the Department of Homeland Security may be used to establish accounts in the Treasury of the United States for the Countering Weapons of Mass Destruction Office or the Cybersecurity and Infrastructure Security Agency until Congress has enacted a law that specifically authorizes such Office or Agency and such authorization identifies the functions that are authorized to be transferred to such Office or Agency.

(b) Subject to the limitation in subsection (a), if Congress enacts a law on or after the date of enactment of this Act that specifically authorizes the Countering Weapons of Mass Destruction Office or the Cybersecurity and Infrastructure Security Agency and such authorization identifies the functions that are authorized to be transferred to such Office or Agency, the Secretary of Homeland Security may—

(1) not earlier than October 1, 2018, establish accounts in the Treasury of the United States necessary to carry out the functions of the Office or Agency as authorized;

(2) execute appropriations of the Department of Homeland Security as provided in subparagraph (1), including any continuing appropriations made available for fiscal year 2019, before enactment of a regular appropriations Act; and

(3) transfer any funds made available to the Department of Homeland Security by any appropriations Acts to the accounts created in subparagraph (1) for functions that are authorized to be transferred to such Office or Agency and to be used for the purpose of executing authorization of such Office or Agency.

(c) The authority provided in subsection (b)(3) shall only be available if the Secretary has notified the Committees on Appropriations of the Senate and the House of Representatives at least 15 days in advance of each such transfer.

SEC. 537. Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111-281; 124 Stat. 2950), as amended, shall be applied in subsection (b) by substituting “September 30, 2018” for “September 30, 2017”.

SEC. 538. (a) Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall be applied—

(1) In subsection (a), by substituting “September 30, 2018,” for “September 30, 2017,”; and

(2) In subsection (c)(1), by substituting “September 30, 2018,” for “September 30, 2017”.

(b) The Secretary of Homeland Security, under the authority of section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)), may carry out prototype projects under section 2371b of title 10, United States Code, and the Secretary shall perform the functions of the Secretary of Defense as prescribed.

(c) The Secretary of Homeland Security under section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(d)) may use the definition of nontraditional government contractor as defined in section 2371b(e) of title 10, United States Code.

(RESCISSIONS)

SEC. 539. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177):

(1) \$44,557,000 from Public Law 115-31 under the heading “Transportation Security Administration—Operations and Support”;

(2) \$1,785,697 from Public Law 108-334 under the heading “Coast Guard—Alteration of Bridges”;

(3) \$1,920,100 from Public Law 109-90 under the heading “Coast Guard—Alteration of Bridges”;

(4) \$1,791,454 from Public Law 109-295 under the heading “Coast Guard—Alteration of Bridges”;

(5) \$3,221,594 from Public Law 110-161 under the heading “Coast Guard—Alteration of Bridges”;

(6) \$3,680,885 from Public Law 111-83 under the heading “Coast Guard—Alteration of Bridges”;

(7) \$25,000,000 from Public Law 114-113 under the heading “Coast Guard—Acquisition, Construction, and Improvements”;

(8) \$2,000,000 from Public Law 114-113 under the heading “Science and Technology—Research, Development, Acquisition, and Operations”;

(9) \$2,000,000 from Public Law 115-31 under the heading “Science and Technology Directorate—Operations and Support” account 70 1718 0800;

(10) \$6,000,000 from Public Law 115-31 under the heading “Science and Technology Directorate—Research and Development”; and

(11) \$4,307,000 from Public Law 115-31 under the heading “Intelligence, Analysis, and Operations Coordination—Operations and Support”.

(RESCISSIONS)

SEC. 540. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) \$66,024 from “Coast Guard—Acquisition, Construction, and Improvements” account 70x0613;

(2) \$2,400 from “Transportation Security Administration—Salaries and Expenses” account 70x0508; and

(3) \$31,948 from “U.S. Customs and Border Protection” account 70x0503.

(RESCISSIONS)

SEC. 541. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2017 (Public Law 115-31) are rescinded:

(1) \$2,941,804 from “U.S. Customs and Border Protection—Operations and Support”;

(2) \$24,337,865 from “Coast Guard—Operating Expenses”;

(3) \$260,584 from “Coast Guard—Reserve Training”;

(4) \$308,974 from “Coast Guard—Acquisition, Construction, and Improvements”;

(5) \$106,894 from “Federal Emergency Management Agency—Operations and Support”; and

(6) \$23,938 from “Office of Health Affairs—Operations and Support”.

(RESCISSION)

SEC. 542. From the unobligated balances available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code (added by section 638 of Public Law 102-393), \$364,162,000 shall be permanently rescinded not later than September 30, 2018.

SEC. 543. Notwithstanding section 5170c(b)(2)(B)(ii) of title 42, United States Code, the Administrator of the Federal Emergency Management Agency shall allow flood protection systems constructed in 2016 on property acquired with hazard mitigation assistance provided under section 5170c of title 42, United States Code, in an inadvertent violation of the terms and conditions of such assistance to remain in place on such property: *Provided*, That no new or additional structure may be erected on the property unless the new or additional structure complies with section 5170c(b)(2)(B)(ii) of title 42, United States Code: *Provided further*, That this provision does not otherwise excuse compliance with all other applicable laws including statutes, executive orders, regulations, and program and grant legal requirements pertaining to the floodwall structure or the acquired property.

SEC. 544. Section 545 of title V of division F of the Consolidated Appropriations Act, 2017, as added by section 20607 of title VI of subdivision 1 of division B of the Bipartisan Budget Act of 2018, is amended to read as follows:

“SEC. 545. (a) PREMIUM PAY AUTHORITY.—During calendar year 2017, any premium pay that is funded, either directly or through reimbursement, by the ‘Federal Emergency Management Agency—Disaster Relief Fund’ shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

“(b) OVERTIME AUTHORITY.—During calendar year 2017, any overtime pay that is funded, either directly or through reimbursement, by the ‘Federal Emergency Management Agency—Disaster Relief Fund’ and that is payable under an authority outside of title 5, United States Code, shall be exempted from any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

“(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether an employee’s aggregate pay exceeds the applicable annual rate of basic pay payable under section 5307 of title 5, United States Code, the head of an Executive agency shall not include pay exempted under this section.

“(d) LIMITATION OF PAY AUTHORITY.—

“(1) Pay exempted from otherwise applicable limits under subsection (a) or (b) shall not cause the aggregate of basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

“(2) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, ‘premium pay’ means the premium pay paid under the provisions of law cited in section 5547(a).

“(3) For purposes of applying this subsection to an employee under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

“(e) EFFECTIVE DATE.—This section shall take effect as if enacted on December 31, 2016.

“(f) TREATMENT OF ADDITIONAL PAY.—If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

“(1) be considered to be basic pay of the covered employee for any purpose; or

“(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.”.

This division may be cited as the “Department of Homeland Security Appropriations Act, 2018”.

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96-487 (16 U.S.C. 3150(a)), \$1,183,043,000, to remain available until expended, including all such amounts as are collected from permit processing fees, as authorized but made subject to future appropriation by section 35(d)(3)(A)(i) of the Mineral Leasing Act (30 U.S.C. 191), except that amounts from permit processing fees may be used for any bureau-related expenses associated with the processing of oil and gas applications for permits to drill and related use of authorizations.

In addition, \$39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2018, so as to result in a final appropriation estimated at not more than \$1,183,043,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$24,916,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant

lands; \$106,985,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94-579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection,

and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: *Provided*, That notwithstanding Public Law 90-620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,279,002,000, to remain available until September 30, 2019: *Provided*, That not to exceed \$18,818,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)).

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; \$66,540,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$63,839,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding section 200306 of title 54, United States Code, not more than \$10,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed \$320,000 for administrative expenses: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973

(16 U.S.C. 1535), \$53,495,000, to remain available until expended, of which \$33,857,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which \$19,638,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), \$40,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), \$3,910,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), \$11,061,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$63,571,000, to remain available until expended: *Provided*, That of the amount provided herein, \$4,209,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That \$6,362,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting \$10,571,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the

total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2018 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2019, shall be reapportioned, together with funds appropriated in 2020, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading "United States Fish and Wildlife Service—Resource Management" and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, \$2,477,969,000, of which \$10,032,000 for planning and interagency coordination in support of Everglades restoration and \$134,461,000 for maintenance, repair, or rehabilitation projects for constructed assets shall remain available until September 30, 2019: *Provided*, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95-348.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$63,638,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), \$96,910,000, to be derived from the His-

toric Preservation Fund and to remain available until September 30, 2019, of which \$13,000,000 shall be for Save America's Treasures grants for preservation of national significant sites, structures and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): *Provided*, That an individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That of the funds provided for the Historic Preservation Fund, \$500,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently under-represented, as determined by the Secretary, \$13,000,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement, \$5,000,000 is for grants to Historically Black Colleges and Universities, and \$5,000,000 is for competitive grants for the restoration of historic properties of national, State and local significance listed on or eligible for inclusion on the National Register of Historic Places, to be made without imposing the usage or direct grant restrictions of section 101(e)(3) (54 U.S.C. 302904) of the National Historical Preservation Act: *Provided further*, That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code, to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and non-profit organizations.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and compliance and planning for programs and areas administered by the National Park Service, \$359,704,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, for any project initially funded in fiscal year 2018 with a future phase indicated in the National Park Service 5-Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232-18: *Provided further*, That National Park Service Donations, Park Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$180,941,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$124,006,000 is for the State assistance program and of which \$10,000,000 shall be for the American Battlefield Protection Program grants as authorized by chapter 3081 of title 54, United States Code.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, \$23,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,148,457,000, to remain available until September 30, 2019; of which \$78,537,000 shall remain available until expended for satellite operations; and of which \$15,164,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: *Provided*, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations, observation wells, and seismic equipment; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$171,000,000, of which \$114,166,000 is to remain available until September 30, 2019, and of which \$56,834,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2018 appropriation estimated at not more than \$114,166,000: *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided

by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$136,411,000, of which \$108,540,000 is to remain available until September 30, 2019, and of which \$27,871,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2018 appropriation estimated at not more than \$108,540,000.

For an additional amount, \$50,000,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2018, as provided in this Act: *Provided*, That to the extent that amounts realized from such inspection fees exceed \$50,000,000, the amounts realized in excess of \$50,000,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That for fiscal year 2018, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, \$115,804,000, to remain available until September 30, 2019: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95-87 (30 U.S.C. 1257), \$40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2018 appropriation estimated at not more than \$115,804,000.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87,

\$24,672,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, \$115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, \$75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, \$30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: *Provided further*, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF
INDIAN EDUCATION
OPERATION OF INDIAN PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), \$2,411,200,000, to remain available until September 30, 2019, except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$76,000,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster:

Provided further, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed \$673,425,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2018, and shall remain available until September 30, 2019: *Provided further*, That not to exceed \$53,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed \$81,036,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2018: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2019, may be transferred during fiscal year 2020 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2020: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel: *Provided further*, That the Bureau of Indian Affairs may accept transfers of funds from U.S. Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1).

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs for fiscal year 2018, such sums as may be necessary, which shall be available for obligation through September 30, 2019: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483; \$354,113,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2018, in im-

plementing new construction, replacement facilities construction, or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in part 12 of title 43, Code of Federal Regulations, as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of title 43, Code of Federal Regulations; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by section 1125(b) of title XI of Public Law 95-561 (25 U.S.C. 2005(b)), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in section 5206(f) of Public Law 100-297 (25 U.S.C. 2504(f)): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in section 5208(e) of Public Law 107-110 (25 U.S.C. 2507(e)): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS
AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 111-11, 111-291, and 114-322, and for implementation of other land and water rights settlements, \$55,457,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$9,272,000, of which \$1,252,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$123,565,389.

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding Public Law 87-279 (25 U.S.C. 15), the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and

Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand the elementary grade structure for Bureau-funded schools with a K-2 grade structure on October 1, 1996. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of

September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards, and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided*, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further*, That the term "satellite school" means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

Of the prior year unobligated balances available for the "Operation of Indian Programs" account, \$8,000,000 are permanently rescinded.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For necessary expenses for management of the Department of the Interior and for grants and cooperative agreements, as authorized by law, \$124,182,000, to remain available until September 30, 2019; of which not to exceed \$15,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which \$10,242,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

For fiscal year 2018, up to \$400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided*, That the amounts provided under this Act specifically for the Payments in Lieu of Taxes program are the only amounts available for payments authorized under chapter 69 of title 31, United States Code: *Provided further*, That in the event the sums appropriated for any fiscal year for payments pursuant to this chapter are insufficient to make the full payments authorized by that chapter to all units of local government, then the payment to each local government shall be made proportionally: *Provided further*, That the Secretary may make adjustments to payment to individual units of local government to correct for prior overpayments or underpayments: *Provided further*, That no payment shall be made pursuant to that chapter to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public

Law 108-188, \$96,870,000, of which: (1) \$87,422,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands, as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands, as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$9,448,000 shall be available until September 30, 2019, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$3,363,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the

types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR
SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$66,675,000.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$51,023,000.

OFFICE OF THE SPECIAL TRUSTEE FOR
AMERICAN INDIANS

FEDERAL TRUST PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$119,400,000, to remain available until expended, of which not to exceed \$18,990,000 from this or any other Act, may be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs and Bureau of Indian Education, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2018, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of \$15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than \$500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: *Provided further*, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103-412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least five years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further*, That with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

DEPARTMENT-WIDE PROGRAMS
WILDLAND FIRE MANAGEMENT
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department of the Interior, \$948,087,000, to remain available until expended, of which not to exceed \$18,427,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That of the funds provided \$184,000,000 is for fuels management activities: *Provided further*, That of the funds provided \$20,470,000 is for burned area rehabilitation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management activities, and for training and monitoring associated with such fuels management activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management activities, may obtain maximum practicable competition among: (1) local private, non-profit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture

may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), \$10,010,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT
AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., \$7,767,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, \$62,370,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That the

Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

OFFICE OF NATURAL RESOURCES REVENUE

For necessary expenses for management of the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, \$137,757,000, to remain available until September 30, 2019; of which \$41,727,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided*, That notwithstanding any other provision of law, \$15,000 shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106-224 (7 U.S.C. 717(b)); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assump-

tion of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, with such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire suppression" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2018. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transpor-

tation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2018, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the "Offshore Safety and Environmental Enforcement" account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2018 shall be:

(1) \$10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) \$17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) \$31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2018. Fees for fiscal year 2018 shall be:

(1) \$30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) \$16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION

SEC. 108. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 109. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

MASS MARKING OF SALMONIDS

SEC. 110. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from

federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

EXHAUSTION OF ADMINISTRATIVE REVIEW

SEC. 111. Paragraph (1) of section 122(a) of division E of Public Law 112-74 (125 Stat. 1013) is amended by striking “through 2020,” in the first sentence and inserting “through 2022.”.

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 112. Notwithstanding any other provision of law, during fiscal year 2018, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

HUMANE TRANSFER OF EXCESS ANIMALS

SEC. 113. Notwithstanding any other provision of law, the Secretary of the Interior may transfer excess wild horses or burros that have been removed from the public lands to other Federal, State, and local government agencies for use as work animals: *Provided*, That the Secretary may make any such transfer immediately upon request of such Federal, State, or local government agency: *Provided further*, That any excess animal transferred under this provision shall lose its status as a wild free-roaming horse or burro as defined in the Wild Free-Roaming Horses and Burros Act: *Provided further*, That any Federal, State, or local government agency receiving excess wild horses or burros as authorized in this section shall not: destroy the horses or burros in a way that results in their destruction into commercial products; sell or otherwise transfer the horses or burros in a way that results in their destruction for processing into commercial products; or euthanize the horses or burros except upon the recommendation of a licensed veterinarian, in cases of severe injury, illness, or advanced age.

REPUBLIC OF PALAU

SEC. 114. There is appropriated \$123,824,000 for an additional amount for “Compact of Free Association”, which shall remain available until expended for use in meeting the financial obligations of the Government of the United States under the Agreement between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, signed on September 3, 2010, with the funding schedule therein modified by the Parties as necessary and appropriate (“Compact Review Agreement”): *Provided*, That funds may not be made available under this section prior to the Compact Review Agreement and its appendices entering into force.

DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

SEC. 115. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a lay-off status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

JAY S. HAMMOND WILDERNESS

SEC. 116. (a) DESIGNATION.—The approximately 2,600,000 acres of National Wilderness Preservation System land located within the Lake Clark National Park and Preserve designated by section 701(6) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1132 note; Public Law 96-487) shall be known and designated as the “Jay S. Hammond Wilderness”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness area referred to in subsection (a) shall be deemed to be a reference to the “Jay S. Hammond Wilderness”.

EXTENSION OF AUTHORITIES

SEC. 117. (a) Division II of Public Law 104-333 (54 U.S.C. 320101 note), as amended by section 116(b)(2) of Public Law 114-113, is amended in each of sections 203, 310, and 607, by striking “2017” and inserting “2019”.

(b) Section 140(j) of the Department of the Interior and Related Agencies Appropriations Act, 2004 (54 U.S.C. 320101 note; Public Law 108-108; 117 Stat. 1280) is amended by striking “15 years” and inserting “17 years”.

PAYMENTS IN LIEU OF TAXES (PILT)

SEC. 118. Section 6906 of title 31, United States Code, is amended by striking “each of fiscal years 2008 through 2014” and inserting “fiscal year 2018”.

MORRISTOWN NATIONAL HISTORICAL PARK

SEC. 119. The first section of the Act entitled “An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes”, approved September 18, 1964 (16 U.S.C. 409g), is amended—

(1) by inserting “, from a willing owner only,” after “the Secretary of the Interior is authorized to procure”; and

(2) by striking “615” each place it appears and inserting “715”.

SAGE-GROUSE

SEC. 120. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

(1) a proposed rule for greater sage-grouse (*Centrocercus urophasianus*);

(2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

INCORPORATION BY REFERENCE

SEC. 121. (a) The following provisions of S. 1460 (Energy and Natural Resources Act of 2017) of the 115th Congress, as placed on the calendar of the Senate on June 29, 2017, are hereby enacted into law:

(1) Section 7130 (Modification of the Second Division Memorial).

(2) Section 7134 (Ste. Genevieve National Historical Park).

(b) 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 Redesignation Act) are hereby enacted into law.

(c) In publishing this Act in slip form and in the United States Statutes at large pursu-

ant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the sections of the bill and the bills referred to in subsections (a) and (b), respectively.

MINERAL WITHDRAWAL SUBJECT TO VALID EXISTING RIGHTS

SEC. 122. (a) The mineral estate identified in Bureau of Land Management contracts number CA 20139 and CA 22901 is hereby withdrawn from all forms of mineral entry authority of the Secretary, subject to valid existing rights.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$713,823,000, to remain available until September 30, 2019: *Provided*, That of the funds included under this heading, \$4,100,000 shall be for Research: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of unobligated balances from appropriations made available under this heading, \$7,350,000 are permanently rescinded: *Provided further*, That no amounts may be rescinded pursuant to the preceding proviso from amounts made available in the first proviso for Research: National Priorities.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed \$19,000 for official reception and representation expenses, \$2,643,299,000, to remain available until September 30, 2019: *Provided*, That of the funds included under this heading, \$12,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds included under this heading, \$447,857,000 shall be for Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the unobligated balances from appropriations made available under this heading, \$45,300,000 are permanently rescinded: *Provided further*, That no amounts may be rescinded pursuant to the preceding proviso from amounts made available in the first proviso for Environmental Protection: National Priorities, from amounts made available in the second proviso for Geographic Programs, or from the National Estuary Program (33 U.S.C. 1330).

In addition, \$10,000,000 to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to that section of that Act and deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2018 shall be retained and used for necessary salaries and expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated in this paragraph from the general fund for fiscal year 2018 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2018, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than \$0: *Provided further*, That to the extent that amounts realized from such receipts exceed \$10,000,000, those amount in excess of \$10,000,000 shall be deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2018, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the funds included in the first paragraph under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, \$3,674,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections under such section 3024 are received during fiscal year 2018, which shall remain available until expended and be used for necessary expenses in this appropriation, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than \$0: *Provided further*, That to the extent such offsetting collections received in fiscal year 2018 exceed \$3,674,000, those excess amounts shall remain available until expended and be used for necessary expenses in this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$41,489,000, to remain available until September 30, 2019.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$34,467,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,091,947,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2017, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,091,947,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as

authorized by section 517(b) of SARA: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$8,778,000 shall be paid to the “Office of Inspector General” appropriation to remain available until September 30, 2019, and \$15,496,000 shall be paid to the “Science and Technology” appropriation to remain available until September 30, 2019.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, \$91,941,000, to remain available until expended, of which \$66,572,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; \$25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, \$18,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,562,161,000, to remain available until expended, of which—

(1) \$1,393,887,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which \$863,233,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That for fiscal year 2018, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That for fiscal year 2018, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2018 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately

from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2018, notwithstanding the provisions of subsections (g)(1), (h), and (l) of section 201 of the Federal Water Pollution Control Act, grants made under title II of such Act for American Samoa, Guam, the commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2018, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2018, notwithstanding any provision of the Federal Water Pollution Control Act and regulations issued pursuant thereof, up to a total of \$2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of such Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act: *Provided further*, That for fiscal year 2018, funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages as defined in Public Law 92-203: *Provided further*, That for fiscal year 2018, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or \$30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or \$20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2018, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2018, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That 10 percent of the funds

made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;

(2) \$10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: *Provided*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) \$20,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) \$80,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided*, That not more than 25 percent of the amount appropriated to carry out section 104(k) of CERCLA shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II) of CERCLA: *Provided*

further, That at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided further*, That 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 most recent Small Area Income and Poverty Estimates;

(5) \$75,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) \$40,000,000 shall be for targeted airshed grants in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(7) \$4,000,000 shall be to carry out the water quality program authorized in section 5004(d) of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322); and

(8) \$1,076,041,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which: \$47,745,000 shall be for carrying out section 128 of CERCLA; \$9,646,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; \$1,498,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; \$17,848,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs; \$10,000,000 shall be for multipurpose grants, including interagency agreements: *Provided*, That hereafter, notwithstanding other applicable provisions of law, the funds appropriated for the Indian Environmental General Assistance Program shall be available to federally recognized tribes for solid waste and recovered materials collection, transportation, backhaul, and disposal services.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, \$5,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed \$610,000,000.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan

programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, \$5,000,000, to remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS— ENVIRONMENTAL PROTECTION AGENCY (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For fiscal year 2018, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency’s function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 112-177, the Pesticide Registration Improvement Extension Act of 2012.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w-8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w-8) for fiscal year 2018.

The Administrator is authorized to transfer up to \$300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading “Environmental Programs and Management” to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities, provided that the cost does not exceed \$150,000 per project.

For fiscal year 2018, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

The Administrator is authorized to use the amounts appropriated under the heading “Environmental Programs and Management” for fiscal year 2018 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Of the unobligated balances available for the “State and Tribal Assistance Grants” account, \$96,198,000 are hereby permanently rescinded: *Provided*, That no amounts may be

rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 or from amounts that were made available by subsection (a) of section 196 of the Continuing Appropriations Act, 2017 (division C of Public Law 114-223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114-254).

Notwithstanding the limitations on amounts in section 320(i)(2)(B) of the Federal Water Pollution Control Act, not less than \$1,000,000 of the funds made available under this title for the National Estuary Program shall be for making competitive awards described in section 320(g)(4).

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$875,000: *Provided*, That funds made available by this Act to any agency in the Natural Resources and Environment mission area for salaries and expenses are available to fund up to one administrative support staff for the office.

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$297,000,000, to remain available through September 30, 2021: *Provided*, That of the funds provided, \$77,000,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY (INCLUDING RESCISSION OF FUNDS)

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, and conducting an international program as authorized, \$335,525,000, to remain available through September 30, 2021, as authorized by law; of which \$67,025,000 is to be derived from the Land and Water Conservation Fund to be used for the Forest Legacy Program, to remain available until expended.

Of the unobligated balances from amounts made available for the Forest Legacy Program and derived from the Land and Water Conservation Fund, \$5,938,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects that had funds returned: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for hazardous fuels management on or adjacent to such lands, \$1,923,750,000, to remain available through September 30, 2021: *Provided*, That of the funds provided, \$40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That of the funds provided, \$366,000,000 shall be for forest products: *Provided further*, That of the funds provided, \$430,000,000 shall be for hazardous fuels management activities, of which not to exceed \$15,000,000 may be used to make

grants, using any authorities available to the Forest Service under the "State and Private Forestry" appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That \$15,000,000 may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities, and for training or monitoring associated with such hazardous fuels management activities on Federal land, or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forestry Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the "State and Private Forestry" appropriations: *Provided further*, That notwithstanding section 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred. And, that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary.

CAPITAL IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$449,000,000, to remain available through September 30, 2021, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 2018 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$64,337,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California; and the Ozark-St. Francis and Ouachita National Forests, Arkansas; as authorized by law, \$850,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, coun-

ty, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2021, (16 U.S.C. 516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and Public Law 78-310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, to remain available through September 30, 2021, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$45,000, to remain available through September 30, 2021, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUSTISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), \$2,500,000, to remain available through September 30, 2021.

WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency wildland fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, \$2,880,338,000, to remain available through September 30, 2021: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That any unobligated funds appropriated in a previous fiscal year for hazardous fuels management may be transferred to the "National Forest System" account: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That funds provided shall be available for support to Federal emergency response: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That funds designated for wildfire suppression, shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: *Provided further*, That the \$65,000,000 made available under this heading in the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) for the purpose of acquiring aircraft for the next-generation airtanker fleet shall instead be available until expended for the purpose of enhancing firefighting mobility, effectiveness, efficiency, and safety.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE
(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the heading "Wildland Fire Management" will be obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Not more than \$50,000,000 of funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior for wildland fire management, hazardous fuels management, and State fire assistance when such transfers would facilitate and expedite wildland fire management programs and projects.

Notwithstanding any other provision of this Act, the Forest Service may transfer unobligated balances of discretionary funds appropriated to the Forest Service by this Act to or within the National Forest System Account, or reprogram funds to be used for the purposes of hazardous fuels management and urgent rehabilitation of burned-over National Forest System lands and water, such transferred funds shall remain available through September 30, 2021: *Provided*, That none of the funds transferred pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That this section does not apply to funds appropriated to the FLAME Wildfire Suppression Reserve Fund or funds derived from the Land and Water Conservation Fund.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements

with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106-224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107-171 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Not more than \$82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center and the Department of Agriculture's International Technology Service.

Of the funds available to the Forest Service, up to \$5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match funds made available by the Forest Service on at least a one-for-one basis: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98-244, up to \$3,000,000 of the funds available to the Forest Service may be advanced to

the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

The Forest Service shall not assess funds for the purpose of performing fire, administrative, and other facilities maintenance and decommissioning.

Notwithstanding any other provision of law, of any appropriations or funds available to the Forest Service, not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar matters unrelated to civil litigation. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the sums requested for transfer.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of this Act, through the Office of Budget and Program Analysis, the Forest Service shall report no later than 30 business days following the close of each fiscal quarter all current and prior year unobligated balances, by fiscal year, budget line item and account, to the House and Senate Committees on Appropriations.

The Forest Service shall submit, through the Office of Budget and Program Analysis, to the Office of Management and Budget a proposed system of administrative control of funds for its accounts, as described in 31 U.S.C. 1514, not later than June 21, 2018.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

INDIAN HEALTH SERVICE
INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,952,290,000, together with payments received during the fiscal year pursuant to sections 231(b) and 233 of the Public Health Service Act (42 U.S.C. 238(b), 238b), for services furnished by the Indian Health Service: *Provided*, That funds

made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$2,000,000 shall be available for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: *Provided further*, That \$962,695,000 for Purchased/Referred Care, including \$53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That of the funds provided, up to \$36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That of the funds provided, \$11,000,000 shall remain available until expended to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service, and \$58,000,000 shall be for costs related to or resulting from accreditation emergencies, of which up to \$4,000,000 may be used to supplement amounts otherwise available for Purchased/Referred Care: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of that Act (25 U.S.C. 1616a-1) and shall remain available until expended and, notwithstanding section 108A(c) of that Act (25 U.S.C. 1616a-1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided further*, That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for the housing subsidy authority for civilian employees, for aftercare pilot programs at Youth Regional Treatment Centers, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for annual contracts and grants for which the performance period falls within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be

reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, and from tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): *Provided further*, That of the funds provided, \$72,280,000 is for the Indian Health Care Improvement Fund and may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That the accreditation emergency funds may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2018, such sums as may be necessary: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$867,504,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed \$500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$2,700,000 from this account and the "Indian Health Services" account may be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for

services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary of Health and Human Services; uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121, the Indian Sanitation Facilities Act and Public Law 93-638: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5321 et seq. (title I), 5381 et seq. (title V)), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: *Provided further*, That reimbursements for

training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead costs associated with the provision of goods, services, or technical assistance: *Provided further*, That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ENVIRONMENTAL
HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$77,349,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE
REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL
PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, \$74,691,000: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2018, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY AND
OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,000,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION
BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the

Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$11,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN
RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$15,431,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716).

INSTITUTE OF AMERICAN INDIAN AND ALASKA
NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by part A of title XV of Public Law 99–498 (20 U.S.C. 4411 et seq.), \$9,835,000, which shall become available on July 1, 2018, and shall remain available until September 30, 2019.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$731,444,000, to remain available until September 30, 2019,

except as otherwise provided herein; of which not to exceed \$6,908,000 for the instrumentation program, collections acquisition, exhibition reinstallation, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$311,903,000, to remain available until expended, of which not to exceed \$10,000 shall be for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART
SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$141,790,000, to remain available until September 30, 2019, of which not to exceed \$3,620,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, \$24,203,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE
PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$23,740,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$16,775,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$12,000,000, to remain available until September 30, 2019.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$152,849,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$152,848,000 to remain available until expended, of which \$141,548,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$11,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including \$9,100,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS
SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, \$2,762,000: *Provided*, That the

Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study, or education: *Provided further*, That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), \$2,750,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665), \$6,400,000.

NATIONAL CAPITAL PLANNING COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, \$8,099,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$59,000,000, of which \$1,715,000 shall remain available until September 30, 2020, for the Museum's equipment replacement program; and of which \$4,000,000 for the Museum's repair and rehabilitation program and \$1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Dwight D. Eisenhower Memorial Commission, \$1,800,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106-79, \$45,000,000, to remain available until expended: *Provided*, That the contract with respect to the procurement shall contain the "availability of funds" clause described in section 52.232.18 of title 48, Code of Federal Regulations: *Provided further*, That the funds appropriated herein shall be deemed to satisfy the criteria for issuing a permit contained in 40 U.S.C. 8906(a)(4) and (b).

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Women's Suffrage Centennial Commission, as authorized by the Women's Suffrage Centennial Commission Act (section 431(a)(3) of division G of Public Law 115-31), \$1,000,000, to remain available until expended.

WORLD WAR I CENTENNIAL COMMISSION
SALARIES AND EXPENSES

Notwithstanding section 9 of the World War I Centennial Commission Act, as au-

thorized by the World War I Centennial Commission Act (Public Law 112-272) and the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), for necessary expenses of the World War I Centennial Commission, \$7,000,000, to remain available until expended: *Provided*, That in addition to the authority provided by section 6(g) of such Act, the World War I Commission may accept money, in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2019, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by

the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2018.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2018 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2018 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2018 with the Bureau of Indian Affairs or the Indian Health Service: *Provided*, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of section 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

SEC. 410. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is

deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

PROHIBITION ON NO-BID CONTRACTS

SEC. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 412. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 413. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 414. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and the Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 415. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

PROHIBITION ON USE OF FUNDS

SEC. 416. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 417. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of

greenhouse gas emissions from manure management systems.

FUNDING PROHIBITION

SEC. 418. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

CONTRACTING AUTHORITIES

SEC. 419. Section 412 of Division E of Public Law 112-74 is amended by striking “fiscal year 2017” and inserting “fiscal year 2019”.

CHESAPEAKE BAY INITIATIVE

SEC. 420. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105-312; 16 U.S.C. 461 note) is amended by striking “2017” and inserting “2019”.

EXTENSION OF GRAZING PERMITS

SEC. 421. The terms and conditions of section 325 of Public Law 108-108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2018.

FUNDING PROHIBITION

SEC. 422. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT ACT

SEC. 423. Section 503(f) of the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109-54) is amended by striking “2016” and inserting “2018”.

USE OF AMERICAN IRON AND STEEL

SEC. 424. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel” products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and

information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

MIDWAY ISLAND

SEC. 425. None of the funds made available by this Act may be used to destroy any buildings or structures on Midway Island that have been recommended by the United States Navy for inclusion in the National Register of Historic Places (54 U.S.C. 302101).

JOHN F. KENNEDY CENTER REAUTHORIZATION

SEC. 426. Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H), \$23,740,000 for fiscal year 2018.

“(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1), \$16,775,000 for fiscal year 2018.”.

LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES

SEC. 427. The Secretary of the Interior is authorized to enter into grants and cooperative agreements with volunteer fire departments, rural fire departments, rangeland fire protection associations, and similar organizations to provide for wildland fire training and equipment, including supplies and communication devices. Notwithstanding 121(c) of title 40, United States Code, or section 521 of title 40, United States Code, the Secretary is further authorized to transfer title to excess Department of the Interior firefighting equipment no longer needed to carry out the functions of the Department's wildland fire management program to such organizations.

ALASKA NATIVE REGIONAL HEALTH ENTITIES

SEC. 428. Section 424 of the Consolidated Appropriations Act, 2014 (Public Law 113-76) is amended by striking “2018” and inserting “2019”.

TREATMENT OF CERTAIN HOSPITALS

SEC. 429. Section 1886(d)(12)(C) of the Social Security Act (42 U.S.C. 1395ww(d)(12)(C)) is amended by adding at the end the following new clause:

“(iii) TREATMENT OF INDIAN HEALTH SERVICE AND NON-INDIAN HEALTH SERVICE FACILITIES.—For purposes of determining whether—

“(I) a subsection (d) hospital of the Indian Health Service (whether operated by such Service or by an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act)), or

“(II) a subsection (d) hospital other than a hospital of the Indian Health Service meets the mileage criterion under clause (i) with respect to fiscal year 2011 or a succeeding fiscal year, the Secretary shall apply the policy described in the regulation at part 412.101(e) of title 42, Code of Federal Regulations (as in effect on the date of enactment of this clause).”.

INFRASTRUCTURE

SEC. 430. (a) For an additional amount for “Environmental Protection Agency—Hazardous Substance Superfund”, \$63,000,000, of which \$54,389,000 shall be for the Superfund Remedial program and \$8,611,000 shall be for the Superfund Emergency Response and Removal program, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2017, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$63,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA.

(b) For an additional amount for “Environmental Protection Agency—State and Tribal Assistance Grants,” for environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$650,000,000 to remain available until expended, of which—

(1) \$300,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which \$300,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act;

(2) \$20,000,000 shall be for grants for small and disadvantaged communities authorized in section 2104 of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322);

(3) \$20,000,000 shall be for grants for lead testing in school and child care program drinking water authorized in section 2107 of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322);

(4) \$10,000,000 shall be for grants for reducing lead in drinking water authorized in section 2105 of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322).

(c) For an additional amount for “Environmental Protection Agency—Water Infrastructure Finance and Innovation Program Account”, \$53,000,000, to remain available until expended, for the cost of direct loans, for the cost of guaranteed loans, and for administrative expenses to carry out the direct and guaranteed loan programs, of which \$3,000,000, to remain available until September 30, 2019, may be used for such administrative expenses: *Provided*, That these additional funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed \$6,100,000,000.

POLICIES RELATING TO BIOMASS ENERGY

SEC. 431. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use.

(B) encourage private investment throughout the forest biomass supply chain, including in—

- (i) working forests;
- (ii) harvesting operations;
- (iii) forest improvement operations;
- (iv) forest bioenergy production;
- (v) wood products manufacturing; or
- (vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

CLARIFICATION OF EXEMPTIONS

SEC. 432. None of the funds made available in this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

SMALL REMOTE INCINERATORS

SEC. 433. None of the funds made available in this Act may be used to implement or enforce the regulation issued on March 21, 2011 at 40 CFR part 60 subparts CCCC and DDDD with respect to units in the State of Alaska that are defined as “small, remote incinerator” units in those regulations and, until a subsequent regulation is issued, the Administrator shall implement the law and regulations in effect prior to such date.

This division may be cited as the “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

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as “WIOA”), the Second Chance Act of 2007, and the National Apprenticeship Act, \$3,486,200,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,789,832,000 as follows:

(A) \$845,556,000 for adult employment and training activities, of which \$133,556,000 shall be available for the period July 1, 2018 through June 30, 2019, and of which \$712,000,000 shall be available for the period October 1, 2018 through June 30, 2019;

(B) \$903,416,000 for youth activities, which shall be available for the period April 1, 2018 through June 30, 2019; and

(C) \$1,040,860,000 for dislocated worker employment and training activities, of which \$180,860,000 shall be available for the period July 1, 2018 through June 30, 2019, and of which \$860,000,000 shall be available for the period October 1, 2018 through June 30, 2019: *Provided*, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act; and

(2) for national programs, \$696,368,000 as follows:

(A) \$220,859,000 for the dislocated workers assistance national reserve, of which \$20,859,000 shall be available for the period July 1, 2018 through September 30, 2019, and of which \$200,000,000 shall be available for the period October 1, 2018 through September 30, 2019: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for

statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as “Secretary”) may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That of the funds provided under this subparagraph, \$30,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of the WIOA for workers in the Appalachian region, as defined by 40 U.S.C. 14102(a)(1) and workers in the Lower Mississippi, as defined in section 4(2) of the Delta Development Act (Public Law 100-460, 102 Stat. 2246; 7 U.S.C. 2009aa(2));

(B) \$54,000,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2018 through June 30, 2019;

(C) \$87,896,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including \$81,447,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$5,922,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$527,000 for other discretionary purposes, which shall be available for the period July 1, 2018 through June 30, 2019: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) \$89,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2018 through June 30, 2019;

(E) \$93,079,000 for ex-offender activities, under the authority of section 169 of the WIOA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2018 through June 30, 2019: *Provided*, That of this amount, \$25,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

(F) \$6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2018 through June 30, 2019; and

(G) \$145,000,000 to expand opportunities relating to apprenticeship programs registered under the National Apprenticeship Act, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, which shall be available for the period April 1, 2018 through June 30, 2019.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative ex-

penses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, \$1,718,655,000, plus reimbursements, as follows:

(1) \$1,603,325,000 for Job Corps Operations, which shall be available for the period July 1, 2018 through June 30, 2019;

(2) \$83,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2018 through June 30, 2021, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding provision shall not be available for obligation after June 30, 2019: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

(3) \$32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2017 through September 30, 2018:

Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as “OAA”), \$400,000,000, which shall be available for the period April 1, 2018 through June 30, 2019, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2018 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, \$790,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2018: *Provided*, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$84,066,000, together with not to exceed \$3,380,625,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“the Trust Fund”), of which:

(1) \$2,639,600,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than \$120,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and to provide reemployment services and referrals to

training as appropriate, for claimants of unemployment insurance for ex-service members under 5 U.S.C. 8521 et. seq. and for claimants of regular unemployment compensation, including those who are profiled as most likely to exhaust their benefits in each State: *Provided*, That such activities shall not be subject to section 306 of the Social Security Act; and \$9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, and shall be available for obligation by the States through December 31, 2018, except that funds used for automation shall be available for Federal obligation through December 31, 2018, and for State obligation through September 30, 2020, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2023, and for expenditure through September 30, 2024, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2018, and for obligation by the States through September 30, 2020, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2019, and funds used for unemployment insurance workloads experienced through September 30, 2018 shall be available for Federal obligation through December 31, 2018;

(2) \$13,897,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$645,000,000 from the Trust Fund, together with \$21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2018 through June 30, 2019;

(4) \$19,818,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) \$62,310,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which \$48,028,000 shall be available for the Federal administration of such activities, and \$14,282,000 shall be available for grants to States for the administration of such activities; and

(6) \$62,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2018 through June 30, 2019:

Provided, That to the extent that the Average Weekly Insured Unemployment (“AWIU”) for fiscal year 2018 is projected by the Department of Labor to exceed 2,246,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including

a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the final rule entitled “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” at part 200 of title 2, Code of Federal Regulations: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2019, for such purposes.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for non-repayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust

Fund as authorized by 5 U.S.C. 8509, and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2019.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$108,674,000, together with not to exceed \$49,982,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$181,000,000, of which up to \$3,000,000 shall be made available through September 30, 2019, for the procurement of expert witnesses for enforcement litigation.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (“Corporation”) is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2018, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2018 shall be available for obligations for administrative expenses in excess of \$424,417,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2018, an amount not to exceed an additional \$9,200,000 shall be available through September 30, 2019, for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$227,500,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, \$40,187,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, \$103,476,000.

OFFICE OF WORKERS’ COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers’ Compensation Programs, \$115,424,000, together with \$2,177,000 which may be expended from the Special Fund in

accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS
(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$220,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2017, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2018: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$71,188,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, \$24,540,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$22,968,000;

(3) For periodic roll disability management and medical review, \$21,946,000;

(4) For program integrity, \$1,734,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, \$54,319,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2019,

\$15,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$59,846,000, to remain available until expended: *Provided*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (the "Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2018 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$38,246,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed \$31,994,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$330,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$552,787,000, including not to exceed \$100,850,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2018, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days

Away, Restricted, or Transferred ("DART") occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That \$10,537,000 shall be available for Susan Harwood training grants, of which the Secretary shall reserve not less than \$4,500,000 for Susan Harwood Training Capacity Building Developmental grants, as described in Funding Opportunity Number SHTG-GY-16-02 (referenced in the notice of availability of funds published in the Federal Register on May 3, 2016 (81 Fed. Reg. 30568)) for program activities starting not later than September 30, 2018 and lasting for a period of 12 months: *Provided further*, That not less than \$3,500,000 shall be for Voluntary Protection Programs.

MINE SAFETY AND HEALTH ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$373,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities and not less than \$10,537,000 for State assistance grants: *Provided*, That amounts available for State assistance grants may be used for the purchase and maintenance of new equipment required by the final rule entitled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors" published by the Department of Labor in the Federal Register on May 1, 2014 (79 Fed. Reg. 24813 et seq.), for operators that demonstrate financial need as determined by the Secretary: *Provided further*, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines,

and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$547,000,000, together with not to exceed \$65,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$38,203,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, \$337,536,000, together with not to exceed \$308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That \$59,825,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2018: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not more than \$53,825,000 shall be for programs to combat exploitative child labor internationally and not less than \$6,000,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That \$8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2019: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in

the Department for such purpose: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further*, That of the amounts made available to the Women's Bureau, \$994,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$245,041,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which:

(1) \$180,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans' outreach program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for obligation by the States through December 31, 2018, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) \$19,500,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) \$42,127,000 is for Federal administration of chapters 41, 42, and 43 of title 38, United States Code; and

(4) \$3,414,000 is for the National Veterans' Employment and Training Services Institute under 38 U.S.C. 4109:

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, \$50,000,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2018, to provide services under such section: *Provided further*, That services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness.

In addition, fees may be assessed and deposited in the HIRE Vets Medallion Award Fund pursuant to section 5(b) of the HIRE Vets Act, as amended herein, and such amounts shall be available to the Secretary to carry out the HIRE Vets Medallion Award Program, as authorized by such Act, and shall remain available until expended: *Provided*, That such sums shall be in addition to any other funds available for such purposes,

including funds available under paragraph (3) of this heading: *Provided further*, That section 2(d) of division O of the Consolidated Appropriations Act, 2017 (Public Law 115-31; 38 U.S.C. 4100 note) shall not apply.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, \$20,769,000, which shall be available through September 30, 2019.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$83,487,000, together with not to exceed \$5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including

the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to “Program Administration” when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to “Program Administration” in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: *Provided*, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the “Office of Job Corps” account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: *Provided further*, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2019.

(TRANSFER OF FUNDS)

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to “Departmental Management” for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2019: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: “Training and Employment Services”, “Job Corps”, “Community Service Employment for Older Americans”, “State Unemployment Insurance and Employment Service Operations”, “Employee Benefits Security Administration”, “Office of Workers’ Compensation Programs”, “Wage and Hour Division”, “Office of Federal Contract Compliance Programs”, “Office of Labor Management Standards”, “Occupational Safety and Health Administration”, “Mine Safety and Health Administration”, “Office of Disability Employment Policy”, funding made available to the “Bureau of International Labor Affairs” and “Women’s Bureau” within the “Departmental Management, Salaries and Expenses” account, and “Veterans Employment and Training”.

SEC. 108. Notwithstanding any other provision of law, beginning October 1, 2017, the Secretary of Labor, in consultation with the Secretary of Agriculture may select an entity to operate a Civilian Conservation Center on a competitive basis in accordance with section 147 of the WIOA, if the Secretary of Labor determines such Center has had consistently low performance under the per-

formance accountability system in effect for the Job Corps program prior to July 1, 2016, or with respect to expected levels of performance established under section 159(c) of such Act beginning July 1, 2016.

SEC. 109. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:

“(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

“(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

“(B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

“(C) whose duties include any of the following:

“(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

“(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

“(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

“(iv) negotiating settlements; or

“(v) making recommendations regarding litigation.

“(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

“(3) For purposes of this subsection—

“(A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department;

“(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

“(C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”.

(b) This section shall be effective on the date of enactment of this Act.

(RESCISSION)

SEC. 110. Of the funds made available under the heading “Employment and Training Administration—Training and Employment Services” in division H of Public Law 115-31, \$12,500,000 is rescinded, to be derived from the amount made available in paragraph (2)(A) under such heading for the period October 1, 2017, through September 30, 2018.

SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H-2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H-2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer’s place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H-2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H-2B NONIMMIGRANTS DEFINED.—In this section, the term “H-2B nonimmigrants” means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

SEC. 112. The determination of prevailing wage for the purposes of the H-2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H-2B nonimmigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H-2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

SEC. 113. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H-2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(i)(B).

SEC. 114. Notwithstanding any other provision of law, the Secretary may furnish through grants, cooperative agreements, contracts, and other arrangements, up to \$2,000,000 of excess personal property to apprenticeship programs for the purpose of training apprentices in those programs.

SEC. 115. The proviso at the end of paragraph (1) under the heading “Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations” in title I

of division G of Public Law 113-235 shall be applied in fiscal year 2018 by substituting “seven” for “six”.

SEC. 116. Section 5(b) of the HIRE Vets Act (division O of Public Law 115-31) is amended to read as follows:

“(b) To the extent provided in advance in appropriations Acts, the Secretary may assess a reasonable fee on employers that apply for receipt of a HIRE Vets Medallion Award and the Secretary shall deposit such fees into the HIRE Vets Medallion Award Fund. The Secretary shall establish the amount of the fee such that the amounts collected as fees and deposited into the Fund are sufficient to cover the costs associated with carrying out this division.”.

SEC. 117. (a) The Act entitled “An Act to create a Department of Labor”, approved March 4, 1913 (37 Stat. 736, chapter 141) shall be applied as if the following text is part of such Act:

“SEC. 12. SECURITY DETAIL.

“(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

“(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

“(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

“(3) provide continuous protection to the Secretary (including during periods not described in paragraph (1)) and to the members of the immediate family of the Secretary if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

“(4) provide protection to the Deputy Secretary of Labor or another senior officer representing the Secretary of Labor at a public event if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary.

“(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent employed under subsection (a), for the purpose of performing the duties authorized under subsection (a), to—

“(1) carry firearms;

“(2) make arrests without a warrant for any offense against the United States committed in the presence of such officer or special agent;

“(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

“(4) coordinate with local law enforcement agencies; and

“(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor.

“(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

“(1) guidelines issued by the Attorney General; and

“(2) guidelines prescribed by the Secretary of Labor.”.

(b) This section shall be effective on the date of enactment of this Act.

SEC. 118. The Secretary is authorized to dispose of or divest, by any means the Secretary determines appropriate, including an agreement or partnership to construct a new

Job Corps center, all or a portion of the real property on which the Treasure Island Job Corps Center is situated. Any sale or other disposition will not be subject to any requirement of any Federal law or regulation relating to the disposition of Federal real property, including but not limited to Subchapter III of Chapter 5 of Title 40 of the United States Code and Subchapter V of Chapter 119 of Title 42 of the United States Code. The net proceeds of such a sale shall be transferred to the Secretary, which shall be available until expended to carry out the Job Corps Program.

This title may be cited as the “Department of Labor Appropriations Act, 2018”.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the “PHS Act”) with respect to primary health care and the Native Hawaiian Health Care Act of 1988, \$1,626,522,000: *Provided*, That no more than \$1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than \$114,893,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law: *Provided further*, That the ninth provisos under the heading “Department of Health and Human Services—Health Resources and Services Administration—Health Resources and Services” in Public Laws 104-208 and 105-78 are amended by striking “\$80,000,000” and inserting “\$152,700,000” in each such ninth proviso and by adding at the end of each such ninth proviso the following new proviso: “*Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974”: *Provided further*, That of funds provided for the Health Centers program, as defined by section 330 of the PHS Act, by this Act or any other Act for fiscal year 2018, not less than \$200,000,000 shall be obligated in fiscal year 2018 for improving quality of care or expanded service grants under section 330 of the PHS Act to support and enhance behavioral health, mental health, or substance use disorder services.

Of the funds made available under this heading, \$20,000,000 shall remain available until expended for the cost of guaranteed loans, as authorized under part A of title XVI of the PHS Act, for non-Federal lenders for the construction, renovation, and modernization of medical facilities that are operated by health centers: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$743,494,000.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, \$1,060,695,000, of which \$111,916,000 shall remain available through September 30, 2019 to carry out sections 755 and 756 of the PHS Act: *Provided*, That sections 747(c)(2), 751(j)(2), 762(k), and the proportional funding amounts in para-

graphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds shall be available for section 340G-1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections: *Provided further*, That \$105,000,000 shall remain available until expended, for the purposes of providing primary health services, be used to assign National Health Service Corps (“NHSC”) members to expand the delivery of substance use disorder treatment services, notwithstanding the assignment priorities and limitations in or under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and to make NHSC Loan Repayment Program awards under section 338B of such Act: *Provided further*, That for purposes of the previous proviso, section 331(a)(3)(D) of the PHS Act shall be applied as if the term “primary health services” includes clinical substance use disorder treatment services, including those provided by masters level, licensed substance use disorder treatment counselors.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, \$886,789,000, of which \$10,000,000 shall remain available through September 30, 2022 to carry out section 330M of the PHS Act: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than \$83,593,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, \$2,318,781,000, of which \$1,970,881,000 shall remain available to the Secretary through September 30, 2020, for parts A and B of title XXVI of the PHS Act, and of which not less than \$900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, \$111,693,000, of which \$122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen’s Disease Center.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health

and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, \$290,794,000, of which \$49,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, \$15,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to \$1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, \$10,000,000 shall be available for State Offices of Rural Health: *Provided further*, That \$15,000,000 shall remain available through September 30, 2020 to support the Rural Residency Development Program: *Provided further*, That \$100,000,000 shall remain available through September 30, 2022, for the Rural Communities Opioids Response Program.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, \$286,479,000: *Provided*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, \$155,000,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Primary Health Care", "Health Workforce", "Maternal and Child Health", "Ryan White HIV/AIDS Program", "Health Care Systems", and "Rural Health".

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the "Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$9,200,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, \$474,055,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted

diseases, and tuberculosis prevention, \$1,127,278,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, \$562,572,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, \$915,346,000: *Provided*, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds made available under this heading, \$15,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, \$140,560,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, \$490,397,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, \$188,750,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, \$648,559,000, of which \$475,579,000 shall remain available until September 30, 2019 for an evidence-based opioid drug overdose prevention program.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, \$335,200,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106-554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, \$488,621,000, of which (1) \$128,421,000 shall remain available through September 30, 2019 for international HIV/AIDS and (2) \$50,000,000 shall remain available through September 30, 2020 for Global Disease Detection and Emergency Response: *Provided*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health

preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, \$1,450,000,000, of which \$610,000,000 shall remain available until expended for the Strategic National Stockpile: *Provided*, That in the event the Director of the Centers for Disease Control and Prevention (referred to in this title as "CDC") activates the Emergency Operations Center, the Director of the CDC may detail CDC staff without reimbursement for up to 90 days to support the work of the CDC Emergency Operations Center, so long as the Director provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, demolition, and renovation of facilities, \$270,000,000, which shall remain available until September 30, 2022, of which \$240,000,000 shall be for a CDC biosafety level 4 laboratory: *Provided*, That in addition to the amount provided, \$240,000,000 shall be for a CDC biosafety level 4 laboratory for the purposes described in the previous proviso and shall be derived by transfer from the Fund established by Public Law 110-161, division G, title II, section 223 and shall remain available until September 30, 2022: *Provided further*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, \$113,570,000: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to \$10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to

the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2019.

NATIONAL INSTITUTES OF HEALTH
NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, \$5,664,800,000, of which up to \$30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,383,201,000.

NATIONAL INSTITUTE OF DENTAL AND
CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, \$447,735,000.

NATIONAL INSTITUTE OF DIABETES AND
DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, \$1,970,797,000.

NATIONAL INSTITUTE OF NEUROLOGICAL
DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, \$2,145,149,000: *Provided*, That \$250,000,000 shall be available until September 30, 2019 for research related to opioid addiction, development of opioid alternatives, pain management, and addiction treatment: *Provided further*, That each for-profit recipient of funds provided in the previous proviso shall be subject to a matching requirement of funds or documented in-kind contributions of not less than 50 percent of the total funds awarded to such entity.

NATIONAL INSTITUTE OF ALLERGY AND
INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, \$5,260,210,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL
SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, \$2,785,400,000, of which \$922,871,000 shall be from funds available under section 241 of the PHS Act: *Provided*, That not less than \$350,575,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE
OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, \$1,452,006,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, \$772,317,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL
HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, \$751,143,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, \$2,574,091,000.

NATIONAL INSTITUTE OF ARTHRITIS AND
MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and

musculoskeletal and skin diseases, \$586,661,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER
COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, \$459,974,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, \$158,033,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, \$509,573,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, \$1,383,603,000: *Provided*, That \$250,000,000 shall be available until September 30, 2019 for research related to opioid addiction, development of opioid alternatives, pain management, and addiction treatment: *Provided further*, That each for-profit recipient of funds provided in the previous proviso shall be subject to a matching requirement of funds or documented in-kind contributions of not less than 50 percent of the total funds awarded to such entity.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, \$1,711,775,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, \$556,881,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING
AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, \$377,871,000.

NATIONAL CENTER FOR COMPLEMENTARY AND
INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, \$142,184,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND
HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, \$303,200,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), \$75,733,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, \$428,553,000: *Provided*, That of the amounts available for improvement of information systems, \$4,000,000 shall be available until September 30, 2019: *Provided further*, That in fiscal year 2018, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as “NIH”).

NATIONAL CENTER FOR ADVANCING
TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, \$742,354,000: *Provided*, That up to \$25,835,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least \$542,771,000 is provided to

the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, \$1,803,293,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That \$165,000,000 shall be for the National Children's Study Follow-on: *Provided further*, That \$588,116,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided, \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, \$12,600,000 is appropriated to the Common Fund for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, \$128,863,000, to remain available through September 30, 2022.

NIH INNOVATION ACCOUNT, CURES ACT

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, \$496,000,000, to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

SUBSTANCE ABUSE AND MENTAL HEALTH
SERVICES ADMINISTRATION
MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, \$1,453,972,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, \$21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5

percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That up to 10 percent of the amounts made available to carry out the Children's Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2018: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That \$100,000,000 shall be available until September 30, 2020 for grants to communities and community organizations who meet criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of Public Law 113-93: *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, \$15,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113-93; 42 U.S.C. 290aa 22 note).

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, \$3,182,306,000: *Provided*, That \$1,000,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x-21 et seq.): *Provided further*, That of such amount \$50,000,000 shall be made available to Indian Tribes or tribal organizations: *Provided further*, That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders: *Provided further*, That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: *Provided further*, That of the amount not reserved by the previous three provisos, the Secretary shall make allocations to States, territories, and the District of Columbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths: *Provided further*, That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 30 days prior to publishing a Funding Opportunity Announcement: *Provided further*, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment: *Provided further*, That each State, as well as the District of Columbia, shall receive not less than \$4,000,000: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data,

data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) \$2,000,000 to evaluate substance abuse treatment programs: *Provided further*, That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, \$248,219,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention" in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, \$128,830,000: *Provided*, That in addition to amounts provided herein, \$31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(m) of the PHS Act shall remain available through September 30, 2019: *Provided further*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention".

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, \$334,000,000: *Provided*, That section 947(c) of the PHS Act shall not apply in fiscal year 2018: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2019.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$284,798,384,000, to remain available until expended.

For making, after May 31, 2018, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2018 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2019, \$134,847,759,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D-16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$323,497,300,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D-16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed \$3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2018 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$745,000,000, to remain available through September 30, 2019, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$500,368,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act, of which \$84,398,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, of which \$84,398,000 shall be for the Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities, and of which \$75,836,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such

Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2018 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, \$311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$434,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act: *Provided further*, That the Secretary shall provide not less than \$17,621,000 for the Senior Medicare Patrol program to combat health care fraud and abuse from the funds provided to this account.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, \$2,995,400,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2019, \$1,400,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, \$3,640,304,000: *Provided*, That all but \$678,500,000 of this amount shall be allocated as though the total appropriation for such payments for fiscal year 2018 was less than \$1,975,000,000: *Provided further*, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than \$2,988,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures and may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as nonprofit organizations.

REFUGEE AND ENTRANT ASSISTANCE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 (“TVPA”), and the Torture Victims Relief Act of 1998, \$1,864,936,000, of which \$1,830,446,000 shall remain available through September 30, 2020 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further*, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting “10 percent” for “3 percent”.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 (“CCDBG

Act”), \$5,226,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That technical assistance under section 6581(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 6580(a) of the CCDBG Act: *Provided further*, That in addition to the amounts required to be reserved by the Secretary under section 6580(a)(2)(A) of such Act, \$156,780,000 shall be for Indian tribes and tribal organizations.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act (“CSBG Act”); and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, the Child Care and Development Block Grant Act of 1990, the Assets for Independence Act, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, \$12,022,225,000, of which \$75,000,000, to remain available through September 30, 2019, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2018: *Provided*, That \$9,863,095,000 shall be for making payments under the Head Start Act: *Provided further*, That of the amount in the previous proviso, \$8,823,095,000 shall be available for payments under section 640 of the Head Start Act, of which \$216,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act: *Provided further*, That notwithstanding such section 640, of the amount in the second preceding proviso, \$260,000,000 (of which up to one percent may be reserved for research and evaluation) shall be available through March 31, 2019 for award by the Secretary to grantees that apply for supplemental funding to increase their hours of program operations and for training and technical assistance for such activities: *Provided further*, That of the amount provided for making payments under the Head Start Act, \$25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Provided further*, That

notwithstanding such section 640, of the amount provided for making payments under the Head Start Act, and in addition to funds otherwise available under such section 640 for such purposes, \$755,000,000 shall be available through March 31, 2019 for Early Head Start programs as described in section 645A of such Act, for conversion of Head Start services to Early Head Start services as described in section 645(a)(5)(A) of such Act, for discretionary grants for high quality infant and toddler care through Early Head Start–Child Care Partnerships, to entities defined as eligible under section 645A(d) of such Act, for training and technical assistance for such activities, and for up to \$16,000,000 in Federal costs of administration and evaluation, and, notwithstanding section 645A(c)(2) of such Act, these funds are available to serve children under age 4: *Provided further*, That funds described in the preceding two provisos shall not be included in the calculation of “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act: *Provided further*, That \$250,000,000 shall be available until December 31, 2018 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further*, That up to 3 percent of the funds in the preceding proviso shall be available for technical assistance and evaluation related to grants awarded under such section 9212: *Provided further*, That \$742,883,000 shall be for making payments under the CSBG Act: *Provided further*, That \$28,233,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than \$19,883,000 shall be for section 680(a)(2) and not less than \$8,000,000 shall be for section 680(a)(3)(B) of such Act: *Provided further*, That, notwithstanding section 675C(a)(3) of such Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$160,000,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which \$5,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: *Provided further*, That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: *Provided further* That \$1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to

\$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, \$345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, \$99,765,000: *Provided*, That of the funds available to carry out section 437, \$59,765,000 shall be allocated consistent with subsections (b) through (d) of such section (as such section shall be so in effect on October 1, 2018): *Provided further*, That of the funds available to carry out section 437, to assist in meeting the requirements described in section 471(e)(4)(C) (as such section shall be so in effect on October 1, 2018), \$20,000,000 shall be for grants to each State, territory, and Indian tribe operating title IV-E plans for developing, enhancing, or evaluating kinship navigator programs, as described in section 427(a)(1) of such Act, and \$20,000,000, in addition to funds otherwise appropriated in section 436 for such purposes, shall be for competitive grants to regional partnerships as described in section 437(f): *Provided further*, That section 437(b)(1) shall be applied to amounts in the previous proviso by substituting "5 percent" for "3.3 percent", and notwithstanding section 436(b)(1), such reserved amounts may be used for identifying, establishing, and disseminating practices to meet the criteria specified in section 471(e)(4)(C) (as such section shall be so in effect on October 1, 2018): *Provided further*, That the reservation in section 437(b)(2) and the limitations in section 437(d) shall not apply to funds specified in the second proviso: *Provided further*, That the minimum grant award for kinship navigator programs in the case of States and territories shall be \$200,000, and, in the case of tribes, shall be \$25,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV-E of the Social Security Act, \$6,225,000,000.

For carrying out, except as otherwise provided, title IV-E of the Social Security Act, for the first quarter of fiscal year 2019, \$2,700,000,000.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV-E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX-B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, \$2,095,100,000, together with \$49,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated

under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That \$2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A))) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$470,629,000, together with \$64,828,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, \$53,900,000 shall be for minority AIDS prevention and treatment activities: *Provided fur-*

ther, That of the funds made available under this heading, \$101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, \$6,800,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this heading, \$25,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

ACCOUNT FOR THE STATE RESPONSE TO THE OPIOID ABUSE CRISIS, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1003(c) of the 21st Century Cures Act, \$500,000,000 to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1003(b)(3) of such Act, are to be derived from amounts transferred under section 1003(b)(2)(A) of such Act, and may be transferred by the Secretary of Health and Human Services to other accounts of the Department solely for the purposes provided in such Act: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for the Office of Medicare Hearings and Appeals, \$182,381,000 shall remain available until September 30, 2019, to be transferred in appropriate part

from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR
HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, \$60,367,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$80,000,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$38,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR
COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, \$993,458,000, of which \$536,700,000 shall remain available through September 30, 2019, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F-2 of the PHS Act: *Provided further*, That \$5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2020.

For expenses necessary for procuring security countermeasures (as defined in section 319F-2(c)(1)(B) of the PHS Act), \$710,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, \$250,000,000; of which \$215,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for

official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the execution of a contract awarded in fiscal year 2018 under section 338B of such Act.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain in-

formation about all Medicare covered services.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2018:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or non-profit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House

of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 215. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds authorized under section 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to or research and activities described in such section 402(b)(12).

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 216. Not to exceed \$45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. (a) The Biomedical Advanced Research and Development Authority ("BARDA") may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F-2(c)(1)(B) of the PHS Act (42 U.S.C. 247d-6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

SEC. 219. (a) The Secretary shall publish in the fiscal year 2020 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

SEC. 220. The Secretary shall publish, as part of the fiscal year 2020 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare and Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2020. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading "Health Insurance Exchange Transparency" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 221. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

SEC. 222. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the "Centers for Medicare and Medicaid Services—Program Management" account, may be used for payments under

section 1342(b)(1) of Public Law 111-148 (relating to risk corridors).

SEC. 223. The Secretary shall include in the fiscal year 2020 budget justification an analysis of how section 2713 of the PHS Act will impact eligibility for discretionary HHS programs.

(TRANSFER OF FUNDS)

SEC. 224. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading "Prevention and Public Health Fund" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

SEC. 225. Effective during the period beginning on November 1, 2015 and ending January 1, 2020, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

SEC. 226. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

SEC. 227. In addition to the amounts otherwise available for "Centers for Medicare and Medicaid Services, Program Management", the Secretary of Health and Human Services may transfer up to \$305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111-148 or Public Law 111-152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

(TRANSFER OF FUNDS)

SEC. 228. The NIH Director may transfer funds specifically appropriated for opioid addiction, opioid alternatives, pain management, and addiction treatment to other Institutes and Centers of the NIH to be used for the same purpose 15 days after notifying the Committees on Appropriations: *Provided*,

That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law.

SEC. 229. None of the funds made available by this Act to carry out the Child Care and Development Block Grant Act of 1990 may be provided to any child care provider if a list of providers (as mentioned in part 98 of title 45 of the Code of Federal Regulations, applicable to the Department of Health and Human Services, Administration of Children and Families, and in the final rule published in the Federal Register, Vol. 81, No. 190, on Sept. 30, 2016) indicates that a serious injury or death occurred at the provider due to a substantiated health or safety violation.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2018”.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), \$16,443,790,000, of which \$5,525,990,000 shall become available on July 1, 2018, and shall remain available through September 30, 2019, and of which \$10,841,177,000 shall become available on October 1, 2018, and shall remain available through September 30, 2019, for academic year 2018–2019: *Provided*, That \$6,459,401,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to \$5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2017, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$3,969,050,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$3,969,050,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That \$217,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further*, That \$44,623,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, \$1,414,112,000, of which \$1,270,242,000 shall be for basic support payments under section 7003(b), \$48,316,000 shall be for payments for children with disabilities under section 7003(d), \$17,406,000 shall be for construction under section 7007(a), \$73,313,000 shall be for Federal property payments under section 7002, and \$4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2017–2018, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,158,467,000, of which \$3,329,902,000 shall become available on July 1, 2018, and remain available through September 30, 2019, and of which \$1,681,441,000 shall become available on October 1, 2018, and shall remain available through September 30, 2019, for academic year 2018–2019: *Provided*, That \$378,000,000 shall be for part B of title I: *Provided further*, That \$1,211,673,000 shall be for part B of title IV: *Provided further*, That \$36,397,000 shall be for part B of title VI and may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That \$35,453,000 shall be for part C of title VI and shall be awarded on a competitive basis, and also may be used for construction: *Provided further*, That \$52,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That \$16,699,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That \$180,840,000 shall be for part B of title V: *Provided further*, That \$1,100,000,000 shall be available for grants under subpart 1 of part A of title IV.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, \$180,239,000, of which \$67,993,000 shall be for subpart 2 of part A of title VI and \$6,865,000 shall be for subpart 3 of part A of title VI.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C, D, and E and subparts 1 and 4 of part F of title IV of the ESEA, \$982,256,000: *Provided*, That \$278,515,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further*, That \$583,741,000 shall be for parts C, D, and E and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further*, That section 4303(d)(3)(A)(i) shall not apply to the funds available for part C of title IV: *Provided further*, That of the funds available for part C of title IV, the Secretary shall use \$50,000,000 to carry out section 4304, of which not more than \$10,000,000 shall be available to carry out section 4304(k), \$120,000,000, to remain available through March 31, 2019, to carry out section 4305(b), and not more than \$14,000,000 to carry out the activities in section 4305(a)(3): *Provided further*, That notwithstanding section 4601(b), \$120,000,000 shall be available through December 31, 2018 for subpart 1 of part F of title IV.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, \$185,754,000: *Provided*, That \$90,000,000 shall be available for section 4631, of which up to \$5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (“Project SERV”) program: *Provided further*, That \$17,500,000 shall be available for section 4625: *Provided further*, That \$78,254,000 shall be available through December 31, 2018, for section 4624: *Provided further*, That section 4623(b) of the ESEA shall apply to funds appropriated for Promise Neighborhoods under this heading in prior appropriations acts: *Provided further*, That, no later than June 1, 2018, the Secretary shall award extension grants under such section on a competitive basis to implementation grantees that have demonstrated the ability to collect, track, and report longitudinal data on performance indicators established by the Department and required to be reported on annually as part of the initial implementation grant; demonstrated the most positive and promising results during their initial implementation grant based on such indicators, emphasizing getting children ready to learn; demonstrated a commitment to operating in the most underserved and under-resourced, including rural, areas; and propose continuing to pursue ambitious goals during an extension of that grant.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$737,400,000, which shall become available on July 1, 2018, and shall remain available through September 30, 2019, except that 6.5 percent of such amount shall be available on October 1, 2017, and shall remain available through September 30, 2019, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, \$13,366,184,000, of which \$3,845,585,000 shall become available on July 1, 2018, and shall remain available through September 30, 2019, and of which \$9,283,383,000 shall become available on October 1, 2018, and shall remain available through September 30, 2019, for academic year 2018–2019: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2017, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2017: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local

educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed five, until the entire reduction is applied: *Provided further*, That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further*, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided further*, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further*, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart.

REHABILITATION SERVICES

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, \$3,587,130,000, of which \$3,452,931,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocation of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at improving the outcomes of individuals with disabilities as defined in section 7(20)(B) of the Rehabilitation Act, including activities aimed at improving the education and post-school outcomes of children receiving Supplemental Security Income ("SSI") and their families that may result in long-term improvement in the SSI child recipient's economic status and self-sufficiency: *Provided further*, That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further*, That any funds made available subsequent to reallocation for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2019.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to promote the Education of the Blind of March 3, 1879, \$27,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$73,000,000: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$128,000,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act ("AEFLA"), \$1,830,686,000, of which \$1,039,686,000 shall become available on July 1, 2018, and shall remain available through September 30, 2019, and of which \$791,000,000 shall become available on October 1, 2018, and shall remain available through September 30, 2019: *Provided*, That of the amounts made available for AEFLA, \$13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, \$24,445,352,000, which shall remain available through September 30, 2019.

The maximum Pell Grant for which a student shall be eligible during award year 2018–2019 shall be \$5,035.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, \$1,678,943,000, to remain available through September 30, 2019: *Provided*, That the Secretary shall allocate new student loan borrower accounts to eligible student loan servicers on the basis of their performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts: *Provided further*, That the Secretary shall, no later than September 30, 2017, allow student loan borrowers who are consolidating Federal student loans to select from any student loan servicer to service their new consolidated student loan under the current student loan servicing contracts: *Provided further*, That in order to promote accountability and high-quality service to borrowers, the Secretary shall not award funding for any contract solicitation for a new Federal student loan servicing environment, including the solicitation for the FSA Next Generation Processing and Servicing Environment as amended by the Department of Education on February 20, 2018, unless such an environment provides for the participation of multiple student loan servicers that contract directly with the Department of Education to manage a unique portfolio of borrower accounts and the full life-cycle of loans from disbursement to pay-off with certain limited excep-

tions, and allocates student loan borrower accounts to eligible student loan servicers based on performance: *Provided further*, That such servicers described in the previous proviso shall be evaluated based on their ability to meet contract requirements, future performance on the contracts, and history of compliance with applicable consumer protections laws: *Provided further*, That to the extent Federal Student Aid (FSA) permits student loan servicing subcontracting, FSA shall hold such subcontractors accountable for meeting the requirements of the contract: *Provided further*, That FSA shall create a fee structure with contractors that provides more support to borrowers at risk of being distressed.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$2,246,551,000: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation.

HOWARD UNIVERSITY

For partial support of Howard University, \$232,518,000, of which not less than \$3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES

LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, \$435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, \$20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2019: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$313,863,000: *Provided further*, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, \$10,000,000 shall be made available to provide for the deferment of loans made under part D of title III of the HEA to eligible institutions that are private Historically Black Colleges and Universities, which apply for the deferment of such a loan and demonstrate financial need for such deferment by having a score of 2.6 or less on the Department of Education's financial responsibility test: *Provided*, That during the

period of deferment of such a loan, interest on the loan will not accrue or be capitalized, and the period of deferment shall be for at least a period of 3-fiscal years and not more than 6-fiscal years: *Provided further*, That when determining priority for such institutions to receive such a deferment, the Secretary shall give priority to institutions that operated in a financial deficit for at least one of the previous 5 years according to audits provided to the Department, or were sanctioned for financial related reasons by the agency or association that accredited such institutions: *Provided further*, That the Secretary shall create and execute an outreach plan to work with States and the Capital Financing Advisory Board to improve outreach to States and help additional public Historically Black Colleges and Universities participate in the program.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$334,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$613,462,000, which shall remain available through September 30, 2019: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to \$6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$430,000,000: *Provided*, That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$117,000,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$61,143,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school

or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting "2018" for "2017".

SEC. 306. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2018, through September 30, 2019.

SEC. 307. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2018 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized.

SEC. 308. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) is amended by striking "2017" and inserting "2018".

SEC. 309. Section 458(a) of the HEA (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking "2017" and inserting "2018".

(RESCISSION)

SEC. 310. Section 401(b)(7)(A)(iv)(VIII) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(VIII)) is amended by striking "\$1,382,000,000" and inserting "\$1,334,000,000".

SEC. 311. (a) Notwithstanding any other provision of law except as provided under subsection (c), with respect to a local educational agency that was notified by the Secretary in fiscal year 2017 of the agency's eligibility to receive a basic support payment pursuant to section 7003(b)(2)(B)(i)(III) of the Elementary and Secondary Education Act of

1965 (20 U.S.C. 7703(b)(2)(B)(i)(III)) for fiscal year 2017 but did not receive a payment under section 7003(b)(2) of such Act for fiscal year 2017, in addition to payments received by the local educational agency under section 7003(b)(1) of such Act, the Secretary shall reserve from funds appropriated to carry out section 7003(b) of such Act and make payments from such funds to such local educational agency for fiscal years 2017, 2018, 2019, and 2020 in the following amounts:

(1) \$3,000,000 for fiscal year 2017.

(2) \$5,000,000 for fiscal year 2018.

(3) \$4,000,000 for fiscal year 2019.

(4) \$4,000,000 for fiscal year 2020.

(b) For fiscal year 2017, a local educational agency described in subsection (a) shall not be eligible for a basic support payment pursuant to section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

(c) For fiscal year 2018 and succeeding fiscal years, if a local educational agency described in subsection (a) is eligible to receive a basic support payment pursuant to section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), the payment received by the local educational agency shall be calculated under section 7003(b)(2) of such Act and not under subsection (a).

(d) Section 7003(b)(2)(B) of the Elementary and Secondary Education Act (20 U.S.C. 7703(b)(2)(B)) is amended—

(1) in clause (i)(III)—

(A) in item (aa), by striking "and" after the semicolon;

(B) in item (bb)(BB)—

(i) by inserting "and received assistance for fiscal year 2017 pursuant to subparagraph (G)" after "not less than 65 percent"; and

(ii) by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(cc) received assistance under subparagraph (A) of section 8003(b)(2), as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1802), for a fiscal year prior to fiscal year 2017"; and

(2) by striking clause (iii) and inserting the following:

"(iii) ELIGIBILITY.—

"(I) FIRST TIME.—A local educational agency seeking a payment under this paragraph for the first time shall apply for and be determined eligible under clause (i) for 2 consecutive years before receiving such a payment, and shall not receive such a payment for the first year of eligibility.

"(II) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made."

(e) Section 579(c)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2145) is amended, in the matter preceding subparagraph (A), by striking "for fiscal year 2017, 2018, or 2019," and inserting "for fiscal year 2017 and any succeeding fiscal year."

SEC. 312. For the purpose of providing temporary emergency impact aid for displaced students under the Hurricane Education Recovery heading in title VIII of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), paragraph (2)(E) under such heading is amended by inserting

before the semicolon at the end the following: “and each reference to the end of the 2005–2006 school year in section 107(f) of title IV of division B of Public Law 109–148, shall be to December 31, 2018”.

SEC. 313. (a) Notwithstanding the limitations on sharing data described in paragraph (3)(E) of section 483(a) of the HEA, an institution of higher education may, with explicit written consent of an applicant who has completed a FAFSA under such section 483(a), provide such information collected from the applicant's FAFSA as is necessary to a scholarship granting organization, including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), designated by the applicant to assist the applicant in applying for and receiving financial assistance for the applicant's cost of attendance (defined in section 472 of the HEA) at that institution.

(b) An organization that receives information pursuant to subsection (a) shall not sell or otherwise share such information.

(c) This section shall be in effect until title IV of the HEA is reauthorized.

SEC. 314. (a) IN GENERAL.—For the purpose of carrying out section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)), the Secretary of Education may waive the requirements under sections 435(a)(5)(A)(i) and 435(a)(5)(A)(ii) of such Act (20 U.S.C. 1085(a)(5)(A)(i) and 20 U.S.C. 1085(a)(5)(A)(ii))—

(1) for an institution of higher education that offers an associate degree, is a public institution, and is located in an economically distressed county, defined as a county that ranks in the lowest 5 percent of all counties in the United States based on a national index of county economic status; and

(2) for an institution—

(A) that is a public institution of higher education or a Tribal College or University (as defined in section 316(b) of such Act (20 U.S.C. 1059c)); and

(B) whose fall enrollment for the most recently completed academic year was comprised of a majority of students who are Indian (as defined in such section) or Alaska Natives (as defined in section 317(b) of such Act (20 U.S.C. 1059d(b))).

(b) APPLICABILITY.—Subsection (a) shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part A of title IV of the Higher Education Act of 1965 on or after the date of enactment of this Act due to the application of section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)).

(c) COVERAGE.—This section shall be in effect for the period covered by this Act and for the succeeding fiscal year.

SEC. 315. For an additional amount for “Department of Education—Federal Direct Student Loan Program Account”, \$350,000,000, to remain available until expended, shall be for the cost, as defined under section 502 of the Congressional Budget Act of 1974, of the Secretary of Education providing loan cancellation in the same manner as under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made under part D of title IV of such Act who would qualify for loan cancellation under section 455(m) except some, or all, of the 120 required payments under section 455(m)(1)(A) do not qualify for purposes of the program because they were monthly payments made in accordance with graduated or extended repayment plans as described under subparagraph (B) or (C) of section 455(d)(1) or the corresponding repayment plan for a consolidation loan made under section 455(g) and that were less than the amount calculated under section 455(d)(1)(A), based on a 10-year repayment pe-

riod: *Provided*, That the monthly payment made 12 months before the borrower applied for loan cancellation as described in the matter preceding this proviso and the most recent monthly payment made by the borrower at the time of such application were each not less than the monthly amount that would be calculated under, and for which the borrower would otherwise qualify for, clause (i) or (iv) of section 455(m)(1)(A) regarding income-based or income-contingent repayment plans, with exception for a borrower who would have otherwise been eligible under this section but demonstrates an unusual fluctuation of income over the past 5 years: *Provided further*, That the total loan volume, including outstanding principal, fees, capitalized interest, or accrued interest, at application that is eligible for such loan cancellation by such borrowers shall not exceed \$500,000,000: *Provided further*, That the Secretary shall develop and make available a simple method for borrowers to apply for loan cancellation under this section within 60 days of enactment of this Act: *Provided further*, That the Secretary shall provide loan cancellation under this section to eligible borrowers on a first-come, first-serve basis, based on the date of application and subject to both the limitation on total loan volume at application for such loan cancellation specified in the second proviso and the availability of appropriations under this section: *Provided further*, That no borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428J, 428K, 428L, or 460 of such Act.

SEC. 316. Of the amounts made available under this title under the heading “Student Aid Administration”, \$2,300,000 shall be used by the Secretary of Education to conduct outreach to borrowers of loans made under part D of title IV of the Higher Education Act of 1965 who may intend to qualify for loan cancellation under 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers are meeting the terms and conditions of such loan cancellation: *Provided*, That the Secretary shall specifically conduct outreach to assist borrowers who would qualify for loan cancellation under 455(m) of such Act except that the borrower has made some, or all, of the 120 required payments under a repayment plan that is not described under section 455(m)(A) of such Act, to encourage borrowers to enroll in a qualifying repayment plan: *Provided further*, That the Secretary shall also communicate to all Direct Loan borrowers the full requirements of 455(m) of such Act and improve the filing of employment certification by providing improved outreach and information such as outbound calls, electronic communications, ensuring prominent access to program requirements and benefits on each servicer's website, and creating an option for all borrowers to complete the entire payment certification process electronically and on a centralized website.

CHILDREN OF FALLEN HEROES SCHOLARSHIP ACT

SEC. 317. Section 473(b) of the Higher Education Act of 1965 (20 U.S.C. 1087mm(b)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “(in the case of a student who meets the requirement of subparagraph (B)(i)), or academic year 2018–2019 (in the case of a student who meets the requirement of subparagraph (B)(ii)),” after “academic year 2009–2010”; and

(B) by amending subparagraph (B) to read as follows:

“(B) whose parent or guardian was—

“(i) a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; or

“(ii) actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and”;

(2) in paragraph (3)—

(A) by striking “Notwithstanding” and inserting the following:

“(A) ARMED FORCES.—Notwithstanding”;

(B) by striking “paragraph (2)” and inserting “subparagraphs (A), (B)(i), and (C) of paragraph (2)”; and

(C) by adding at the end the following:

“(B) PUBLIC SAFETY OFFICERS.—Notwithstanding any other provision of law, unless the Secretary establishes an alternate method to adjust the expected family contribution, for each student who meets the requirements of subparagraphs (A), (B)(ii), and (C) of paragraph (2), a financial aid administrator shall—

“(i) verify with the student that the student is eligible for the adjustment;

“(ii) adjust the expected family contribution in accordance with this subsection; and

“(iii) notify the Secretary of the adjustment and the student's eligibility for the adjustment.”; and

(3) by adding at the end the following:

“(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d–1), in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under this subsection, shall not be considered in calculating that student's educational assistance benefits under the Public Safety Officers' Benefits program under subpart 2 of part L of title I of such Act.

“(5) DEFINITION OF PUBLIC SAFETY OFFICER.—For purposes of this subsection, the term ‘public safety officer’ means—

“(A) a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b); or

“(B) a fire police officer, defined as an individual who—

“(i) is serving in accordance with State or local law as an officially recognized or designated member of a legally organized public safety agency;

“(ii) is not a law enforcement officer, a firefighter, a chaplain, or a member of a rescue squad or ambulance crew; and

“(iii) provides scene security or directs traffic—

“(I) in response to any fire drill, fire call, or other fire, rescue, or police emergency; or

“(II) at a planned special event.”.

SEC. 318. Notwithstanding any other provision of law funds awarded under part D of title IV of the Elementary and Secondary Education Act of 1965 for fiscal years 2017 and 2018 may be used for the purposes in section 4407(a)(9) of such Act.

This title may be cited as the “Department of Education Appropriations Act, 2018”.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of title 41, United States Code, \$8,250,000: *Provided*, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform contract requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement entered into under the preceding proviso shall

contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under this heading in the explanatory statement accompanying Public Law 114-113: *Provided further*, That a fee may not be charged under section 51-3.5 of title 41, Code of Federal Regulations, unless such fee is under the terms of the written agreement between the Committee and any such central nonprofit agency: *Provided further*, That no less than \$1,250,000 shall be available for the Office of Inspector General.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as “CNCS”) to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as “1973 Act”) and the National and Community Service Act of 1990 (referred to in this title as “1990 Act”), \$767,629,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) \$17,538,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) \$32,000,000 shall be available to carry out subtitle E of the 1990 Act; and (4) \$5,400,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

PAYMENT TO THE NATIONAL SERVICE TRUST (INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, \$206,842,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$83,737,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$5,750,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2018, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered “qualified entities” under section 3 of the National Child Protection Act of 1993 (“NCPA”);

(2) individuals described in such section shall be considered “volunteers” under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92-544.

SEC. 406. Notwithstanding sections 139(b), 146 and 147 of the 1990 Act, an individual who successfully completes a term of service of not less than 1,200 hours during a period of not more than one year may receive a national service education award having a value of 70 percent of the value of a national service education award determined under section 147(a) of the Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (“CPB”), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2020, \$445,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: *Provided further*, That none of the funds made

available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system and other technologies and services that create infrastructure and efficiencies within the public media system, \$20,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (“Service”) to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$46,650,000, including up to \$900,000 to remain available through September 30, 2019, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$17,184,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$240,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, \$8,480,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$12,545,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,250,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management

Relations Act, 1947, and other laws, \$274,224,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

SEC. 407. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$13,800,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$13,225,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$22,000,000, which shall include amounts becoming available in fiscal year 2018 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2019, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$123,500,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney

hired by the Railroad Retirement Board prior to January 1, 2013: *Provided further*, That \$10,000,000, to remain available until expended, shall be used to supplement, not supplant, existing resources devoted to operations and improvements for the Board's Information Technology Investment Initiatives.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$11,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, \$11,400,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$38,487,277,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That not more than \$101,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2020.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2019, \$19,500,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$20,000 for official reception and representation expenses, not more than \$12,753,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than \$2,300,000 shall be for the Social Security Advisory Board: *Provided further*, That \$280,000,000 shall remain available until expended for information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization: *Provided further*, That \$100,000,000 shall remain available through September 30, 2019, for activities to address the disability hearings backlog within the Office of Hearings Operations: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2018 not needed for fiscal year 2018 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and

telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

Of the total amount made available under this heading, not more than \$1,735,000,000, to remain available through March 31, 2019, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided*, That, of such amount, \$273,000,000 is provided to meet the terms of section 251(b)(2)(B)(iii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$1,462,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104-121 for fiscal years 1996 through 2002.

In addition, \$118,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2018 exceed \$118,000,000, the amounts shall be available in fiscal year 2019 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$30,000,000, together with not to exceed \$75,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V
GENERAL PROVISIONS
(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and Expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "National Mediation Board, Salaries and Expenses".

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act,

including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity

that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(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 employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2018, or provided

from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2018 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) or the fiscal year 2018 budget request.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2018, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit

payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 520. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

SEC. 521. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 522. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 523. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M-12-12 dated May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 524. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 525. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113-76, except that in carrying out such Pilots section 526 shall be applied by substituting "FISCAL YEAR 2018" for "FISCAL YEAR 2014" in the title of subsection (b) and by substituting "September 30, 2022" for "September 30, 2018" each place it appears: *Provided*, That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113-76, section 524 of division G of Public Law 113-235, section 525 of division H of Public Law 114-113, and section 525 of division H of Public Law 115-31.

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: *Provided*, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

(RESCISSION)

SEC. 527. Of any available amounts appropriated under section 2104(a)(21) of the Social Security Act (42 U.S.C. 1397d) that are unobligated as of September 25, 2018, \$3,572,000,000 are hereby rescinded as of such date.

SEC. 528. Amounts deposited in the Child Enrollment Contingency Fund prior to the beginning of fiscal year 2018 under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.

SEC. 529. Of the amounts deposited in the Child Enrollment Contingency Fund for fiscal year 2018 under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, \$1,967,678,000 shall not be available for obligation in this fiscal year.

(RESCISSION)

SEC. 530. Of the funds made available for purposes of carrying out section 2105(a)(3) of the Social Security Act, \$88,613,000 are hereby rescinded.

(RESCISSION)

SEC. 531. Any unobligated balances of available amounts appropriated under section 108 of Public Law 111-3, as amended, other than amounts subject to section 210(f) of the Social Security Act, are hereby rescinded.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2018".

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2018

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$18,760; the President Pro Tempore of the Senate, \$37,520; Majority Leader of the Senate, \$39,920; Minority Leader of the Senate, \$39,920; Majority Whip of the Senate, \$9,980; Minority Whip of the Senate, \$9,980; President Pro Tempore Emeritus, \$15,000; Chairmen of the Majority and Minority Conference Committees, \$4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$4,690 for each Chairman; in all, \$189,840.

For representation allowances of the Majority and Minority Leaders of the Senate, \$14,070 for each such Leader; in all, \$28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including

agency contributions, \$194,867,812, which shall be paid from this appropriation as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$2,417,248.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$723,466.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, \$309,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$5,255,576.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$3,359,424.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$15,142,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,658,000 for each such committee; in all, \$3,316,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$817,402.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,692,905 for each such committee; in all, \$3,385,810.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$436,886.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$25,132,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$78,565,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,810,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$54,198,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$6,115,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,147,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$7,110; Sergeant at Arms and Doorkeeper of the Senate, \$7,110; Secretary for the Majority of the Senate, \$7,110; Secretary for the Minority of the Senate, \$7,110; in all, \$28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted

under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$133,265,000, of which \$26,650,000 shall remain available until September 30, 2020.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$508,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$10,536,000 of which \$7,036,000 shall remain available until September 30, 2022 and of which \$4,100,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$130,076,000, which shall remain available until September 30, 2022.

MISCELLANEOUS ITEMS

For miscellaneous items, \$18,870,349 which shall remain available until September 30, 2020.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$424,000,000 of which \$20,128,950 shall remain available until September 30, 2020.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading "SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT" shall be available for obligation only during the fiscal year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after the end of the period of availability shall be returned to the Treasury in accordance with the undersigned paragraph under the center heading "GENERAL PROVISION" under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

SENATE PROCUREMENTS

SEC. 102. Section 6102 of title 41, United States Code, is amended by adding at the end the following:

"(i) SENATE.—Section 6101 of this title does not apply to agreements, contracts or purchases by any office of the Senate."

STUDENT LOAN REPAYMENT FOR EMPLOYEES OF DEPARTING SENATORS AND VICE PRESIDENTS

SEC. 103. (a) Section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 4579) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (3) through (7), respectively;

(B) by inserting before paragraph (3), as so redesignated, the following:

"(1) DEPARTURE DATE.—The term 'departure date' means the earlier of—

"(A) the date on which the term of a departing Senator or Vice President ends; or

"(B) the date on which the departing Senator or Vice President will retire or resign.

"(2) DEPARTING SENATOR OR VICE PRESIDENT.—The term 'departing Senator or Vice President' means a Senator or Vice President who will not serve in the next term due to retirement, resignation, a decision to not seek reelection, or a failure to secure reelection."; and

(C) in paragraph (3)(B), as so redesignated, by striking "rate of basic pay for an employee for a position at ES-1" and all that follows and inserting "rate of basic pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.";

(2) in subsection (b)(1)(A)(ii), by striking "1-year";

(3) in subsection (c)(1)—

(A) by striking "The term" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term"; and

(B) by adding at the end the following:

"(B) DEPARTING SENATORS AND VICE PRESIDENTS.—After the date that is 1 year before the departure date of a departing Senator or Vice President, the departing Senator or Vice President may enter into a service agreement under this section with an eligible employee of the office of the Senator or Vice President (including an eligible employee who has completed a required period of employment under a previous service agreement) that includes a required period of employment that—

"(i) is less than 1 year; and

"(ii) shall end on the last day of the last full pay period ending on or before the departure date of the departing Senator or Vice President.";

(4) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in subparagraph (B), by striking "under subsection (f)(7)." and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) the agreement is terminated as provided under subsection (f)(7)(A); or

"(D) the employee separates from service with the office of a departing Senator or Vice President."; and

(B) in paragraph (3), by inserting "(including a required period of employment described in subsection (c)(1)(B))" after "required period of employment"; and

(5) in subsection (f), by striking paragraph (7) and inserting the following:

"(7) CHANGE IN PAYMENTS.—

"(A) REDUCTION.—

"(i) IN GENERAL.—Notwithstanding the terms of a service agreement under this section, the head of an employing office may reduce the amount of student loan payments made under the agreement if adequate funds are not available to such office.

"(ii) NOTICE.—If the head of an employing office decides to reduce the amount of student loan payments to an eligible employee under clause (i)—

"(I) the employing office shall concurrently notify the eligible employee and the Secretary of the Senate of the reduction; and

"(II) not later than 30 days after the date of the concurrent notice, the eligible employee may terminate the service agreement.

"(B) INCREASE.—Notwithstanding the terms of a service agreement under this section, the head of an employing office, with the consent of an eligible employee, may increase the amount of student loan payments

made under the agreement with the eligible employee, if—

“(i) the office has adequate funds available for the purpose of agreements under this section;

“(ii) the amount of the increased payment does not exceed the limitations under this section; and

“(iii) the total amount of the loan payments to be made (including such increase) during the remainder of the required period of employment does not exceed the amount of student loan indebtedness of the eligible employee as of the date of the increase.”.

(b) The amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to a service agreement under section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 4579) that is in effect on the date of enactment of this Act or entered into on or after the date of enactment of this Act.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,200,000,766, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$22,278,891, including: Office of the Speaker, \$6,645,417, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,180,048, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$7,114,471, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,886,632, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,459,639, including \$5,000 for official expenses of the Minority Whip; Republican Conference, \$1,505,426; Democratic Caucus, \$1,487,258: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2018 until January 2, 2019.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$562,632,498.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$127,053,373: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2018, except that \$3,150,200 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$23,226,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2018.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$204,356,000, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than \$25,000 for

official representation and reception expenses, of which not more than \$20,000 is for the Family Room and not more than \$2,000 is for the Office of the Chaplain, \$27,945,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than \$3,000 for official representation and reception expenses, \$20,505,000 of which \$6,696,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than \$3,000 for official representation and reception expenses, \$132,865,000, of which \$2,108,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$4,968,000; for salaries and expenses of the Office of General Counsel, \$1,492,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, \$2,000 for preparing the Digest of Rules, and not more than \$1,000 for official representation and reception expenses, \$2,037,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$3,209,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$9,937,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$814,000; for other authorized employees, \$584,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$260,454,004, including: supplies, materials, administrative costs and Federal tort claims, \$3,625,000; official mail for committees, leadership offices, and administrative offices of the House, \$190,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$233,040,004, to remain available until March 31, 2019; Business Continuity and Disaster Recovery, \$16,186,000 of which \$5,000,000 shall remain available until expended; transition activities for new members and staff, \$2,273,000, to remain available until expended; Wounded Warrior Program \$2,750,000, to remain available until expended; Office of Congressional Ethics, \$1,670,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$720,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 110. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for “HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES” shall be available only for fiscal year 2018. Any amount remaining after all payments are made under such allowances for fiscal year 2018 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

DELIVERY OF BILLS AND RESOLUTIONS

SEC. 111. None of the funds made available in this Act may be used to deliver a printed

copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

DELIVERY OF CONGRESSIONAL RECORD

SEC. 112. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 113. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds \$1,000 for the vehicle in any month.

LIMITATION ON PRINTED COPIES OF U.S. CODE TO HOUSE

SEC. 114. None of the funds made available by this Act may be used to provide an aggregate number of more than 50 printed copies of any edition of the United States Code to all offices of the House of Representatives.

DELIVERY OF REPORTS OF DISBURSEMENTS

SEC. 115. None of the funds made available by this Act may be used to deliver a printed copy of the report of disbursements for the operations of the House of Representatives under section 106 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5535) to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

DELIVERY OF DAILY CALENDAR

SEC. 116. None of the funds made available by this Act may be used to deliver to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) a printed copy of the Daily Calendar of the House of Representatives which is prepared by the Clerk of the House of Representatives.

DELIVERY OF CONGRESSIONAL PICTORIAL DIRECTORY

SEC. 117. None of the funds made available by this Act may be used to deliver a printed copy of the Congressional Pictorial Directory to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

AMENDING THE HOUSE SERVICES REVOLVING FUND

SEC. 118. (a) COLLECTION OF CERTAIN SERVICE FEES.—Section 105(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 5545(a)) is amended by adding at the end the following new paragraph:

“(7) The collection of a service fee from vendors of the Master Web Services Agreement or the Technology Services Contract for failure to abide by and maintain House of Representatives security policies.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

TRANSFER OF FUNDS

SEC. 119. (a) Notwithstanding any other provision of law, upon completion of the second fiscal year which begins after the end of the period during which amounts appropriated under any of the items under the heading “House of Representatives, Salaries and Expenses” are available for obligation or expenditure, any such amounts which remain unobligated and unexpended shall be transferred to the heading “House of Representatives, Salaries and Expenses, Allowances and Expenses” and shall be available

until expended for purposes of House of Representatives Business Continuity and Disaster Recovery.

(b) Subsection (a) does not apply to amounts appropriated under the heading "House of Representatives, Salaries and Expenses, Members' Representational Allowances".

(c) The Chief Administrative Officer of the House of Representatives shall notify the Committee on Appropriations of the House of Representatives prior to the obligation or expenditure of any amounts transferred under subsection (a).

(d) This section shall apply with respect to amounts appropriated for fiscal year 2018 or any succeeding fiscal year.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,203,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$11,169,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

(1) an allowance of \$2,175 per month to the Attending Physician;

(2) an allowance of \$1,300 per month to the Senior Medical Officer;

(3) an allowance of \$725 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of \$725 per month to 2 assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

(5) \$2,780,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$3,838,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, \$1,444,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$351,700,000 of which overtime shall not exceed \$45,000,000 unless the Committee on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the em-

ployee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$74,800,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2018 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$4,959,000, of which \$450,000 shall remain available until September 30, 2019: *Provided*, That not more than \$500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$49,945,000.

ADMINISTRATIVE PROVISION

CONTRACTING PARITY

SEC. 130. In fiscal year 2018 and thereafter, for all contracts for goods and services to which the Congressional Budget Office is a party, the following Federal Acquisition Regulation (FAR) clauses will apply: FAR 52.232-39 and FAR 52.233-4.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$93,478,000.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$45,300,000, of which \$19,458,000 shall remain available until September 30, 2022.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$13,333,000, of which \$3,195,000 shall remain available until September 30, 2022.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to

be expended under the control and supervision of the Architect of the Capitol, \$101,614,000, of which \$38,937,000 shall remain available until September 30, 2022.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$197,294,000, of which \$73,130,000 shall remain available until September 30, 2022, and of which \$62,000,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, \$10,000,000, to remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$106,694,000, of which \$28,057,000 shall remain available until September 30, 2022: *Provided*, That not more than \$9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2018.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$74,873,000, of which \$47,500,000 shall remain available until September 30, 2022.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computing Facility, and Architect of the Capitol security operations, \$34,249,000, of which \$13,300,000 shall remain available until September 30, 2022.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$13,800,000, of which \$3,000,000 shall remain available until September 30, 2022: *Provided*, That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, \$21,470,000.

ADMINISTRATIVE PROVISIONS
NO BONUSES FOR CONTRACTORS BEHIND
SCHEDULE OR OVER BUDGET

SEC. 140. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

SCRIMS

SEC. 141. None of the funds made available by this Act may be used for scrims containing photographs of building facades during restoration or construction projects performed by the Architect of the Capitol.

LIBRARY OF CONGRESS
SALARIES AND EXPENSES

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$477,017,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2018, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2018 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,350,000: *Provided further*, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, \$8,653,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, \$1,300,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System: *Provided further*, That of the total amount appropriated, \$10,000,000 is provided to enhance public exhibits and visitor services at the Library; of which \$2,000,000 shall remain available until September 30, 2020 for planning, including developing direct and indirect cost estimates in conjunction with the Architect of the Capitol; and of which \$8,000,000, to remain available until expended, may be obligated and expended only upon written approval by the Chair and ranking minority member of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives and by the Chair

and ranking minority member of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the Senate, following review of a project budget justification and cost estimate.

COPYRIGHT OFFICE
SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, \$72,011,000, of which not more than \$35,218,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2018 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$6,087,000 shall be derived from collections during fiscal year 2018 under sections 111(d)(2), 119(b)(3), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$41,305,000: *Provided further*, That \$2,260,000 shall be derived from prior year unobligated balances: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE
SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$119,279,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That this prohibition does not apply to publication of non-confidential Congressional Research Service (CRS) products: *Provided further*, That a non-confidential CRS product includes any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business and does not include material prepared in response to Congressional requests for confidential analysis or research.

BOOKS FOR THE BLIND AND PHYSICALLY
HANDICAPPED
SALARIES AND EXPENSES

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$51,498,000: *Provided*, That of the total amount appropriated, \$650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS
REIMBURSABLE AND REVOLVING FUND
ACTIVITIES

SEC. 150. (a) IN GENERAL.—For fiscal year 2018, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$190,642,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

REVOLVING FUNDS UPDATE

SEC. 151. The Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182a et seq.; Public Law 106-481) is amended—

(1) in section 102 (2 U.S.C. 182b)—

(A) in the section heading, by striking the heading and inserting "Revolving fund for sales shop and other services"; and

(B) in subsection (a), by adding at the end the following: "(5) Training."; and

(2) in section 103(f)(1) (2 U.S.C. 182c(f)(1)), by inserting "tribal governments (as defined in 40 U.S.C. 502(c)(2)(B))" after "Federal Government,".

GIFTS

SEC. 152. The first undesignated paragraph of section 4 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 160), is amended—

(1) in the first sentence—

(A) by striking "of money for immediate disbursement"; and

(B) by striking the period at the end and inserting ", of the following: (1) nonpersonal services; (2) voluntary and uncompensated personal services not to exceed \$10,000 per person, per year in value; and (3) gifts or bequests of money for immediate disbursement."; and

(2) by adding the following sentence at the end of the first paragraph: "The Librarian shall make an annual public report regarding gifts accepted under this section.".

APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 TO THE LIBRARY OF CONGRESS; ELECTION OF PROCEEDING

SEC. 153. (a) APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 TO THE LIBRARY OF CONGRESS.—

(1) APPLICATION THROUGH DEFINITIONS.—

(A) IN GENERAL.—Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) is amended—

(i) in paragraph (3)—

(I) in subparagraph (H), by striking "or" at the end;

(II) in subparagraph (I), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(J) the Library of Congress, except for section 220."; and

(ii) in paragraph (9)—

(I) in subparagraph (C), by striking "or" at the end;

(II) in subparagraph (D), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(E) the Library of Congress, except for section 220.".

(B) PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210(a) of the Congressional

Accountability Act of 1995 (2 U.S.C. 1331(a)) is amended—

(i) in paragraph (9), by striking “and” at the end;

(ii) in paragraph (10), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(11) the Library of Congress.”.

(C) LABOR-MANAGEMENT REGULATIONS.—Section 220(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1351(a)) is amended—

(i) in paragraph (2), in the paragraph heading, by striking “(2) DEFINITION.—” and inserting “(2) APPLICATION.—”; and

(ii) by adding at the end the following:

“(3) DEFINITIONS.—For purposes of this section, the term ‘covered employee’ does not include an employee of the Library of Congress, and the term ‘employing office’ does not include the Library of Congress.”.

(2) CONFORMING AMENDMENTS TO ACT.—The Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended—

(A) in section 204(a)(2) (2 U.S.C. 1314(a)(2)), by striking “and the Library of Congress” each place it appears;

(B) in section 205(a)(2) (2 U.S.C. 1315(a)(2)), by striking “and the Library of Congress” each place it appears;

(C) in section 206(a)(2) (2 U.S.C. 1316(a)(2))—

(i) in subparagraph (B), by striking “and the Library of Congress”; and

(ii) in subparagraph (C), by striking “and the Library of Congress”;

(D) in section 215(a)(2) (2 U.S.C. 1341(a)(2))—

(i) in subparagraph (C), by striking “, the Library of Congress,”; and

(ii) in subparagraph (D), by striking “and the Library of Congress”; and

(E) in section 415(a) (2 U.S.C. 1415(a))—

(i) by striking the comma after “General Accounting Office” and inserting “or”; and

(ii) by striking “, or the Library of Congress”.

(b) ELECTION OF PROCEEDING.—

(1) PROCEDURE.—Section 401(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1401(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking “either”;

(B) in subparagraph (A), by striking “or” at the end;

(C) in subparagraph (B), by striking the period and inserting “, or”; and

(D) by adding at the end the following:

“(C) in the case of an Library claimant (as defined in section 404(a)), a proceeding described in section 404(b)(3) that relates to the violation at issue.”.

(2) ELECTION.—Section 404 of the Congressional Accountability Act of 1995 (2 U.S.C. 1404) is amended—

(A) by striking “Not” and inserting the following:

“(b) ELECTION AFTER PROCEEDINGS INITIALLY BROUGHT UNDER THIS ACT.—Not”; and

(B) by inserting after the section heading the following:

“(a) DEFINITIONS.—In this section:

“(1) DIRECT ACT.—The term ‘direct Act’ means an Act (other than this Act), or provision of the Revised Statutes, that is specified in section 201, 202, 203, or 210.

“(2) DIRECT PROVISION.—The term ‘direct provision’ means a provision (including a definitional provision) of a direct Act that applies the rights or protections of a direct Act (including rights and protections relating to nonretaliation or noncoercion) to a library claimant.

“(3) LIBRARY CLAIMANT.—The term ‘Library claimant’ means—

“(A) with respect to a direct provision (other than a provision described in subparagraph (B)), an employee of the Library of Congress who is covered by that direct provision, and

“(B) with respect to a direct provision that applies the rights or protections of title II or III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq., 12181 et seq.), an individual who is eligible to provide services for or receive services from the Library of Congress and who is covered by that provision.”;

(C) in subsection (b), as added by subparagraph (A) of this paragraph—

(i) in the matter preceding paragraph (1), by striking “may either” and inserting “who initially requested counseling and mediation under this title may elect to”; and

(ii) in paragraph (1), by striking “or” at the end;

(iii) in paragraph (2), by striking the period and inserting “, or”; and

“(3) in the case of a Library claimant, bring the claim, complaint, or charge that is brought for a proceeding before the corresponding Federal agency, under the corresponding direct provision.”; and

(D) by adding at the end the following:

“(c) ELECTION AFTER PROCEEDINGS INITIALLY BROUGHT UNDER OTHER CIVIL RIGHTS OR LABOR LAW.—A library claimant who initially brings a claim, complaint, or charge under a direct provision for a proceeding before a Federal agency may, prior to requesting a hearing under the agency’s procedures, elect to—

“(1) bring any civil action relating to the claim, complaint, or charge, that is available to the Library claimant,

“(2) file a complaint with the Office in accordance with section 405, or

“(3) file a civil action in accordance with section 408 in the United States district court for the district in which the employee is employed or for the District of Columbia.”.

(c) PROSPECTIVE APPLICABILITY.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this section; and

(2) shall apply to any charge, complaint, or claim, that is made on or after the date of enactment of this section, of a violation of—

(A) section 201, 202, 203, 207, or 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1311 et seq.); or

(B) a direct provision as defined in section 404(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1404) (as added by subsection (b)).

EQUAL ACCESS TO CONGRESSIONAL RESEARCH SERVICE REPORTS

SEC. 154. (a) DEFINITIONS.—

(1) CRS PRODUCT.—In this section, the term “CRS product” means any final written work product of CRS containing research or analysis in any format that is available for general congressional access on the CRS Congressional Intranet.

(2) CRS REPORT.—

(A) IN GENERAL.—In this section, the term “CRS Report” means any written CRS product, including an update to a previous written CRS product, consisting of—

(i) a Congressional Research Service Report; or

(ii) a Congressional Research Service Authorization of Appropriations Product and Appropriations Product, which is available for general congressional access on the CRS Congressional Intranet.

(B) EXCLUSIONS.—The term “CRS Report” does not include—

(i) any CRS product that is determined by the CRS Director to be a confidential product or service because it was prepared in response to a congressional request or requests for confidential analysis or research and is not available for general congressional access on the CRS Congressional Intranet;

(ii) any Congressional Research Service Report or any Congressional Research Service Authorization of Appropriations Product and Appropriations Product reported or produced before the effective date of this Act which, as of such effective date, is not available for general congressional access on the CRS Congressional Intranet; or

(iii) a written CRS product that has been made available by CRS for publication on a public website maintained by the GPO Director (other than the Website) or the Library of Congress.

(3) OTHER DEFINITIONS.—In this section—

(A) the term “CRS” means the Congressional Research Service;

(B) the term “CRS Congressional Intranet” means the Website maintained by CRS at www.crs.gov, or a successor website, for the purpose of providing to Members and employees of Congress access to information from CRS;

(C) the term “CRS Director” means the Director of CRS;

(D) the term “Librarian of Congress” means the Librarian of Congress appointed pursuant to 2 U.S.C. 136–1;

(E) the term “Member of Congress” includes a Delegate or Resident Commissioner to Congress; and

(F) the term “Website” means the website established and maintained under subsection (b).

(b) AVAILABILITY OF CRS REPORTS THROUGH LIBRARY OF CONGRESS WEBSITE.—

(1) WEBSITE.—

(A) ESTABLISHMENT AND MAINTENANCE.—The Librarian of Congress, in consultation with the CRS Director, shall establish and maintain a public website containing CRS Reports and an index of all CRS Reports contained on the website, in accordance with this subsection.

(B) FORMAT.—On the Website, CRS Reports shall be searchable, sortable, and downloadable, including downloadable in bulk.

(C) FREE ACCESS.—Notwithstanding any other provision of law, the Librarian of Congress may not charge a fee for access to the Website.

(2) UPDATES; DISCLAIMER.—The Librarian of Congress, in consultation with the CRS Director, shall ensure that the Website—

(A) is updated contemporaneously, automatically, and electronically to include each new or updated CRS Report released on or after the effective date of this section;

(B) shows the status of each CRS Report as new, updated, or archived; and

(C) displays the following statement in reference to the CRS Reports included on the Website: “These documents were prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.”.

(3) FURNISHING OF NECESSARY INFORMATION AND TECHNOLOGY.—The CRS Director shall consult with and provide assistance to the Librarian of Congress to ensure—

(A) that the Librarian of Congress is provided with all of the information necessary to carry out this section, including all of the information described in clauses (i) through (iv) of subsection (c)(1)(A), in such format and manner as the Librarian of Congress considers appropriate; and

(B) that CRS makes available any information and assistance as may be necessary to facilitate the contemporaneous, automatic, and electronic provision of CRS Reports to the Librarian of Congress as required under this section.

(4) **NONEXCLUSIVITY.**—The Librarian of Congress may publish other information on the Website.

(5) **ALTERNATIVE TECHNIQUES.**—The Librarian of Congress and the CRS Director may use additional techniques to make CRS Reports available to the public, if such techniques are consistent with this section and any other applicable laws.

(6) **ADDITIONAL INFORMATION.**—The CRS Director is encouraged to make additional CRS products that are not confidential products or services available to the Librarian of Congress for publication on the Website, and the Librarian of Congress is encouraged to publish such CRS products on the Website.

(7) **EXPANSION OF CONTENTS OF ANNUAL REPORT TO CONGRESS TO INCLUDE INFORMATION ON EFFORTS TO MAKE ADDITIONAL PRODUCTS AVAILABLE ON WEBSITE.**—Section 203(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(i)) is amended by striking the period at the end and inserting the following: “, and shall include in the report a description of the efforts made by the Director to make additional Congressional Research Service products that are not confidential products or services available to the Librarian of Congress for publication on the website established and maintained under section 124 of the Legislative Branch Appropriations Act, 2018.”

(c) **WEBSITE CONTENTS.**—

(1) **SPECIFIC REQUIREMENTS FOR REPORTS POSTED ON WEBSITE.**—

(A) **RESPONSIBILITIES OF LIBRARIAN OF CONGRESS.**—With respect to each CRS Report included on the Website, the Librarian of Congress shall include—

(i) the name and identification number of the CRS Report;

(ii) an indication as to whether the CRS Report is new, updated, or archived;

(iii) the date of release of the CRS Report; and

(iv) any other information the Librarian of Congress, in consultation with the CRS Director, considers appropriate.

(B) **RESPONSIBILITIES OF CRS DIRECTOR.**—With respect to each CRS Report included on the Website, the CRS Director shall, prior to transmitting the Report to the Librarian of Congress—

(i) at the discretion of the CRS Director, remove the name of and any contact information for any employee of CRS; and

(ii) include in the CRS Report the following written statement: “This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as this CRS Report may include copyrighted images or material from a

third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.”

(2) **SPECIFIC REQUIREMENTS FOR INDEX ON WEBSITE.**—The Librarian of Congress shall ensure that the index of all CRS Reports published on the Website is—

(A) comprehensive;

(B) contemporaneously updated;

(C) searchable;

(D) sortable;

(E) maintained in a human-readable format;

(F) maintained in a structured data format;

(G) downloadable; and

(H) inclusive of each item of information described in paragraph (1)(A) with respect to each CRS Report.

(d) **CONFORMING AMENDMENT TO DUTIES OF CRS.**—Section 203(d) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(d)) is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to comply with the requirements of, and provide information and technological assistance consistent with, section 124 of the Legislative Branch Appropriations Act, 2018.”

(e) **RULES OF CONSTRUCTION.**—

(1) **NO EFFECT ON SPEECH OR DEBATE CLAUSE.**—Nothing in this section may be construed to diminish, qualify, condition, waive, or otherwise affect the applicability of clause 1 of section 6 of article I of the Constitution of the United States (commonly known as the “Speech or Debate Clause”) or any other privilege available to Congress or Members, offices, or employees of Congress with respect to any CRS Report made available online under this section.

(2) **CONFIDENTIAL COMMUNICATIONS.**—Nothing in this section may be construed to waive the requirement that any confidential communication by CRS to a Member, office, or committee of Congress shall remain under the custody and control of Congress and may be released only by Congress and its Houses, Members, offices, and committees, in accordance with the rules and privileges of each House and the requirements of this section.

(3) **DISSEMINATION OF CRS PRODUCTS.**—Nothing in this section may be construed to limit or otherwise affect the ability of a Member, office, or committee of Congress to disseminate CRS products on a website of the Member, office, or committee or to otherwise provide CRS products to the public, including as part of constituent service activities.

(f) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2)(C), this section and the amendments made by this section shall take effect 90 days after the date on which the Librarian of Congress submits the certification described in paragraph (2)(B).

(2) **PROVISION OF INFORMATION AND TECHNOLOGY.**—

(A) **CRS DEADLINE.**—Not later than 90 days after the date of enactment of this Act, the CRS Director shall provide the Librarian of Congress with the information necessary for the Librarian of Congress to begin the initial operation of the Website.

(B) **CERTIFICATION.**—Upon provision of the information described in subparagraph (A), the Librarian of Congress shall submit to Congress a certification that the CRS Director has provided the information necessary for the Librarian of Congress to begin the initial operation of the Website.

(C) **TECHNICAL DELAYS.**—In the event of technical difficulties encountered in planning or implementing the requirements of this section and the amendments made by this section, upon providing a detailed report submitted by the Librarian of Congress or the CRS Director to the Committees on Appropriations of the House and the Senate detailing the nature of the technical difficulties and the timeline for resolving such technical difficulties, the effective date established by subsection (f)(1) shall be extended for up to 90 additional days.

GOVERNMENT PUBLISHING OFFICE

CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

For authorized publishing of congressional information and the distribution of congressional information in any format; publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$79,528,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Publishing Office Business Operations Revolving Fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$29,000,000: *Provided*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2016 and 2017 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Publishing Office Business Operations Revolving

Fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, \$8,540,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further*, That not more than \$7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further*, That the Business Operations Revolving Fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Director of the Government Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the Business Operations Revolving Fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the Business Operations Revolving Fund may provide information in any format: *Provided further*, That the Business Operations Revolving Fund and the funds provided under the heading "Public Information Programs of the Superintendent of Documents" may not be used for contracted security services at Government Publishing Office's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$578,916,653: *Provided*, That of this amount \$10,000,000 is provided for information technology investments and building facility projects to remain available until September 30, 2019: *Provided further*, That, in addition, \$23,800,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*,

That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation shall be available to transfer amounts to the Department of the Army for the construction of an Army facility at Redstone Arsenal for the sole, unlimited use of GAO: *Provided further*, That hereafter, amounts appropriated for the salaries and expenses of the Government Accountability Office shall be available to transfer to the Department of the Army for the maintenance of such facility.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$5,600,000: *Provided*, That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), \$430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2018 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code,

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 under existing Executive order issued under existing law.

COSTS OF LBFMC

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

LIMITATION ON TRANSFERS

SEC. 206. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 207. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate, unless through regulations as authorized by section 402(b)(8) of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2242(b)(8)).

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

This division may be cited as the "Legislative Branch Appropriations Act, 2018".

DIVISION J—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$923,994,000, to remain available until September 30, 2022: *Provided*, That, of this amount, not to exceed \$101,470,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities,

and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,553,275,000, to remain available until September 30, 2022: *Provided*, That, of this amount, not to exceed \$219,069,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,543,558,000, to remain available until September 30, 2022: *Provided*, That, of this amount, not to exceed \$97,852,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$2,811,513,000, to remain available until September 30, 2022: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That, of the amount, not to exceed \$210,717,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the Director of the Missile Defense Agency shall provide quarterly reports to the congressional defense committees on the construction timeline and obligations for the Poland Aegis Ashore complex.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$220,652,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed \$16,271,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$171,491,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed \$18,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$83,712,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed \$6,887,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$95,271,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed \$24,430,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$73,535,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed \$4,725,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, the Chief of the Air Force Reserve shall take immediate action to address unfunded military construction requirements for access control points and security issues at Air Force Reserve facilities.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international

military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$177,932,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$310,000,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$182,662,000, to remain available until September 30, 2022: *Provided*, That none of the funds provided under this heading for family housing construction may be expended for family housing improvements on Kwajalein Atoll until the Secretary of the Army certifies to the congressional defense committees that the new housing units represent the best value to the taxpayer and that no reasonable alternatives exist at a lower cost.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$348,907,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$83,682,000, to remain available until September 30, 2022.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$328,282,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$85,062,000, to remain available until September 30, 2022.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$318,324,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$59,169,000.

DEPARTMENT OF DEFENSE

FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,726,000, to remain available until expended, for family

housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE
MILITARY UNACCOMPANIED HOUSING
IMPROVEMENT FUND

For the Department of Defense Military Unaccompanied Housing Improvement Fund, \$623,000, to remain available until expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unac-

companied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of

the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5-10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 125. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2022:

“Military Construction, Army”, \$93,800,000, of which \$25,000,000 is for planning and design;

“Military Construction, Navy and Marine Corps”, \$202,130,000, of which \$25,000,000 is for planning and design;

“Military Construction, Air Force”, \$138,100,000, of which \$25,000,000 is for planning and design;

“Military Construction, Army National Guard”, \$113,500,000, of which \$20,000,000 is for planning and design;

“Military Construction, Air National Guard”, \$52,000,000, of which \$20,000,000 is for planning and design;

“Military Construction, Army Reserve”, \$76,000,000, of which \$20,000,000 is for planning and design; and

“Military Construction, Air Force Reserve”, \$64,100,000, of which \$20,000,000 is for planning and design:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2018 submitted to Congress: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

(RESCISSIONS OF FUNDS)

SEC. 126. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

“NATO Security Investment Program”, \$25,000,000; and

“Family Housing Construction, Army”, \$18,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the

Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 127. For the purposes of this Act, the term “congressional defense committees” means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 128. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 129. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress (“the Committees”) a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term “United States” in this section does not include any territory or possession of the United States.

SEC. 130. All amounts appropriated to “Department of Defense—Military Construction, Defense-Wide” pursuant to the authorization of appropriations in section 2403 of Public Law 115-91, as specified for fiscal year 2018 in the funding table in section 4601 of that Act, shall be immediately available and allotted to contract for the full scope of authorized projects.

SEC. 131. For an additional amount for “Military Construction, Army”, for the Defense Access Road Program, \$20,000,000, to remain available until expended: *Provided*, That amounts made available under this section may not be obligated or expended until the Secretary of the Army submits to the Committees on Appropriations of the Senate and House of Representatives a detailed expenditure plan 30 days after enactment of this Act.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title

38, United States Code, \$95,768,462,000, to remain available until expended and to become available on October 1, 2018: *Provided*, That not to exceed \$17,882,000 of the amount made available for fiscal year 2019 under this heading shall be reimbursed to “General Operating Expenses, Veterans Benefits Administration”, and “Information Technology Systems” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and Pensions” appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical Care Collections Fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, \$11,832,175,000, to remain available until expended and to become available on October 1, 2018: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, \$121,529,000, to remain available until expended, of which \$109,090,000 shall become available on October 1, 2018.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2018, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$178,626,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$30,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,356,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$395,000, which may be paid to the appropriation for “General Operating Expenses, Veterans Benefits Administration”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,163,000.

GENERAL OPERATING EXPENSES, VETERANS
BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$2,910,000,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 10 percent shall remain available until September 30, 2019.

VETERANS HEALTH ADMINISTRATION
MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized by section 521A of title 38, United States Code, and administrative expenses necessary to carry out sections 322(d) and 521A of title 38, United States Code, and hospital care and medical services authorized by section 1787 of title 38, United States Code; \$1,962,984,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2017; and, in addition, \$49,161,165,000, plus reimbursements, shall become available on October 1, 2018, and shall remain available until September 30, 2019: *Provided*, That, of the amount made available on October 1, 2018, under this heading, \$1,400,000,000 shall remain available until September 30, 2020: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary

of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, \$419,176,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2017; and, in addition, \$8,384,704,000, plus reimbursements, shall become available on October 1, 2018, and shall remain available until September 30, 2019: *Provided*, That, of the amount made available on October 1, 2018, under this heading, \$2,000,000,000 shall remain available until September 30, 2022.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), \$100,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2017; and, in addition, \$7,239,156,000, plus reimbursements, shall become available on October 1, 2018, and shall remain available until September 30, 2019: *Provided*, That, of the amount made available on October 1, 2018, under this heading, \$100,000,000 shall remain available until September 30, 2020.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; \$707,000,000, to remain available until September 30, 2019, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2017; and, in addition, \$5,914,288,000, plus reimbursements, shall become available on October 1, 2018, and shall remain available until September 30, 2019: *Provided*, That, of the amount made available on October 1, 2018, under this heading, \$250,000,000 shall remain available until September 30, 2020.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$722,262,000, plus reimbursements, shall remain available until September 30, 2019: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and

maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$306,193,000, of which not to exceed 10 percent shall remain available until September 30, 2019.

DEPARTMENTAL ADMINISTRATION
GENERAL ADMINISTRATION
(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$335,891,000, of which not to exceed 10 percent shall remain available until September 30, 2019: *Provided*, That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, \$161,048,000, of which not to exceed 10 percent shall remain available until September 30, 2019.

INFORMATION TECHNOLOGY SYSTEMS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$4,055,500,000, plus reimbursements: *Provided*, That \$1,230,320,000 shall be for pay and associated costs, of which not to exceed 5 percent shall remain available until September 30, 2019: *Provided further*, That \$2,496,650,000 shall be for operations and maintenance, of which not to exceed 5 percent shall remain available until September 30, 2019: *Provided further*, That \$328,530,000 shall be for information technology systems development, and shall remain available until September 30, 2019: *Provided further*, That amounts made available for information technology systems development may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the "Information Technology Systems" account for development may be transferred among projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the

Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That the funds made available under this heading for information technology systems development shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

VETERANS ELECTRONIC HEALTH RECORD

For activities related to implementation, preparation, development, interface, management, rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code, \$782,000,000, to remain available until September 30, 2020: *Provided*, That the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress quarterly reports detailing obligations, expenditures, and deployment implementation by facility: *Provided further*, That the funds provided in this account shall only be available to the Office of the Deputy Secretary, to be administered by that Office.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$164,000,000, of which not to exceed 10 percent shall remain available until September 30, 2019.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$512,430,000, of which \$432,430,000 shall remain available until September 30, 2022, and of which \$80,000,000 shall remain available until expended: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the bud-

etary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That funds made available under this heading for fiscal year 2018, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2018; and (2) by the awarding of a construction contract by September 30, 2019: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That, of the amount made available under this heading, \$117,300,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of \$100,000,000 or above by providing full project management services, including management of the project design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114-58; and

(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$342,570,000, to remain available until September 30, 2022, along with unobligated balances of previous “Construction, Minor Projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$110,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2018 for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2018, in this or any other Act, under the “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities” accounts may be transferred among the accounts: *Provided*, That any transfers among the “Medical Services”, “Medical Community Care”, and “Medical Support and Compliance” accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the “Medical Services”, “Medical Community Care”, and “Medical Support and Compliance” accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the “Medical Facilities” account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for “Construction, Major Projects”, and “Construction, Minor Projects”) shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the “Medical Services” account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2017.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from “Compensation and Pensions”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2018, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the “General Operating Expenses, Veterans Benefits Administration” and “Information Technology Systems” accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2018 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2018 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management, the Office of Employment Discrimination Complaint Adjudication, the Office of Accountability and Whistleblower Protection, and the Office of Diversity and Inclusion for all services provided at rates which will recover actual costs but not to exceed \$47,668,000 for the Office of Resolution Management, \$3,932,000 for the Office of Employment Discrimination Complaint Adjudication, \$17,620,000 for the Office of Accountability and Whistleblower Protection, and \$2,973,000 for the Office of Diversity and Inclusion: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the “General Administration” and “Information Technology Systems” accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a

non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, Major Projects” and “Construction, Minor Projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, Major Projects” and “Construction, Minor Projects”.

SEC. 213. Amounts made available under “Medical Services” are available—

- (1) for furnishing recreational facilities, supplies, and equipment; and
- (2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the “Medical Services” and “Medical Community Care” accounts to remain available until expended for the purposes of these accounts.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term “rural Alaska” shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, Major Projects” and “Construction, Minor Projects” accounts, to remain available until expended for the purposes of these accounts.

SEC. 217. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled “Quarterly reporting”, under the heading “General Administration” in the joint explanatory statement accompanying Public Law 114-223.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. Amounts made available under the “Medical Services”, “Medical Commu-

nity Care”, “Medical Support and Compliance”, “Medical Facilities”, “General Operating Expenses, Veterans Benefits Administration”, “Board of Veterans Appeals”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2018 may be transferred to or from the “Information Technology Systems” account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the “Information Technology Systems” account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2018 for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to \$297,137,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further*, That section 222 of title II of division A of Public Law 114-223 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2018, for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, up to \$306,378,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of

Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts available in this title for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of \$15,000,000 shall be transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 224. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 225. None of the funds made available for “Construction, Major Projects” may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 226. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled “Disability claims backlog”, under the heading “General Operating Expenses, Veterans Benefits Administration” in the joint explanatory statement accompanying Public Law 114-223: *Provided further*, That the report shall also include information on the number of appeals pending at the Veterans Benefits Administration as well as the Board of Veterans Appeals on a quarterly basis.

SEC. 227. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 228. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed \$2,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 229. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the “Medical Services” account any discretionary appropriations made available for fiscal year 2018 in this title (except appropriations made to the “General Operating Expenses, Veterans Benefits Administration” account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2018, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 230. Amounts made available for the Department of Veterans Affairs for fiscal year 2018, under the “Board of Veterans Appeals” and the “General Operating Expenses, Veterans Benefits Administration” accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 231. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed \$7,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 232. (a) The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

(b)(1) None of the funds made available by this Act may be used to enforce or otherwise carry out any Executive action that prohibits the Secretary of Veterans Affairs from appointing an individual to occupy a vacant civil service position, or establishing a new

civil service position, at the Department of Veterans Affairs with respect to such a position relating to the hotline specified in subsection (a).

(2) In this subsection—

(A) the term “civil service” has the meaning given such term in section 2101(1) of title 5, United States Code; and

(B) the term “Executive action” includes—

(i) any Executive order, presidential memorandum, or other action by the President; and

(ii) any agency policy, order, or other directive.

SEC. 233. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliarys, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements:

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Services Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

(3) a cost versus benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings' condition and utilization;

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: *Provided*, That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

SEC. 234. Section 8109(b) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) notwithstanding subsection (a) of section 1344 of title 31, may use a passenger carrier (as such term is defined in subsection (h)(1) of such section) to transport such an employee between a parking facility and the medical facility of the Department at which the employee works.”

SEC. 235. None of the funds made available to the Secretary of Veterans Affairs by this or any other Act may be obligated or expended in contravention of the “Veterans Health Administration Clinical Preventive Services Guidance Statement on the Veterans Health Administration’s Screening for Breast Cancer Guidance” published on May 10, 2017, as issued by the Veterans Health Administration National Center for Health Promotion and Disease Prevention.

SEC. 236. (a) Notwithstanding any other provision of law, the amounts appropriated

or otherwise made available to the Department of Veterans Affairs for the “Medical Services” account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section:

(1) The term “service-connected” has the meaning given such term in section 101 of title 38, United States Code.

(2) The term “covered veteran” means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term “assisted reproductive technology” means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of “Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members” issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member except that—

(A) the time periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(B) such term includes embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

(4) The term “adoption reimbursement” means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2017 (Public Law 115-31).

(RESCISSION OF FUNDS)

SEC. 237. Of the unobligated balance of funds made available in the sixth proviso under the heading “Department of Veterans Affairs—Veterans Health Administration—Medical Services” in title II of Division J of the Consolidated Appropriations Act, 2016 (Public Law 114-113), \$751,000,000 is hereby rescinded.

SEC. 238. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 239. Section 842 of Public Law 109-115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section

5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

SEC. 240. (a) Except as provided in subsection (b), the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than 5 years after the date of the enactment of this Act.

(2) For all individuals not described in paragraph (1), not later than 8 years after the date of the enactment of this Act.

(b) The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs if and only if the use of such number is required to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

SEC. 241. For funds provided to the Department of Veterans Affairs for each of fiscal year 2018 and 2019 for “Medical Services”, section 239 of Division A of Public Law 114-223 shall apply.

SEC. 242. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

(RESCISSIONS OF FUNDS)

SEC. 243. (a) Of the unobligated balance of funds made available through September 30, 2018, under the heading “Construction, Major Projects” in division J of the Consolidated Appropriations Act, 2014 (Public Law 113-76), \$10,000,000 is hereby rescinded.

(b) For an additional amount for “Construction, Major Projects”, \$10,000,000, to remain available until September 30, 2023.

(c) Of the unobligated balance of funds made available through September 30, 2019, under the heading “Construction, Major Projects” in division I of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235), \$410,000,000 is hereby rescinded.

(d) For an additional amount for “Construction, Major Projects”, \$410,000,000, to remain available until September 30, 2024.

SEC. 244. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2018 and fiscal year 2019 for “Medical Services”, funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111-163, notwithstanding subsection (e) of such section.

SEC. 245. (a) Section 204(c) of the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 (Public Law 107-135; 38 U.S.C. 1710 note) is amended—

(1) by inserting “(1)” before “The program”; and

(2) by adding at the end the following new paragraph:

“(2) The program shall be carried out at not fewer than two medical centers or clinics in each Veterans Integrated Service Network by not later than December 31, 2019, and at not fewer than 50 percent of all medical centers in each Veterans Integrated Service Network by not later than December 31, 2021.”

(b)(1) Paragraph (6) of section 1701 of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(H) Chiropractic services.”.

(2) Paragraph (8) of such section is amended by inserting “chiropractic,” after “counseling”.

(3) Paragraph (9) of such section is amended—

(A) by redesignating subparagraphs (F) through (K) as subparagraphs (G) through (L), respectively; and

(B) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) chiropractic examinations and services;”.

SEC. 246. (a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out a pilot program to provide educational assistance to certain former members of the Armed Forces for education and training as physician assistants of the Department of Veterans Affairs.

(b) ELIGIBLE INDIVIDUALS.—An individual is eligible to participate in the pilot program if the individual—

(1) has medical or military health experience gained while serving as a member of the Armed Forces;

(2) has received a certificate, associate degree, baccalaureate degree, master’s degree, or postbaccalaureate training in a science relating to health care; or

(3) has participated in the delivery of healthcare services or related medical services, including participation in military training relating to the identification, evaluation, treatment, and prevention of diseases and disorders.

(c) DURATION.—The pilot program shall be carried out during the 5-year period beginning on the date that is 180 days after the date of the enactment of this Act.

(d) SELECTION.—

(1) The Secretary shall select eligible individuals under subsection (b) to participate in the pilot program.

(2) In selecting individuals to participate in the pilot program under paragraph (1), the Secretary shall give priority to individuals who agree to be employed as a physician assistant for the Veterans Health Administration at a medical facility of the Department located in a community that—

(A) is designated as a medically underserved population under section 330(b)(3)(A) of the Public Health Service Act (42 U.S.C. 254b(b)(3)(A)); and

(B) is in a State with a per capita population of veterans of more than 5 percent according to the National Center for Veterans Analysis and Statistics and the United States Census Bureau.

(e) EDUCATIONAL ASSISTANCE.—In carrying out the pilot program, the Secretary shall provide educational assistance to individuals participating in the pilot program, including through the use of scholarships, to cover the costs to such individuals of obtaining a master’s degree in physician assistant studies or a similar master’s degree.

(f) PERIOD OF OBLIGATED SERVICE.—The Secretary shall enter into an agreement with each individual participating in the pilot program in which such individual agrees to be employed as a physician assistant for the Veterans Health Administration for a period of obligated service to be determined by the Secretary.

(g) BREACH.—An individual who participates in the pilot program and fails to satisfy the period of obligated service under subsection (f) shall be liable to the United States, in lieu of such obligated service, for the amount that has been paid or is payable to or on behalf of the individual under the pilot program, reduced by the proportion that the number of days served for completion of the period of obligated service bears to the total number of days in the period of obligated service of such individual.

(h) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in collaboration with the Secretary of Labor, the Secretary of Defense, and the Secretary of Health and Human Services, shall submit to Congress a report on the pilot program's effectiveness of helping to meet the shortage of physician assistants employed by the Department.

SEC. 247. For funds provided to the Department of Veterans Affairs for each of fiscal year 2018 and 2019, section 248 of Division A of Public Law 114-223 shall apply.

SEC. 248. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

(1) an assessment of the veteran-to-staff ratio for each such program; and

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 249. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 250. For funds provided to the Department of Veterans Affairs for each of fiscal year 2018 and 2019, section 258 of Division A of Public Law 114-223 shall apply.

SEC. 251. (a) IN GENERAL.—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(10) Any individual—
“(A) who—

“(i) was naturalized pursuant to section 2(1) of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note); and

“(ii) at the time of the individual's death resided in the United States.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act.

SEC. 252. The Secretary may carry out a 2-year pilot program making grants to non-profit veterans services organizations recognized by the Secretary in accordance with section 5902 of title 38, United States Code, to upgrade, through construction and repair, VSO community facilities into health and wellness centers and to promote and expand complementary and integrative wellness programs: *Provided*, That no single grant may exceed a total of \$500,000: *Provided further*, That the Secretary may not provide more than 20 grants during the 2-year pilot program: *Provided further*, That the recipient of a grant under this section may not use the grant to purchase real estate or to carry out repair of facilities leased by the recipient or to construct facilities on property leased by the recipient: *Provided further*, That the Secretary ensures that the grant recipients use grant funds to construct or repair facilities located in at least 10 different geographic lo-

cations in economically depressed areas or areas designated as highly rural that are not in close proximity to Department of Veterans Affairs medical centers: *Provided further*, That the Secretary shall report to the Committees on Appropriations of both Houses of Congress no later than 180 days after enactment of this Act, on the grant program established under this section.

SEC. 253. None of the funds appropriated in this or any other Act for “Grants for Construction of State Extended Care Facilities” may be used to award grants for applications included in priority one of the priority list for the first time which have been assigned a higher priority ranking for fiscal year 2018 than unfunded applications which met the eligibility requirements defined in section 8135(c) of title 38, United States Code, in fiscal year 2017 and continue to meet those requirements in fiscal year 2018: *Provided*, That the Secretary may award grants for new applications in fiscal year 2018 for projects that did not meet eligibility requirements defined in section 8135(c) of title 38, United States Code, in fiscal year 2017 only after applications which met priority one eligibility requirements in fiscal year 2017 and continue to meet those requirements defined in section 8135(c) of title 38, United States Code, have been funded: *Provided further*, That nothing in this section shall preclude the Secretary from assigning a higher priority ranking or funding a grant application to correct conditions that threaten the life or safety of patients which meet the criteria laid out in section 8135(c) of title 38, United States Code.

SEC. 254. None of the funds appropriated or otherwise made available by this Act may be used to conduct research using canines unless: the scientific objectives of the study can only be met by research with canines; the study has been directly approved by the Secretary; and the study is consistent with the revised Department of Veterans Affairs canine research policy document released on December 18, 2017: *Provided*, That not later than 180 days after enactment of this Act, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a detailed report outlining under what circumstances canine research may be needed if there are no other alternatives, how often it was used during that time period, and what protocols are in place to determine both the safety and efficacy of the research.

SEC. 255. For an additional amount for the Department of Veterans Affairs, \$2,000,000,000 to remain available until expended, for infrastructure improvements, including new construction, and in addition to amounts otherwise made available in this act for such purpose, of which:

(1) \$1,000,000,000 shall be for “Veterans Health Administration—Medical Facilities” to be used for non-recurring maintenance;

(2) \$425,000,000 shall be for “Departmental Administration—Construction, Minor Projects”; and,

(3) \$575,000,000 shall be for “Departmental Administration—Grants for Construction of State Extended Care Facilities”; *Provided*, That the additional amounts appropriated for the purposes of non-recurring maintenance and minor construction may be used to carry out critical life-safety projects identified in the Department's annual facility condition assessments; sustainment projects; modernization projects; infrastructure repair; renovations at existing Veterans Health Administration medical centers and outpatient clinics; and projects included in the Strategic Capital Investment Process plan: *Provided further*, That the additional amounts appropriated under this section may not be obligated or expended until the

Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a detailed expenditure plan, including project descriptions and costs, for any non-recurring maintenance, minor construction or State extended care facility project being funded with the additional amounts made available in this administrative provision.

SEC. 256. Subsection (d) of section 504 of the Veterans' Benefits Improvement Act of 1996 (Public Law 104-275; 38 U.S.C. 5101 note), as amended, is further amended to read as follows:

“(c) SOURCE OF FUNDS.—Expenses of carrying out the pilot program under this section, including payments for pilot program examination travel and incidental expenses under the terms and conditions set forth by 38 U.S.C. 111, shall be reimbursed to the accounts available for the general operating expenses of the Veterans Benefits Administration and information technology systems from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.”.

SEC. 257. None of the funds made available by this Act may be used to charge a veteran a fee for a veterans identification card pursuant to section 5706(c) of title 38, United States Code.

SEC. 258. (a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1712L. Mental and behavioral health care for certain former members of the Armed Forces

“(a) IN GENERAL.—The Secretary shall furnish to former members of the Armed Forces described in subsection (b)—

“(1) an initial mental health assessment; and

“(2) the mental healthcare or behavioral healthcare services authorized under this chapter that are required to treat the mental or behavioral health care needs of the former service members, including risk of suicide or harming others.

“(b) ELIGIBLE INDIVIDUALS.—A former member of the Armed Forces described in this subsection is an individual who—

“(1) is a former member of the Armed Forces, including the reserve components;

“(2) while serving in the active military, naval, or air service, was discharged or released therefrom under a condition that is not honorable but not—

“(A) a dishonorable discharge; or

“(B) a discharge by court-martial;

“(3) is not otherwise eligible to enroll in the health care system established by section 1705 of this title; and

“(4)(A)(i) served in the Armed Forces for a period of more than 100 cumulative days; and

“(ii) was deployed in a theater of combat operations, in support of a contingency operation, or in an area at a time during which hostilities are occurring in that area during such service, including by controlling an unmanned aerial vehicle from a location other than such theater or area; or

“(B) while serving in the Armed Forces, was the victim of a physical assault of a sexual nature, a battery of a sexual nature, or sexual harassment (as defined in section 1720D(f) of this title).

“(c) NON-DEPARTMENT CARE.—(1) In furnishing mental or behavioral health care services to an individual under this section, the Secretary may provide such mental or behavioral health care services at a non-Department facility if—

“(A) in the judgment of a mental health professional employed by the Department, the receipt of mental or behavioral health care services by that individual in facilities

of the Department would be clinically inadvisable; or

“(B) facilities of the Department are not capable of furnishing such mental or behavioral health care services to that individual economically because of geographical inaccessibility.

“(2) The Secretary shall carry out paragraph (1) pursuant to section 1703 of this title or any other provision of law authorizing the Secretary to enter into contracts or agreements to furnish hospital care and medical services to veterans at non-Department facilities.

“(d) SETTING AND REFERRALS.—In furnishing mental and behavioral health care services to individuals under this section, the Secretary shall—

“(1) seek to ensure that such services are furnished in settings that are therapeutically appropriate, taking into account the circumstances that resulted in the need for such services; and

“(2) provide referral services to assist former members who are not eligible for services under this chapter to obtain services from sources outside the Department.

“(e) INFORMATION.—The Secretary shall provide information on the mental and behavioral health care services available under this section. Efforts by the Secretary to provide such information—

“(1) shall include notification of each eligible individual described in subsection (b) about the eligibility of the individual for covered mental and behavioral health care under this section not later than the later of—

“(A) 180 days after the date of the enactment of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018; or

“(B) 180 days after the date on which the individual was discharged or released from the active military, naval, or air service;

“(2) shall include availability of a toll-free telephone number (commonly referred to as an 800 number);

“(3) shall ensure that information about the mental health care services available under this section—

“(A) is revised and updated as appropriate;

“(B) is made available and visibly posted at appropriate facilities of the Department; and

“(C) is made available to State veteran agencies and through appropriate public information services; and

“(4) shall include coordination with the Secretary of Defense seeking to ensure that members of the Armed Forces and individuals who are being separated from active military, naval, or air service are provided appropriate information about programs, requirements, and procedures for applying for mental health care services under this section.

“(f) ANNUAL REPORTS.—(1) Not less frequently than once each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the mental and behavioral health care services provided under this section.

“(2) Each report submitted under paragraph (1) shall include, with respect to the year preceding the submittal of the report, the following:

“(A) The number of eligible individuals who were furnished mental or behavioral health care services under this section, disaggregated by the number of men who received such services and the number of women who received such services.

“(B) The number of individuals who requested an initial mental health assessment under subsection (a)(1).

“(C) Such other information as the Secretary considers appropriate.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 1720H the following new item:

“1720I. Mental and behavioral health care for certain former members of the Armed Forces.”

SEC. 259. (a) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5303A the following new section:

“§ 5303B. Character of service determinations

“(a) DETERMINATION.—The Secretary shall establish a process by which an individual who served in the Armed Forces and was discharged or dismissed therefrom may seek a determination from the Secretary with respect to whether such discharge or release was under a condition that bars the right of such individual to a benefit under the laws administered by the Secretary based upon the period of service from which discharged or dismissed.

“(b) PROVISION OF INFORMATION.—If the Secretary determines under subsection (a) that an individual is barred to a benefit under the laws administered by the Secretary, the Secretary shall provide to such individual information regarding the ability of the individual to address such condition, including pursuant to section 5303 of this title and chapter 79 of title 10.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5303A the following new item:

“5303B. Character of service determinations.”

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$42,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$79,000,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$33,600,000: *Provided*, That, of the amount, up to \$800,000 may be transferred to the General Services Administration for planning and design of a courthouse, to include a feasibility study: *Provided further*, That \$2,580,000 shall be available for the purpose of providing financial assistance as described and in accordance with the process and reporting pro-

cedures set forth under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$2,000 for official reception and representation expenses, \$80,800,000, of which not to exceed \$15,000,000 shall remain available until September 30, 2020. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the “Lease of Department of Defense Real Property for Defense Agencies” account.

CONSTRUCTION

For necessary expenses for planning and design and construction at Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, \$167,000,000, to remain available until expended, for planning and design and construction associated with the Southern Expansion project at Arlington National Cemetery.

ARMED FORCES RETIREMENT HOME TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$64,300,000, of which \$1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, \$22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISIONS

SEC. 301. Funds appropriated in this Act under the heading “Department of Defense—Civil, Cemeterial Expenses, Army”, may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

SEC. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$146,100,000, to remain available until September 30, 2022, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$33,248,000, to remain available until September 30, 2022, for projects outside of the

United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force” \$546,352,000, to remain available until September 30, 2022, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$24,300,000, to remain available until September 30, 2022, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

SEC. 401. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 402. Notwithstanding any other provision of law, the Secretary of Defense is directed to provide the congressional defense committees a future years defense program for funds appropriated to the Department of Defense for construction projects related to European Reassurance Initiative and European Deterrence Initiative beginning in fiscal year 2018 and each subsequent fiscal year that funding is requested for either initiative. Further, the Secretary of Defense is directed to submit the future years defense program with each fiscal year budget submission.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 505. None of the funds made available in this Act may be transferred to any depart-

ment, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the “Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018”.

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$5,744,440,000, of which up to \$654,553,000 may remain available until September 30, 2019, and of which up to \$1,380,752,000 may remain available until expended for Worldwide Security Protection: *Provided*, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,770,673,000, of which up to \$476,879,000 is for Worldwide Security Protection.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$1,253,799,000.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$794,561,000.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, \$925,407,000, of which up to \$903,873,000 is for Worldwide Security Protection.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(B) not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER OF FUNDS, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section

1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Funds appropriated under this heading that are designated for Worldwide Security Protection shall continue to be made available for support of security-related training at sites in existence prior to the enactment of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, as authorized, \$103,400,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$77,629,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post inspections: *Provided*, That of the funds appropriated under this heading, \$11,644,000 may remain available until September 30, 2019.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$646,143,000, to remain available until expended, of which not less than \$240,000,000 shall be for the Fulbright Program and not less than \$111,360,000 shall be for Citizen Exchange Program, including \$4,125,000 for the Congress-Bundestag Youth Exchange: *Provided*, That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: *Provided further*, That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the Committees on Appropriations: *Provided further*, That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

REPRESENTATION EXPENSES

For representation expenses as authorized, \$8,030,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$30,890,000, to remain available until September 30, 2019.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$765,459,000, to remain available until expended, of which not to exceed \$25,000 may be used for domestic and overseas representation expenses as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies of the United States Government.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$1,477,237,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this

Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2018.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized, \$7,885,000, to remain available until expended, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,300,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,440,856.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$31,963,000.

INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF COLUMBIA

Not to exceed \$1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553), and, in addition, as authorized by section 5 of such Act, \$743,000, to be derived from the reserve authorized by such section, to be used for the purposes set out in that section.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress, \$1,371,168,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That not later than June 1, 2018, and 30 days after the end of fiscal year 2018, the Secretary of State shall report to the Committees on Appropriations any credits attributable to the United States, including from the United Nations Tax Equalization Fund, and provide updated fiscal year 2018 and fiscal year 2019 assessment costs including offsets from available credits and updated foreign currency exchange rates: *Pro-*

vided further, That any such credits shall only be available for United States assessed contributions to the United Nations regular budget, and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7076 of this Act, shall include an estimate of all known credits currently attributable to the United States and provide updated assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any payment of arrearages under this heading shall be directed to activities that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$414,624,000, of which 15 percent shall remain available until September 30, 2019: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be served, and the exit strategy; and (2) the sources of funds, including any reprogrammings or transfers, that will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further*, That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation and abuse or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in such mission, including prosecution in their home countries and making information about such prosecutions publicly available on the Web site of the United Nations: *Provided further*, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: *Provided further*, That funds shall be

available for peacekeeping expenses unless the Secretary of State determines that United States manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further*, That not later than June 1, 2018, and 30 days after the end of fiscal year 2018, the Secretary of State shall report to the Committees on Appropriations any credits attributable to the United States, including those resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund, and provide updated fiscal year 2018 and fiscal year 2019 assessment costs including offsets from available credits: *Provided further*, That any such credits shall only be available for United States assessed contributions to United Nations peacekeeping missions, and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7076 of this Act, shall include an estimate of all known credits currently attributable to the United States and provide updated assessment costs, including offsets from available credits: *Provided further*, That any payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall work with the United Nations and members of the United Nations Security Council to evaluate and prioritize peacekeeping missions, and to consider a draw down when mission goals have been substantially achieved.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$48,134,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$29,400,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commis-

sion and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by the North American Free Trade Agreement Implementation Act (Public Law 103-182), \$13,258,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, up to \$500,000 may remain available until September 30, 2019, and \$9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$46,356,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, \$797,986,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to \$34,508,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than \$13,800,000 shall be for Internet freedom programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed \$35,000 may be used for representation expenses, of which \$10,000 may be used for such expenses within the United States as authorized, and not to exceed \$30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the BBG that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in subsections (a) and (b) of section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) or the entity's journalistic code of ethics: *Provided further*, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (short-wave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to \$5,000,000 in receipts from advertising and revenue from business ventures, up to \$500,000 in receipts from cooperating international organizations, and up to \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide,

in addition to amounts otherwise available for such purposes, \$9,700,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$17,000,000, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), \$37,884,000, to remain available until September 30, 2019, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN

DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2018, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2018, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2018, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$16,700,000.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), \$170,000,000, to remain available until expended, of which \$117,500,000 shall be allocated in the traditional and customary manner, including for the core institutes, and \$52,500,000 shall be for democracy programs.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$675,000, as authorized by chapter 3123 of title 54, United States Code: *Provided*, That the Commission may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section

312304(b) of such chapter: *Provided further*, That such authority shall terminate on October 1, 2018: *Provided further*, That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM
SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom (USCIRF), as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.), \$4,500,000, to remain available until September 30, 2019, including not more than \$4,000 for representation expenses: *Provided*, That prior to the obligation of \$1,000,000 of the funds appropriated under this heading, the Commission shall consult with the appropriate congressional committees on the steps taken to implement the recommendations of the Independent Review of USCIRF Mission Effectiveness that was conducted pursuant to the United States Commission on International Religious Freedom Reauthorization Act of 2015 (Public Law 114-71), and such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

COMMISSION ON SECURITY AND COOPERATION IN
EUROPE
SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304 (22 U.S.C. 3001 et seq.), \$2,579,000, including not more than \$4,000 for representation expenses, to remain available until September 30, 2019.

CONGRESSIONAL-EXECUTIVE COMMISSION ON
THE PEOPLE'S REPUBLIC OF CHINA
SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911 et seq.), \$2,000,000, including not more than \$3,000 for representation expenses, to remain available until September 30, 2019.

UNITED STATES-CHINA ECONOMIC AND
SECURITY REVIEW COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), \$3,500,000, including not more than \$4,000 for representation expenses, to remain available until September 30, 2019: *Provided*, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117) shall continue in effect during fiscal year 2018 and shall apply to funds appropriated under this heading as if included in this Act.

TITLE II
UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
FUNDS APPROPRIATED TO THE PRESIDENT
OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,189,609,000, of which up to \$178,441,000 may remain available until September 30, 2019: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to

finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment expenses, of which not to exceed \$5,000 may be available for entertainment expenses, and not to exceed \$100,500 shall be for official residence expenses, for USAID during the current fiscal year.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$197,100,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$72,800,000, of which up to \$10,920,000 may remain available until September 30, 2019, for the Office of Inspector General of the United States Agency for International Development.

TITLE III
BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$3,020,000,000, to remain available until September 30, 2019, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance

to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; (7) programs to prevent, prepare for, and respond to, unanticipated and emerging global health threats; and (8) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso,

the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,670,000,000, to remain available until September 30, 2022, which shall be apportioned directly to the Department of State: *Provided*, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That the amount of such contribution should be \$1,350,000,000: *Provided further*, That clauses (i) and (vi) of section 202(d)(4)(A) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622) shall be applied with respect to such funds made available for fiscal years 2015 through 2018 by substituting "2004" for "2009": *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2018 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this paragraph, up to \$17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$3,000,000,000, to remain available until September 30, 2019.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$2,696,534,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of

Transition Initiatives, United States Agency for International Development, pursuant to section 491 of the Foreign Assistance Act of 1961, \$30,000,000, to remain available until expended, to support transition to democracy and long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to support programs and activities to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, \$10,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available on such terms and conditions as are appropriate and necessary for the purposes of preventing or responding to such challenges and crises, except that no funds shall be made available for lethal assistance or to respond to natural disasters: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be used for administrative expenses, in addition to funds otherwise available for such purposes, except that such expenses may not exceed 5 percent of the funds appropriated under this heading: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days prior to the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$55,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That funds provided under this paragraph and funds provided as a gift that are used for purposes of this paragraph pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro- and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That funds provided as a gift that are used for purposes of this paragraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall

be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, and funds used for such cost, including if the cost results in a negative subsidy, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country shall not exceed \$300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$1,750,000,000.

In addition, for administrative expenses to carry out credit programs administered by USAID, \$10,000,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2020.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$1,816,731,000, to remain available until September 30, 2019.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, including to carry out the purposes of section 502(b)(3) and (5) of Public Law 98-164 (22 U.S.C. 4411), \$150,375,000, to remain available until September 30, 2019, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State: *Provided*, That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise available by this Act for such purposes: *Provided further*, That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the obligation of funds appropriated under this paragraph.

For an additional amount for such purposes, \$65,125,000, to remain available until September 30, 2019, which shall be made available for the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public Law 102-511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101-179), \$750,334,000, to remain available until September 30, 2019, which shall be available, notwithstanding any other provision of law, except section 7070 of this Act, for assistance and related programs for countries identified in section 3 of Public Law 102-511 (22 U.S.C. 5801) and section 3(c) of Public Law 101-179 (22 U.S.C. 5402), in addition to funds otherwise available for such

purposes: *Provided*, That funds appropriated by this Act under the headings “Global Health Programs”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of Public Law 102-511 and section 601 of Public Law 101-179: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$927,802,000, to remain available until expended, of which not less than \$35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements, and \$7,500,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$1,000,000, to remain available until expended: *Provided*, That amounts in excess of the limitation contained in paragraph (2) of such section shall be transferred to, and merged with, funds made available by this Act under the heading “Migration and Refugee Assistance”.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$410,000,000, of which \$5,500,000 is for the Office of Inspector General, to remain available until September 30, 2019: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C. 2515), an amount not to exceed \$5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$104,000 may be available for representation expenses, of which not to exceed \$4,000 may be made available for entertainment expenses: *Provided further*, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps

personnel, pursuant to section 7015(e) of this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That notwithstanding the previous proviso, section 614 of division E of Public Law 113-76 shall apply to funds appropriated under this heading.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), \$905,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (MCC): *Provided further*, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the MCA for fiscal year 2018: *Provided further*, That section 605(e) of the MCA shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the MCC Chief Executive Officer shall notify the Committees on Appropriations not later than 15 days prior to commencing negotiations for any country compact or threshold country program; signing any such compact or threshold program; or terminating or suspending any such compact or threshold program: *Provided further*, That funds appropriated under this heading by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are available to implement section 609(g) of the MCA shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That no country should be eligible for a threshold program after such country has completed a country compact: *Provided further*, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That notwithstanding section 606(a)(2) of the MCA, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: *Provided further*, That notwithstanding section 606(b)(1) of the MCA, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: *Provided further*, That any MCC candidate country under section 606 of the MCA with a per capita income that changes in the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its

candidacy status in its former income classification for the fiscal year and the 2 subsequent fiscal years: *Provided further*, That publication in the Federal Register of a notice of availability of a copy of a Compact on the MCC Web site shall be deemed to satisfy the requirements of section 610(b)(2) of the MCA for such Compact: *Provided further*, That none of the funds made available by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be available for a threshold program in a country that is not currently a candidate country: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment expenses, of which not to exceed \$5,000 may be available for entertainment expenses.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,500,000, to remain available until September 30, 2019: *Provided*, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the African Development Foundation Act (title V of Public Law 96-533; 22 U.S.C. 290h et seq.), \$30,000,000, to remain available until September 30, 2019, of which not to exceed \$2,000 may be available for representation expenses: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act (22 U.S.C. 290h-3(a)(2)), in exceptional circumstances the Board of Directors of the USADF may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the USADF shall submit a report to the appropriate congressional committees after each time such waiver authority is exercised: *Provided further*, That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further*, That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Development Foundation Act: *Provided further*, That the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

DEPARTMENT OF THE TREASURY INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$30,000,000, to remain available until September 30, 2020: *Provided*, That amounts made available under this heading may be made available to contract for services as described in section 129(d)(3)(A) of the Foreign Assistance Act of 1961, without regard to the location in which such services are performed.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE
DEPARTMENT OF STATE
INTERNATIONAL NARCOTICS CONTROL AND LAW
ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$950,845,000, to remain available until September 30, 2019: *Provided*, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of such Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, and other judicial authorities, utilizing regional partners: *Provided further*, That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM,
DEMINEING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$655,467,000, to remain available until September 30, 2019, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act, or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided*, That the Secretary of State shall inform the appropriate congressional committees of information regarding any separate arrangements relating to the "Road-map for the Clarification of Past and Present Outstanding Issues Regarding Iran's Nuclear Program" between the IAEA and the Islamic Republic of Iran, in classified form if necessary, if such information becomes known to the Department of State: *Provided further*, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be made available, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until

expended: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$212,712,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, not less than \$31,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL MILITARY EDUCATION AND
TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$110,875,000, of which up to \$11,000,000 may remain available until September 30, 2019: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That of the funds appropriated under this heading, not to exceed \$55,000 may be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$5,671,613,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than \$3,100,000,000 shall be available for grants only for Israel which shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$815,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and develop-

ment: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$75,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation expenses: *Provided further*, That not more than \$950,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2018 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973 (Public Law 93-188; 87 Stat. 713), \$339,000,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee

for the Global Environment Facility by the Secretary of the Treasury, \$139,575,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,097,010,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, \$47,395,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$32,418,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$171,300,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, \$30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE EXPORT-IMPORT BANK OF THE UNITED STATES INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$5,700,000, of which up to \$855,000 may remain available until September 30, 2019.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and

not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$110,000,000, of which up to \$16,500,000 may remain available until September 30, 2019: *Provided*, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further*, That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945 (Public Law 79-173) and the Federal Credit Reform Act of 1990, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: *Provided further*, That amounts collected in fiscal year 2018 in excess of obligations, up to \$10,000,000 shall become available on September 1, 2018, and shall remain available until September 30, 2021.

OVERSEAS PRIVATE INVESTMENT CORPORATION NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$79,200,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961, \$20,000,000, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account, to remain available until September 30, 2020: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds so obligated in fiscal year 2018 remain available for disbursement through 2026; funds obligated in fiscal year 2019 remain available for disbursement through 2027; and funds obli-

gated in fiscal year 2020 remain available for disbursement through 2028: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$79,500,000, to remain available until September 30, 2019: *Provided*, That of the funds appropriated under this heading, not more than \$5,000 may be available for representation and entertainment expenses.

TITLE VII GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2018 or any previous fiscal year, disaggregated by fiscal year: *Provided*, That the report required by this section shall be submitted not later than 30 days after the end of each fiscal quarter and should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, 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 under existing Executive Order issued pursuant to existing law.

DIPLOMATIC FACILITIES

SEC. 7004. (a) CAPITAL SECURITY COST SHARING INFORMATION.—The Secretary of State shall promptly inform the Committees on Appropriations of each instance in which a Federal department or agency is delinquent in providing the full amount of funding required by section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).

(b) EXCEPTION.—Notwithstanding paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427,

as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act), as amended by section 111 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114-323), a project to construct a facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) **NEW DIPLOMATIC FACILITIES.**—For the purposes of calculating the fiscal year 2018 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the contribution of the Department of State for this purpose: *Provided*, That funds appropriated by this Act that are made available for departments and agencies of the United States Government shall be made available for the Capital Security Cost Sharing Program and the Maintenance Cost Sharing Program at levels not less than the prior fiscal year.

(d) **CONSULTATION AND NOTIFICATION.**—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas United States diplomatic facilities during fiscal year 2018, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That notifications pursuant to this subsection shall include the information enumerated under the heading “Embassy Security, Construction, and Maintenance” in House Report 115-253 and Senate Report 114-290: *Provided further*, That any such notification for a new diplomatic facility justified to the Committees on Appropriations in the Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2018, or not previously justified to such Committees, shall also include confirmation that the Department of State has completed the requisite value engineering studies required pursuant to OMB Circular A-131, Value Engineering December 31, 2013 and the Bureau of Overseas Building Operations Policy and Procedure Directive, P&PD, Cost 02: Value Engineering.

(e) **INTERIM AND TEMPORARY FACILITIES ABROAD.**—

(1) **SECURITY VULNERABILITIES.**—Funds appropriated by this Act under the heading “Embassy Security, Construction, and Maintenance” may be made available, following consultation with the appropriate congressional committees, to address security vulnerabilities at interim and temporary United States diplomatic facilities abroad, including physical security upgrades and local guard staffing, except that the amount of funds made available for such purposes from this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be a minimum of \$25,000,000.

(2) **CONSULTATION.**—Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary United States diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel.

(f) **TRANSFER OF FUNDS AUTHORITY.**—Funds appropriated under the heading “Diplomatic

and Consular Programs”, including for Worldwide Security Protection, and under the heading “Embassy Security, Construction, and Maintenance” in this Act may be transferred to, and merged with, funds appropriated under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law.

(g) **SOFT TARGETS.**—Funds appropriated by this Act under the heading “Embassy Security, Construction, and Maintenance” may be made available for security upgrades to soft targets, including schools, recreational facilities, and residences used by United States diplomatic personnel and their dependents, except that the amount made available for such purposes shall be a minimum of \$10,000,000.

(h) **SECURE RESUPPLY AND MAINTENANCE.**—The Secretary of State may not grant final approval for the construction of a new facility or substantial construction to improve or expand an existing facility in the United States by or for the Government of the People's Republic of China until the Secretary certifies and reports to the appropriate congressional committees that an agreement has been concluded between the Governments of the United States and the People's Republic of China that permits secure resupply, maintenance, and new construction of United States Government facilities in the People's Republic of China.

(i) **NEW EMBASSY COMPOUND KINSHASA.**—Of the funds appropriated by this Act under the heading “Peacekeeping Operations” that are made available for the central Government of the Democratic Republic of the Congo, 25 percent shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that such Government has fully vacated the property purchased by the United States in Kinshasa for the construction of a New Embassy Compound.

(j) **REPORTS.**—

(1) None of the funds appropriated under the heading “Embassy Security, Construction, and Maintenance” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, made available through Federal agency Capital Security Cost Sharing contributions and reimbursements, or generated from the proceeds of real property sales, other than from real property sales located in London, United Kingdom, may be made available for site acquisition and mitigation, planning, design, or construction of the New London Embassy: *Provided*, That the reporting requirement contained in section 7004(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74) shall remain in effect during fiscal year 2018.

(2) Within 45 days of enactment of this Act and every 4 months thereafter until September 30, 2019, the Secretary of State shall submit to the Committees on Appropriations a report on the new Mexico City Embassy, New Delhi Embassy, and Beirut Embassy projects: *Provided*, That such report shall include, for each of the projects—

(A) a detailed breakout of the project factors that formed the basis of the initial cost estimate used to justify such project to the Committees on Appropriations, as described under the heading “Embassy Security, Con-

struction, and Maintenance” in House Report 115-253;

(B) a comparison of the current project factors as compared to the project factors submitted pursuant to subparagraph (A) of this subsection, and an explanation of any changes; and

(C) the impact of currency exchange rate fluctuations on project costs.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act.

DEPARTMENT OF STATE MANAGEMENT

SEC. 7006. (a) **FINANCIAL SYSTEMS IMPROVEMENT.**—Funds appropriated by this Act for the operations of the Department of State under the headings “Diplomatic and Consular Programs” and “Capital Investment Fund” shall be made available to implement the recommendations contained in the Foreign Assistance Data Review Findings Report (FADR) and the Office of Inspector General (OIG) report entitled “Department Financial Systems Are Insufficient to Track and Report on Foreign Assistance Funds”: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations an update to the plan required under section 7006 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31) for implementing the FADR and OIG recommendations: *Provided further*, That such funds may not be obligated for enhancements to, or expansions of, the Budget System Modernization Financial System, Central Resource Management System, Joint Financial Management System, or Foreign Assistance Coordination and Tracking System until such updated plan is submitted to the Committees on Appropriations: *Provided further*, That such funds may not be obligated for new, or expansion of existing, ad hoc electronic systems to track commitments, obligations, or expenditures of funds unless the Secretary of State, following consultation with the Chief Information Officer of the Department of State, has reviewed and certified that such new system or expansion is consistent with the FADR and OIG recommendations.

(b) **WORKING CAPITAL FUND.**—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund may only be used for the service centers included in the Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2018: *Provided*, That the amounts for such service centers shall be the amounts included in such budget justification, except as provided in section 7015(b) of this Act: *Provided further*, That Federal agency components shall be charged only for their direct usage of each Working Capital Fund service: *Provided further*, That prior to increasing the percentage charged to Department of State bureaus and offices for procurement-related activities, the Secretary of State shall include the proposed increase in the Department of State budget justification or, at least 60 days prior to the increase, provide the Committees on

Appropriations a justification for such increase, including a detailed assessment of the cost and benefit of the services provided by the procurement fee: *Provided further*, That Federal agency components may only pay for Working Capital Fund services that are consistent with the purpose and authorities of such components: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service.

(c) CERTIFICATION.—

(1) Not later than 45 days after the initial obligation of funds appropriated under titles III and IV of this Act that are made available to a Department of State bureau or office with responsibility for the management and oversight of such funds, the Secretary of State shall certify and report to the Committees on Appropriations, on an individual bureau or office basis, that such bureau or office is in compliance with Department and Federal financial and grants management policies, procedures, and regulations, as applicable.

(2) When making a certification required by paragraph (1), the Secretary of State shall consider the capacity of a bureau or office to—

(A) account for the obligated funds at the country and program level, as appropriate;

(B) identify risks and develop mitigation and monitoring plans;

(C) establish performance measures and indicators;

(D) review activities and performance; and

(E) assess final results and reconcile finances.

(3) If the Secretary of State is unable to make a certification required by paragraph (1), the Secretary shall submit a plan and timeline detailing the steps to be taken to bring such bureau or office into compliance.

(4) The report accompanying a certification required by paragraph (1) shall include the requirements contained under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) REPORT ON SOLE SOURCE AWARDS.—Not later than December 31, 2018, the Secretary of State shall submit a report to the appropriate congressional committees detailing all sole-source awards made by the Department of State during the previous fiscal year in excess of \$2,000,000: *Provided*, That such report should be posted on the Department of State Web site.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: *Provided*, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government

has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER OF FUNDS AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) DEPARTMENT OF STATE.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading “Representation Expenses”.

(2) BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) TREATMENT AS REPROGRAMMING.—Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) TITLE VI AGENCIES.—Not to exceed 5 percent of any appropriation, other than for administrative expenses made available for fiscal year 2018, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS OF FUNDS BETWEEN AGENCIES.—

(1) IN GENERAL.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) ALLOCATION AND TRANSFERS.—Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) NOTIFICATION.—Any agreement entered into by the United States Agency for International Development or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act or prior Acts making appropriations for the Department of

State, foreign operations, and related programs under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriations account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS OF FUNDS.—Any agreement for the transfer or allocation of funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such audits: *Provided*, That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further*, That funds transferred under such authority may be made available for the cost of such audits.

(f) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State and the USAID Administrator shall each submit a report to the Committees on Appropriations detailing all transfers to another agency of the United States Government made pursuant to sections 632(a) and 632(b) of the Foreign Assistance Act of 1961 with funds provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31) as of the date of enactment of this Act: *Provided*, That such reports shall include a list of each transfer made pursuant to such sections with the respective funding level, appropriation account, and the receiving agency.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the funds made available by this Act may be used for first-class travel by employees of United States Government departments and agencies funded by this Act in contravention of section 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

(b) COMPUTER NETWORKS.—None of the funds made available by this Act for the operating expenses of any United States Government department or agency may be used to establish or maintain a computer network for use by such department or agency unless such network has filters designed to block access to sexually explicit Web sites: *Provided*, That nothing in this subsection shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency, or any other entity carrying out the

following activities: criminal investigations, prosecutions, and adjudications; administrative discipline; and the monitoring of such Web sites undertaken as part of official business.

(c) PROHIBITION ON PROMOTION OF TOBACCO.—None of the funds made available by this Act should be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided by this Act: *Provided*, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings “Development Credit Authority” and “Assistance for Europe, Eurasia and Central Asia” shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the availability of funds pursuant to the previous proviso shall not be applicable to such funds until the Secretary of State submits the report required under section 7011 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114-113): *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the Secretary of State shall provide a report to the Committees on Appropriations not later than October 30, 2018, detailing by account and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultation with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided un-

less such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State and the Administrator of the United States Agency for International Development shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2018 on funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs by a foreign government or entity against United States assistance programs, either directly or through grantees, contractors, and subcontractors, shall be withheld from obligation from funds appropriated for assistance for fiscal year 2019 and for prior fiscal years and allocated for the central government of such country or for the West Bank and Gaza program, as applicable, if, not later than September 30, 2019, such taxes have not been reimbursed: *Provided*, That the Secretary of State shall report to the Committees on Appropriations by such date on the foreign governments and entities that have not reimbursed such taxes, including any amount of funds withheld pursuant to this subsection.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each foreign government or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

(1) IN GENERAL.—The provisions of this section shall not apply to any foreign government or entity that assesses such taxes if the Secretary of State reports to the Committees on Appropriations that—

(A) such foreign government or entity has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any foreign government or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue and update rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section:

(1) BILATERAL AGREEMENT.—The term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(2) TAXES AND TAXATION.—The term “taxes and taxation” shall include value added taxes and customs duties but shall not in-

clude individual income taxes assessed to local staff.

(h) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the heads of other relevant agencies of the United States Government, shall submit a report to the Committees on Appropriations on the requirements contained under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Department of State or the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs to the departments and agencies funded by this Act that remain available for obligation in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to—

(1) create new programs;

(2) suspend or eliminate a program, project, or activity;

(3) close, suspend, open, or reopen a mission or post;

(4) create, close, reorganize, downsize, or rename bureaus, centers, or offices; or

(5) contract out or privatize any functions or activities presently performed by Federal employees; unless previously justified to the Committees on Appropriations or such Committees

are notified 15 days in advance of such obligation.

(b) **NOTIFICATION OF REPROGRAMMING OF FUNDS.**—None of the funds provided under titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, to the departments and agencies funded under titles I and II of this Act that remain available for obligation in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the department and agency funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that—

(1) augments or changes existing programs, projects, or activities;

(2) relocates an existing office or employees;

(3) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(4) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) **NOTIFICATION REQUIREMENT.**—None of the funds made available by this Act under the headings “Global Health Programs”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, “Peacekeeping Operations”, “Non-proliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation”, “Foreign Military Financing Program”, “International Military Education and Training”, and “Peace Corps”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance of such obligation: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority: *Provided further*, That if subsequent to the notification of assistance it becomes necessary to rely on notwithstanding authority, the Committees on Appropriations

should be informed at the earliest opportunity and to the extent practicable.

(d) **DEPARTMENT OF DEFENSE PROGRAMS AND FUNDING NOTIFICATIONS.**—

(1) **PROGRAMS.**—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to support or continue any program initially funded under any authority of title 10, United States Code, or any Act making or authorizing appropriations for the Department of Defense, unless the Secretary of State, in consultation with the Secretary of Defense and in accordance with the regular notification procedures of the Committees on Appropriations, submits a justification to such Committees that includes a description of, and the estimated costs associated with, the support or continuation of such program.

(2) **FUNDING.**—Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) **WAIVER.**—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) **COUNTRY NOTIFICATION REQUIREMENTS.**—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Bolivia, Burma, Cambodia, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Pakistan, Philippines, the Russian Federation, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) **TRUST FUNDS.**—Funds appropriated or otherwise made available in title III of this Act and prior Acts making funds available for the Department of State, foreign operations, and related programs that are made available for a trust fund held by an international financial institution as defined by section 7034(r)(3) of this Act shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That such notification shall include the information specified under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(h) **OTHER PROGRAM NOTIFICATION REQUIREMENT.**—

(1) **DIPLOMATIC AND CONSULAR PROGRAMS.**—Funds appropriated under title I of this Act under the heading “Diplomatic and Consular Programs” that are made available for a pilot program for lateral entry into the Foreign Service shall be subject to prior consultation with, and the regular notification

procedures of, the Committees on Appropriations.

(2) **OTHER PROGRAMS.**—Funds appropriated by this Act that are made available for the following programs and activities shall be subject to the regular notification procedures of the Committees on Appropriations—

(A) The Global Engagement Center, except that the Secretary of State shall consult with the appropriate congressional committees prior to submitting such notification;

(B) The Power Africa initiative, or any successor program;

(C) Community-based police assistance conducted pursuant to the authority of section 7049 of this Act;

(D) Programs to counter foreign fighters and extremist organizations, pursuant to section 7073(a) of this Act;

(E) The Relief and Recovery Fund;

(F) The Global Security Contingency Fund; and

(G) Programs to end modern slavery.

(i) **WITHHOLDING OF FUNDS.**—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

(j) **REQUIREMENT TO INFORM, COORDINATE, AND CONSULT.**—

(1) The Secretary of State shall promptly inform the appropriate congressional committees of each instance in which funds appropriated by this Act for assistance for Iraq, Libya, Somalia, and Syria, the Counterterrorism Partnership Fund, the Relief and Recovery Fund, and to counter extremism and foreign fighters abroad, have been diverted or destroyed, to include the type and amount of assistance, a description of the incident and parties involved, and an explanation of the response of the Department of State or USAID, as appropriate: *Provided*, That the Secretary shall ensure such funds are coordinated with, and complement, the programs of other United States Government departments and agencies and international partners in such countries and on such activities.

(2) The Secretary of State shall consult with the Committees on Appropriations at least seven days prior to informing a government of, or publicly announcing a decision on, the suspension of assistance to a country or a territory from funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles I and III through V of this Act, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2019: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS AND REPORTS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available in the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such designated amounts for foreign countries and international organizations shall serve as the amounts for such countries and international organizations transmitted to Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961.

(b) AUTHORIZED DEVIATIONS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may only deviate up to 4 percent from the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such percentage may be exceeded only to respond to significant, exigent, or unforeseen events, or to address other exceptional circumstances directly related to the national interest: *Provided further*, That deviations pursuant to the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) LIMITATION.—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by section 653(a) of the Foreign Assistance Act of 1961, no deviations authorized by subsection (b) may take place until submission of such report.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to—

(A) amounts designated for “International Military Education and Training” in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); and

(B) funds for which the initial period of availability has expired.

(2) The authority in subsection (b) to deviate below amounts designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall not apply to the table included under the heading “Global Health Programs” in such explanatory statement.

(e) REPORTS.—The Secretary of State and the USAID Administrator, as appropriate, shall submit the reports required, in the manner described, in House Report 115-253, Senate Report 115-152, and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless directed otherwise in such explanatory statement.

REPRESENTATION AND ENTERTAINMENT EXPENSES

SEC. 7020. (a) USES OF FUNDS.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests, and—

(1) are primarily for fostering relations outside of the Executive Branch;

(2) are principally for meals and events of a protocol nature;

(3) are not for employee-only events; and

(4) do not include activities that are substantially of a recreational character.

(b) LIMITATIONS.—None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) PROHIBITION.—None of the funds appropriated or otherwise made available by titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provi-

sion of law, may be furnished if the President determines that to do so is important to the national interest of the United States.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interest.

(b) BILATERAL ASSISTANCE.—

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading “Trade and Development Agency”, may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “Foreign Military Financing Program”, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; and for the development assistance accounts of the United States Agency for International Development, “program, project, and activity” shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to Congress; or

(2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days after the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961 or as modified pursuant to section 7019 of this Act.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) **WORLD MARKETS.**—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) **EXPORTS.**—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) **INTERNATIONAL FINANCIAL INSTITUTIONS.**—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions, as defined in section 7034(r)(3) of this Act, to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7026. (a) **SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.**—

(1) **AGREEMENTS.**—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) **USES OF LOCAL CURRENCIES.**—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) **PROGRAMMING ACCOUNTABILITY.**—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) **TERMINATION OF ASSISTANCE PROGRAMS.**—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) **REPORT.**—The USAID Administrator shall report as part of the congressional budget justification submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent)

used or to be used for such purpose in each applicable country.

(b) **SEPARATE ACCOUNTS FOR CASH TRANSFERS.**—

(1) **IN GENERAL.**—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

(2) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) **NOTIFICATION.**—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) **EXEMPTION.**—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) **ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.**—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) **PUBLIC LAW 480.**—During fiscal year 2018, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83-480; 7 U.S.C. 1721 et seq.): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) **EXCEPTION.**—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

LOCAL COMPETITION

SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO COMPETITION FOR LOCAL ENTITIES.—Funds appropriated by this Act that are made available to the United States Agency for International Development may only be made available for limited competitions through local entities if—

(1) prior to the determination to limit competition to local entities, USAID has—

(A) assessed the level of local capacity to effectively implement, manage, and account for programs included in such competition; and

(B) documented the written results of the assessment and decisions made; and

(2) prior to making an award after limiting competition to local entities—

(A) each successful local entity has been determined to be responsible in accordance with USAID guidelines; and

(B) effective monitoring and evaluation systems are in place to ensure that award funding is used for its intended purposes; and

(3) no level of acceptable fraud is assumed.

(b) REPORT.—In addition to the requirements of subsection (a)(1), the USAID Administrator shall report to the appropriate congressional committees not later than 45 days after the end of fiscal year 2018 on all awards subject to limited or no competition for local entities: *Provided*, That such report shall be posted on the USAID Web site: *Provided further*, That the requirements of this subsection shall only apply to awards in excess of \$3,000,000 and sole source awards to local entities in excess of \$2,000,000.

(c) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74) shall continue in effect during fiscal year 2018.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) EVALUATIONS AND REPORT.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution adopts and implements a publicly available policy, including the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 25 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution's goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2017 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

(b) SAFEGUARDS.—

(1) The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(2) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to vote against loans or other financing for projects unless such projects—

(A) provide for accountability and transparency, including the collection, verification and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(B) will be developed and carried out in accordance with best practices regarding environmental conservation; cultural protection; and empowerment of local populations, including free, prior and informed consent of affected indigenous communities;

(C) do not provide incentives for, or facilitate, forced displacement; and

(D) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution conducts rigorous human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution: *Provided*, That prior to voting on any such loan, grant, policy, or strategy the executive director shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, if the executive director has reason to believe that such loan, grant, policy, or strategy could result in forced displacement or other violation of human rights.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to promote in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution collects, verifies, and publishes, to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds from any such financial institution: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2017 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the

United States executive director of each international financial institution to seek to require that each such institution is effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(1) protection against retaliation for internal and lawful public disclosure;

(2) legal burdens of proof;

(3) statutes of limitation for reporting retaliation;

(4) access to independent adjudicative bodies, including external arbitration; and

(5) results that eliminate the effects of proven retaliation.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

FINANCIAL MANAGEMENT AND BUDGET

TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if—

(A)(i) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed;

(ii) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(iii) the recipient agency or ministry has adopted competitive procurement policies and systems;

(iv) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes;

(v) no level of acceptable fraud is assumed; and

(vi) the government of the recipient country is taking steps to publicly disclose on an annual basis its national budget, to include income and expenditures;

(B) the recipient government is in compliance with the principles set forth in section 7013 of this Act;

(C) the recipient agency or ministry is not headed or controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(D) the Government of the United States and the government of the recipient country have agreed, in writing, on clear and achievable objectives for the use of such assistance, which should be made available on a cost-reimbursable basis; and

(E) the recipient government is taking steps to protect the rights of civil society, including freedoms of expression, association, and assembly.

(2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), no funds may be made available for direct government-to-government assistance without prior consultation with, and notification

of, the Committees on Appropriations: *Provided*, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further*, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of \$10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) **SUSPENSION OF ASSISTANCE.**—The Administrator of the United States Agency for International Development or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

(4) **SUBMISSION OF INFORMATION.**—The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2019 congressional budget justification materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) **REPORT.**—Not later than 90 days after the enactment of this Act and every 6 months thereafter until September 30, 2019, the USAID Administrator shall submit to the Committees on Appropriations a report that—

(A) details all assistance described in paragraph (1) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a reimbursable basis.

(6) **DEBT SERVICE PAYMENT PROHIBITION.**—None of the funds made available by this Act may be used by the government of any foreign country for debt service payments owed by any country to any international financial institution: *Provided*, That for purposes of this paragraph, the term “international financial institution” has the meaning given the term in section 7034(r)(3) of this Act.

(b) **NATIONAL BUDGET AND CONTRACT TRANSPARENCY.**—

(1) **MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.**—The Secretary of State shall continue to update and strengthen the “minimum requirements of fiscal transparency” for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113-76).

(2) **DEFINITION.**—For purposes of paragraph (1), “minimum requirements of fiscal transparency” are requirements consistent with those in subsection (a)(1), and the public disclosure of national budget documentation (to include receipts and expenditures by ministry) and government contracts and licenses for natural resource extraction (to include bidding and concession allocation practices).

(3) **DETERMINATION AND REPORT.**—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make or update any determination of “significant progress” or “no significant progress” in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual “Fiscal Transparency Report” to be posted on the Department of State Web site: *Provided*, That

the Secretary shall identify the significant progress made by each such government to publicly disclose national budget documentation, contracts, and licenses which are additional to such information disclosed in previous fiscal years, and include specific recommendations of short- and long-term steps such government should take to improve fiscal transparency: *Provided further*, That the annual report shall include a detailed description of how funds appropriated by this Act are being used to improve fiscal transparency, and identify benchmarks for measuring progress.

(4) **ASSISTANCE.**—Funds appropriated under title III of this Act shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise available for such purposes: *Provided further*, That a description of the uses of such funds shall be included in the annual “Fiscal Transparency Report” required by paragraph (3).

(c) **ANTI-KLEPTOCRACY AND HUMAN RIGHTS.**—

(1) **INELIGIBILITY.**—

(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

(B) The Secretary shall also publicly or privately designate or identify officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) **EXCEPTION.**—Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) **WAIVER.**—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) **REPORT.**—Not later than 6 months after enactment of this Act, the Secretary of State shall submit a report, including a classified annex if necessary, to the Committees on Appropriations and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(5) **POSTING OF REPORT.**—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State Web site.

(6) **CLARIFICATION.**—For purposes of paragraphs (1)(B), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) **NETWORKS OF CORRUPTION.**—If the Secretary of State has credible information of networks of corruption involving the participation of, or support from, a senior official in a country that receives assistance funded by this Act under titles III or IV, the Secretary shall update the report on such networks required by section 7031(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31).

(e) **EXTRACTION OF NATURAL RESOURCES.**—

(1) **ASSISTANCE.**—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2052) and the amendments made by such section, and to prevent the sale of conflict diamonds, and provide technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2) **UNITED STATES POLICY.**—

(A) The Secretary of the Treasury shall inform the management of the international financial institutions, and post on the Department of the Treasury Web site, that it is the policy of the United States to vote against any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered for—

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this subparagraph.

(f) **FOREIGN ASSISTANCE WEB SITE.**—Funds appropriated by this Act under titles I and II, and funds made available for any independent agency in title III, as appropriate, shall be made available to support the provision of additional information on United States Government foreign assistance on the Department of State foreign assistance Web site: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request, to the Department of State.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING.—

(1) **IN GENERAL.**—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement”, not less than \$2,308,517,000 shall be made available for democracy programs.

(2) PROGRAMS.—Of the funds made available for democracy programs pursuant to paragraph (1), the Bureau of Democracy, Human Rights, and Labor, Department of State, shall administer an amount not less than the amount administered in fiscal year 2017 under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia”.

(b) AUTHORITY.—Funds made available by this Act for democracy programs may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term “democracy programs” means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, non-governmental organizations and institutions, and citizens to support the development of democratic states, and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law, as determined by the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate.

(e) RESTRICTION ON PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country: *Provided*, That the Secretary of State, in coordination with the USAID Administrator, shall report to the Committees on Appropriations, not later than 120 days after enactment of this Act, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

(f) CONTINUATION OF CURRENT PRACTICES.—USAID shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs: *Provided*, That nothing in this paragraph shall be construed to affect the ability of any entity, including United States small businesses, from competing for proposals for USAID-funded civil society and political competition and consensus building programs.

(g) COUNTRY STRATEGY REVIEWS.—Prior to the obligation of funds made available by this Act for Department of State and USAID democracy programs for a nondemocratic or democratic transitioning country for which a country strategy has been concluded after the date of enactment of this Act, as required by section 2111(c)(1) of the ADVANCE Democracy Act of 2007 (title XXI of Public Law 110-53; 22 U.S.C. 8211) or similar provision of law or regulation, the Under Secretary for Civilian Security, Democracy and Human Rights, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall review such strategy to ensure that it includes—

(1) specific goals and objectives for such program, including a specific plan and timeline to measure impacts;

(2) an assessment of the risks associated with the conduct of such program to intended beneficiaries and implementers, including steps to support and protect such individuals; and

(3) the funding requirements to initiate and sustain such program in fiscal year 2018 and subsequent fiscal years, as appropriate:

Provided, That for the purposes of this subsection, the term “nondemocratic or democratic transitioning country” shall have the same meaning as in section 2104(6) of the ADVANCE Democracy Act of 2007.

(h) COMMUNICATION AND REPORTS.—

(1) INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly inform the National Endowment for Democracy of democracy programs that are planned and supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(2) REPORTS.—

(A) FUNDING INSTRUMENTS.—Not later than September 30, 2018, the Secretary of State and USAID Administrator shall each submit to the Committees on Appropriations a report detailing the use of contracts, grants, and cooperative agreements in the conduct of democracy programs with funds made available by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31), which shall include funding level, account, program sector and subsector, and a brief summary of purpose.

(B) PROGRAM CHANGES.—The Secretary of State or the USAID Administrator, as appropriate, shall report to the appropriate congressional committees within 30 days of a decision to significantly change the objectives or the content of a democracy program or to close such a program due to the increasingly repressive nature of the host country government: *Provided*, That the report shall also include a strategy for continuing support for democracy promotion, if such programming is feasible, and may be submitted in classified form, if necessary.

(i) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND JOURNALISTS.—

(1) PLAN.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a diplomatic and programmatic action plan to support and protect civil society activists and journalists who have been threatened, harassed, or attacked for peacefully exercising their rights of free expression, association, or assembly: *Provided*, That the Assistant Secretary for Democracy, Human Rights, and Labor (DRL), Department of State, shall develop such action plan in coordination with the relevant bureaus and offices of the Department of State and USAID.

(2) FUNDS.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “Democracy Fund”, not less than \$10,000,000 shall be made available for programs and activities to implement the action plan described in paragraph (1): *Provided*, That such funds may only be made available following consultation with the Committees on Appropriations: *Provided further*, That such funds shall be allocated to, and administered by, DRL and relevant bureaus and offices of the Department of State and USAID, and are in addition to amounts otherwise made available for such purposes.

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE AND SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM.—

(1) OPERATIONS.—Funds appropriated by this Act under the heading “Diplomatic and Consular Programs” shall be made available for the Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, Department of State, the Office of the Ambassador-at-Large for International Religious Freedom, and the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia, as authorized in the Near East and South Central Asia Religious Freedom Act of 2014 (Public Law 113-161), including for support staff at not less than the amounts specified for such offices in the table under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) CURRICULUM.—Funds appropriated under the heading “Diplomatic and Consular Programs” and designated for the Office of International Religious Freedom shall be made available for the development and implementation of an international religious freedom curriculum in accordance with section 708(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)(2)).

(b) ASSISTANCE.—

(1) INTERNATIONAL RELIGIOUS FREEDOM PROGRAMS.—Of the funds appropriated by this Act under the heading “Democracy Fund” and available for the Human Rights and Democracy Fund, not less than \$10,000,000 shall be made available for international religious freedom programs: *Provided*, That the Ambassador-at-Large for International Religious Freedom shall consult with the Committees on Appropriations on the uses of such funds.

(2) PROTECTION AND INVESTIGATION PROGRAMS.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$10,000,000 shall be made available for programs to protect vulnerable and persecuted religious minorities: *Provided*, That a portion of such funds shall be made available for programs to investigate the persecution of such minorities by governments and non-state actors and for the public dissemination of information collected on such persecution, including on the Department of State Web site.

(3) HUMANITARIAN PROGRAMS.—Funds appropriated by this Act under the headings “International Disaster Assistance” and “Migration and Refugee Assistance” shall be made available for humanitarian assistance for vulnerable and persecuted religious minorities, including victims of genocide designated by the Secretary of State and other groups that have suffered crimes against humanity and ethnic cleansing, to—

(A) facilitate the implementation of an immediate, coordinated, and sustained response to provide humanitarian assistance;

(B) enhance protection of conflict victims, including those facing a dire humanitarian crisis and severe persecution because of their faith or ethnicity; and

(C) improve access to secure locations for obtaining humanitarian and resettlement services.

(4) TRANSITIONAL JUSTICE, RECONCILIATION, AND REINTEGRATION PROGRAMS.—Of the funds appropriated by this Act that are made available for the Relief and Recovery Fund, not less than \$5,000,000 shall be made available to support transitional justice, reconciliation, and reintegration programs for vulnerable and persecuted religious minorities, including in the Middle East and North Africa regions: *Provided*, That such funds

shall be matched, to the maximum extent practicable, from sources other than the United States Government.

(5) **RESPONSIBILITY FOR FUNDS.**—Funds made available by paragraphs (1) and (2) shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials.

(c) **INTERNATIONAL BROADCASTING.**—Funds appropriated by this Act under the heading “Broadcasting Board of Governors, International Broadcasting Operations” shall be made available for programs related to international religious freedom, including reporting on the condition of vulnerable and persecuted religious groups.

(d) **ATROCITIES PREVENTION.**—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement”, not less than \$5,000,000 shall be made available for programs to prevent atrocities, including to implement recommendations of the Atrocities Prevention Board: *Provided*, That the Under Secretary for Civilian Security, Democracy, and Human Rights, Department of State, shall be responsible for providing the strategic policy direction for, and policy oversight of, funds made available pursuant to this subsection to the Bureaus of International Narcotics and Law Enforcement Affairs and Democracy, Human Rights, and Labor, Department of State: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) **FUNDING CLARIFICATION.**—Funds made available pursuant to subsections (b) and (d) are in addition to amounts otherwise made available for such purposes.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) **LAW ENFORCEMENT AND SECURITY.**—

(1) **CHILD SOLDIERS.**—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) **CROWD CONTROL ITEMS.**—Funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries undergoing democratic transition.

(3) **DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.**—Section 7034(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235) shall continue in effect during fiscal year 2018.

(4) **FORENSIC ASSISTANCE.**—

(A) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$8,000,000 shall be made available for forensic anthropology assistance related to the exhumation and identification of victims of war crimes, crimes against humanity, and genocide, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided*, That such funds shall be in addition to funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for countries.

(B) Of the funds appropriated by this Act under the heading “International Narcotics

Control and Law Enforcement”, not less than \$6,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico.

(5) **INTERNATIONAL PRISON CONDITIONS.**—Section 7065 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235) shall continue in effect during fiscal year 2018.

(6) **RECONSTITUTING CIVILIAN POLICE AUTHORITY.**—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(7) **SECURITY ASSISTANCE REPORT.**—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2017, by country and purpose of assistance, under the headings “Peacekeeping Operations”, “International Military Education and Training”, and “Foreign Military Financing Program”.

(8) **FOREIGN MILITARY SALES AND FOREIGN MILITARY FINANCING PROGRAM.**—

(A) **AVAILABILITY.**—Funds appropriated by this Act under the heading “Foreign Military Financing Program” for the general costs of administering military assistance and sales shall be made available to increase the efficiency and effectiveness of programs authorized by Chapter 2 of the Arms Export Control Act: *Provided*, That prior to the obligation of funds for such purposes, the Secretary of State shall consult with the Committees on Appropriations.

(B) **QUARTERLY STATUS REPORT.**—Following the submission of the quarterly report required by section 36 of Public Law 90-629 (22 U.S.C. 2776), the Secretary of State, in coordination with the Secretary of Defense, shall submit to the Committees on Appropriations a status report that contains the information described under the heading “Foreign Military Financing Program” in House Report 115-253.

(9) **VETTING REPORT.**—

(A) **IN GENERAL.**—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on foreign assistance cases submitted for vetting for purposes of section 620M of the Foreign Assistance Act of 1961 during the preceding fiscal year, including—

(i) the total number of cases submitted, approved, suspended, or rejected for human rights reasons; and

(ii) for cases rejected, a description of the steps taken to assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice, in accordance with section 620M(c) of the Foreign Assistance Act of 1961.

(B) **FORM.**—The report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(10) **ANNUAL FOREIGN MILITARY TRAINING REPORT.**—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term “military training provided to foreign military personnel by the Department of Defense and the Department of State” shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by sec-

tion 517(b) of such Act as a major non-NATO ally.

(11) **ASSISTANCE TO ELIMINATE TORTURE.**—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act.

(12) **COMBAT CASUALTY CARE.**—

(A) Consistent with the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, funds appropriated by this Act under the headings “Peacekeeping Operations” and “Foreign Military Financing Program” shall be made available for combat casualty training and equipment.

(B) The Secretary of State shall offer combat casualty care training and equipment as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings “Peacekeeping Operations” and “Foreign Military Financing Program”: *Provided*, That the requirement of this paragraph shall apply to a country in conflict, unless the Secretary determines that such country has in place, to the maximum extent practicable, functioning combat casualty care treatment and equipment that meets or exceeds the standards recommended by the Committee on Tactical Combat Casualty Care: *Provided further*, That any such training and equipment for combat casualty care shall be made available through an open and transparent process.

(c) **WORLD FOOD PROGRAMME.**—

(1) **CONTRIBUTION.**—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(2) **PROGRAM TO LEVERAGE ADDITIONAL CONTRIBUTIONS.**—Funds appropriated by this Act shall be made available to leverage additional contributions for the World Food Programme from sources other than the United States Government: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations on implementation of this paragraph.

(d) **DIRECTIVES AND AUTHORITIES.**—

(1) **RESEARCH AND TRAINING.**—Funds appropriated by this Act under the heading “Assistance for Europe, Eurasia and Central Asia” shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

(2) **GENOCIDE VICTIMS MEMORIAL SITES.**—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” may be made available as contributions to establish and maintain memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations.

(3) **ADDITIONAL AUTHORITIES.**—Of the amounts made available by title I of this Act under the heading “Diplomatic and Consular Programs”, up to \$500,000 may be made available for grants pursuant to section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d), including to facilitate collaboration with indigenous communities, and up to \$1,000,000 may be made available for grants to carry out the activities of the Cultural Antiquities Task Force.

(4) INNOVATION.—The USAID Administrator may use funds appropriated by this Act under title III to make innovation incentive awards: *Provided*, That each individual award may not exceed \$100,000: *Provided further*, That no more than 10 such awards may be made during fiscal year 2018: *Provided further*, That for purposes of this paragraph the term “innovation incentive award” means the provision of funding on a competitive basis that—

(A) encourages and rewards the development of solutions for a particular, well-defined problem related to the alleviation of poverty; or

(B) helps identify and promote a broad range of ideas and practices facilitating further development of an idea or practice by third parties.

(5) EXCHANGE VISITOR PROGRAM.—None of the funds made available by this Act may be used to modify the Exchange Visitor Program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961, as amended, (Public Law 87–256; 22 U.S.C. 2451 et seq.), except through the formal rulemaking process pursuant to the Administrative Procedures Act and notwithstanding the exceptions to such rulemaking process in such Act: *Provided*, That funds made available for such purpose shall only be made available after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, regarding how any proposed modification would affect the public diplomacy goals of, and the estimated economic impact on, the United States.

(6) REPORT.—The report required by section 502(d) of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 22 U.S.C. 254a note) shall be provided to the Committees on Appropriations.

(e) PARTNER VETTING.—The Secretary of State and USAID Administrator may initiate a partner vetting program to mitigate the risk of diversion of foreign assistance, or make significant modifications to any existing partner vetting program, only following consultation with the Committees on Appropriations: *Provided*, That the Secretary and Administrator should provide a direct vetting option for prime awardees in any partner vetting program initiated after the date of the enactment of this Act.

(f) CONTINGENCIES.—During fiscal year 2018, the President may use up to \$125,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(g) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection.

(h) CULTURAL PRESERVATION PROJECT DETERMINATION.—None of the funds appropriated in titles I and III of this Act may be used for the preservation of religious sites unless the Secretary of State or the USAID Administrator, as appropriate, determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

(i) TRANSFER OF FUNDS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds

under the heading “Protection of Foreign Missions and Officials” unobligated balances of expired funds appropriated under the heading “Diplomatic and Consular Programs” for fiscal year 2018, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided*, That not more than \$50,000,000 may be transferred.

(j) AUTHORITY TO COUNTER EXTREMISM.—Funds made available by this Act under the heading “Economic Support Fund” to counter extremism may be made available notwithstanding any other provision of law restricting assistance to foreign countries, except sections 502B and 620A of the Foreign Assistance Act of 1961: *Provided*, That the use of the authority of this subsection shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(k) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—Section 7034(k) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2018.

(l) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting “September 30, 2018” for “September 30, 2010”.

(2) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2018.

(3) USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting “September 30, 2018” for “October 1, 2010” in subparagraph (B).

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2018.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member’s official duty station were in the District of Columbia.

(5) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking “and 2017” and inserting “2017, and 2018”; and

(ii) in subsection (e), by striking “2017” each place it appears and inserting “2018”; and

(B) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2017” and inserting “2018”.

(6) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212) shall remain in effect through September 30, 2018.

(7) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(A) Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking “2018” and inserting “2019”.

(B) Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “and 2018” and inserting “2018, and 2019”.

(8) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall be in effect for facilities in Afghanistan through September 30, 2018, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations.

(m) MONITORING AND EVALUATION.—Funds appropriated by this Act that are available for monitoring and evaluation of assistance under the headings “Development Assistance”, “International Disaster Assistance” and “Migration and Refugee Assistance” shall, as appropriate, be made available for the regular collection of feedback obtained directly from beneficiaries on the quality and relevance of such assistance: *Provided*, That the Department of State and USAID shall, as appropriate, require implementing partners that receive funds under such headings to establish procedures for regularly collecting and responding to such feedback, inform the Department of State and USAID of such procedures, and report to the Department of State and USAID on actions taken in response to the feedback received: *Provided further*, That the Department of State and USAID shall conduct regular oversight to ensure that such feedback is collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance.

(n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may be made available for pharmaceuticals and other products for child survival, malaria, and tuberculosis to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided*, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2005 (Public Law 108–447) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

(o) LOANS AND ENTERPRISE FUNDS.—

(1) LOAN GUARANTEES.—Funds appropriated under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Egypt, Jordan, Iraq, Tunisia, and Ukraine, which are authorized to be provided: *Provided*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) ENTERPRISE FUNDS.—Funds appropriated under the heading “Economic Support Fund” in this Act may be made available to establish and operate one or more enterprise funds for Egypt, Jordan, and Tunisia: *Provided*, That the first, third and fifth provisos under section 7041(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74) shall apply to funds appropriated by this Act under the heading “Economic Support Fund” for an enterprise fund or funds to the same extent and in the same manner as such provision of law applied to funds made available under such section (except that the clause excluding subsection (d)(3) of section 201 of the SEED Act shall not apply): *Provided further*, That in addition to the previous proviso, the authorities in the matter preceding the first proviso of such section may apply to any such enterprise fund or funds: *Provided further*, That the authority of any such enterprise fund or funds to provide assistance shall cease to be effective on December 31, 2028.

(3) DESIGNATION REQUIREMENT.—Funds made available pursuant to paragraph (1) from prior Acts making appropriations for the Department of State, foreign operations, and related programs that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(4) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to the authorities of this subsection shall be subject to prior consultation with the appropriate congressional committees, and subject to the regular notification procedures of the Committees on Appropriations.

(p) LOCAL WORKS.—

(1) The “Small Grants Program” established pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235) shall hereafter be referred to as “Local Works”.

(2) Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia”, not less than \$47,000,000 shall be made available for Local Works pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235), which may remain available until September 30, 2022.

(3) For the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235), “eligible entities” shall be defined as small local, international, and United States-based non-governmental organizations, educational institutions, and other small entities that have received less than a total of \$5,000,000 from USAID over the previous 5 fiscal years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility.

(q) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department of State may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) on a case-by-case basis for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of

State may exercise such waiver authority pursuant to subsection (g) of such section.

(r) DEFINITIONS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise defined in this Act, for purposes of this Act the term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) FUNDS APPROPRIATED BY THIS ACT AND PRIOR ACTS.—Unless otherwise defined in this Act, for purposes of this Act the term “funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs” means funds that remain available for obligation, and have not expired.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—In this Act “international financial institutions” means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.

(4) SOUTHERN KORDOFAN REFERENCE.—Any reference to Southern Kordofan in this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include portions of Western Kordofan that were previously part of Southern Kordofan prior to the 2013 division of Southern Kordofan.

(5) USAID.—In this Act, the term “USAID” means the United States Agency for International Development.

(6) SPEND PLAN.—In this Act, the term “spend plan” means a plan for the uses of funds appropriated for a particular entity, country, program, purpose, or account and which shall include, at a minimum, a description of—

(A) realistic and sustainable goals, criteria for measuring progress, and a timeline for achieving such goals;

(B) amounts and sources of funds by account;

(C) how such funds will complement other ongoing or planned programs; and

(D) implementing partners, to the maximum extent practicable.

(7) CLARIFICATION.—In this Act, the terms “Assistant Secretary” and “Under Secretary” shall include individuals appointed by the President and confirmed by the Senate to serve in such designated positions, as well as individuals serving in acting capacities or performing functions pursuant to alter ego delegations with such designated “Assistant Secretary” and “Under Secretary” positions.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (“Limitation on Assistance for the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part

of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2018, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for—

(A) the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism; and

(B) any educational institution located in the West Bank or Gaza that is named after an individual who the Secretary of State determines has committed an act of terrorism.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) OVERSIGHT BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act, up to \$1,000,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, investigations, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.—Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2018 under the heading “Economic Support Fund”, and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) REPORT.—Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised,

the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961, and may only be made available for assistance for the Government of Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—

(A) FUNDING.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to \$112,500,000 may be made available for assistance for Egypt, of which not less than \$35,000,000 should be made available for higher education programs including not less than \$10,000,000 for scholarships for Egyptian students with high financial need to attend not-for-profit institutions of higher education: *Provided*, That such funds shall be made available for democracy programs, and for development programs in the Sinai: *Provided further*, That such funds may not be made available for cash transfer assistance or budget support unless the Secretary of State certifies and reports to the appropriate congressional committees that the Government of Egypt is taking consistent and effective steps to stabilize the economy and implement market-based economic reforms.

(B) WITHHOLDING.—The Secretary of State shall withhold from obligation funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Egypt, an amount of such funds that the Secretary determines to be equivalent to that expended by the United States Government for bail, and by nongovernmental organizations for legal and court fees, associated with democracy-related trials in Egypt until the Secretary certifies and reports to the Committees on Appropriations that the Government of Egypt has dismissed the convictions issued by the Cairo Criminal Court on June 4, 2013, in “Public Prosecution Case No. 1110 for the Year 2012”.

(C) LIMITATION.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Economic Support Fund” may be made available for a contribution, voluntary or otherwise, to the “Civil Associations and Foundations Support Fund”, or any similar fund, established pursuant to Law 70 on Associations and Other Foundations Working in the Field of Civil Work published in the Official Gazette of Egypt on May 29, 2017.

(3) FOREIGN MILITARY FINANCING PROGRAM.—

(A) CERTIFICATION.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, up to \$1,300,000,000, to remain available until September 30, 2019, may be made available for assistance for Egypt: *Provided*, That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees on Appropriations: *Provided further*, That \$300,000,000 of such funds shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt is taking sustained and effective steps to—

(i) advance democracy and human rights in Egypt, including to govern democratically and protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations, human rights defenders, and the media to function without interference;

(iii) release political prisoners and provide detainees with due process of law;

(iv) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights;

(v) investigate and prosecute cases of extrajudicial killings and forced disappearances; and

(vi) provide regular access for United States officials to monitor such assistance in areas where the assistance is used:

Provided further, That the certification requirement of this paragraph shall not apply to funds appropriated by this Act under such heading for counterterrorism, border security, and nonproliferation programs for Egypt.

(B) WAIVER.—The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States, and submits a report to such Committees containing a detailed justification for the use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met, and including an assessment of the compliance of the Government of Egypt with United Nations Security Council Resolution 2270 and other such resolutions regarding North Korea: *Provided*, That the report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(4) OVERSIGHT REQUIREMENT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Egypt.

(5) CONSULTATION REQUIREMENT.—Not later than 90 days after enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations on any plan to restructure military assistance for Egypt.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings “Diplomatic and Consular Programs”, “Economic Support Fund”, and “Nonproliferation, Anti-terrorism, Demining and Related Programs” shall be used by the Secretary of State—

(A) to support the United States policy to prevent Iran from achieving the capability to produce or otherwise obtain a nuclear weapon;

(B) to support an expeditious response to any violation of the Joint Comprehensive Plan of Action or United Nations Security Council Resolution 2231;

(C) to support the implementation and enforcement of sanctions against Iran for support of terrorism, human rights abuses, and ballistic missile and weapons proliferation; and

(D) for democracy programs for Iran, to be administered by the Assistant Secretary for Near Eastern Affairs, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(2) CONTINUATION OF PROHIBITION.—The terms and conditions of section 7041(c)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74) shall continue in effect during fiscal year 2018.

(3) REPORTS.—

(A) SEMI-ANNUAL REPORT.—The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 135 of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(4)), as added by section 2 of the Iran Nuclear Agreement Review Act of 2015 (Public Law 114-17).

(B) SANCTIONS REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with

the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on the status of the implementation and enforcement of bilateral United States and multilateral sanctions against Iran and actions taken by the United States and the international community to enforce such sanctions against Iran: *Provided*, That the report shall also include any entities involved in providing significant support for the development of a ballistic missile by the Government of Iran after October 1, 2015, including shipping and financing, and note whether such entities are currently under United States sanctions: *Provided further*, That such report shall be submitted in an unclassified form, but may contain a classified annex if necessary.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated by this Act shall be made available for assistance for Iraq to promote governance and security, and for stabilization programs, including in the Kurdistan Region of Iraq and other areas impacted by the conflict in Syria, and among religious and ethnic minority populations in Iraq: *Provided*, That such assistance shall be provided in accordance with the Constitution of Iraq: *Provided further*, That funds appropriated by this Act under the headings “International Disaster Assistance” and “Migration and Refugee Assistance” should be made available for assistance for the Kurdistan Region of Iraq to address the needs of internally displaced persons and refugees: *Provided further*, That the Secretary of State shall consult with the Committees on Appropriations prior to obligating funds made available for the Kurdistan Region of Iraq.

(2) BASING RIGHTS AGREEMENT.—None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(d) JORDAN.—Of the funds appropriated by this Act under titles III and IV, not less than \$1,525,000,000 shall be made available for assistance for Jordan, of which: not less than \$1,082,400,000 shall be made available under the heading “Economic Support Fund”, of which not less than \$745,100,000 shall be made available for budget support for the Government of Jordan; and not less than \$425,000,000 shall be made available under the heading “Foreign Military Financing Program”.

(e) LEBANON.—

(1) LIMITATION.—None of the funds appropriated by this Act may be made available for the Lebanese Internal Security Forces (ISF) or the Lebanese Armed Forces (LAF) if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) CONSULTATION.—Funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Foreign Military Financing Program” that are available for assistance for Lebanon may be made available for programs and equipment for the ISF and the LAF to address security and stability requirements in areas affected by the conflict in Syria, following consultation with the appropriate congressional committees.

(3) ECONOMIC SUPPORT FUND.—Funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Lebanon may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2346 note).

(4) FOREIGN MILITARY FINANCING PROGRAM.—In addition to the activities described in paragraph (2), funds appropriated

by this Act under the heading “Foreign Military Financing Program” for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon’s borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be obligated for assistance for the LAF until the Secretary of State submits to the Committees on Appropriations a spend plan, including actions to be taken to ensure equipment provided to the LAF is only used for the intended purposes, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2018: *Provided further*, That any notification submitted pursuant to such sections shall include any funds specifically intended for lethal military equipment.

(f) LIBYA.—

(1) FUNDING.—Funds appropriated by titles III and IV of this Act shall be made available for assistance for Libya for programs to strengthen governing institutions and civil society, improve border security, and promote stability in Libya, and for activities to address the humanitarian needs of the people of Libya: *Provided*, That section 7015(j) of this Act regarding notification of assistance diverted or destroyed shall apply to funds made available for assistance for Libya.

(2) LIMITATIONS.—

(A) COOPERATION ON THE SEPTEMBER 2012 ATTACK ON UNITED STATES PERSONNEL AND FACILITIES.—None of the funds appropriated by this Act may be made available for assistance for the central Government of Libya unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is cooperating with United States Government efforts to investigate and bring to justice those responsible for the attack on United States personnel and facilities in Benghazi, Libya in September 2012: *Provided*, That the limitation in this paragraph shall not apply to funds made available for the purpose of protecting United States Government personnel or facilities.

(B) INFRASTRUCTURE PROJECTS.—The limitation on the uses of funds in section 7041(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113-76) shall apply to funds appropriated by this Act that are made available for assistance for Libya.

(3) CERTIFICATION.—Prior to the initial obligation of funds made available by this Act for assistance for Libya, the Secretary of State shall certify and report to the Committees on Appropriations that all practicable steps have been taken to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Libya.

(g) MOROCCO.—

(1) AVAILABILITY AND CONSULTATION REQUIREMENT.—Funds appropriated under title III of this Act shall be made available for assistance for the Western Sahara: *Provided*, That not later than 90 days after enactment of this Act and prior to the obligation of such funds, the Secretary of State, in consultation with the USAID Administrator, shall consult with the Committees on Appropriations on the proposed uses of such funds.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for Morocco may only be used for the purposes requested in the Congressional Budget Justification, Foreign Operations, Fiscal Year 2017.

(h) REFUGEE ASSISTANCE IN NORTH AFRICA.—Not later than 45 days after enactment of this Act, the Secretary of State, after consultation with the United Nations High Commissioner for Refugees and the Executive Director of the World Food Programme, shall submit a report to the Committees on Appropriations describing steps taken to strengthen monitoring of the delivery of humanitarian assistance provided for refugees in North Africa, including any steps taken to ensure that all vulnerable refugees are receiving such assistance.

(i) NORTH AFRICA STRATEGY.—Not later than 60 days after enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a strategy for United States engagement in North Africa, which shall include detailed information on how diplomatic engagement and assistance will be prioritized for such region, including to address economic and security needs.

(j) RELIEF AND RECOVERY FUND.—

(1) FUNDS AND TRANSFER AUTHORITY.—Of the funds appropriated by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Peacekeeping Operations”, and “Foreign Military Financing Program”, not less than \$500,000,000 shall be made available for the Relief and Recovery Fund for assistance for areas liberated from, at risk from, or under the control of, the Islamic State of Iraq and Syria, other terrorist organizations, or violent extremist organizations in the Middle East and Africa, including for stabilization assistance for vulnerable ethnic and religious minority communities affected by conflict: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes and to amounts specifically designated in this Act or in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for assistance for countries: *Provided further*, That such funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

(2) TRANSITIONAL JUSTICE.—Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” that are made available for the Relief and Recovery Fund, not less than \$5,000,000 shall be made available for programs to promote accountability in Iraq and Syria for genocide, crimes against humanity, and war crimes, which shall be in addition to any other funds made available by this Act for such purposes: *Provided*, That such programs shall include components to develop local investigative and judicial skills, and to collect and preserve evidence and maintain the chain of custody of evidence, including for use in prosecutions: *Provided further*, That such funds shall be administered by the Special Coordinator for the Office of Global Criminal Justice, Department of State: *Provided further*, That funds made available by this paragraph shall only be made available on an open and competitive basis.

(3) COST-MATCHING BASIS.—Funds appropriated pursuant to paragraph (1) shall be made available to the maximum extent prac-

ticable on a cost-matching basis from sources other than the United States Government.

(k) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Funds appropriated by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Peacekeeping Operations” shall be made available, to the extent practicable and notwithstanding any other provision of law, for non-lethal assistance to address the needs of civilians affected by conflict in Syria, and programs that seek to—

(A) establish local governance in Syria that is representative, inclusive, and accountable;

(B) empower women through political and economic programs, and address the psychosocial needs of women and their families in Syria and neighboring countries;

(C) develop and implement political processes that are democratic, transparent, and strengthen the rule of law;

(D) further the legitimacy and viability of the Syrian opposition, including local government structures in Syria and through cross-border programs;

(E) develop and sustain civil society and independent media in Syria;

(F) promote stability and economic development in Syria;

(G) document, investigate, and prosecute human rights violations in Syria, including through transitional justice programs and support for nongovernmental organizations;

(H) expand the role of women in negotiations to end the violence and in any political transition in Syria;

(I) assist Syrian refugees whose education has been interrupted by the ongoing conflict to complete higher education requirements at universities and other academic institutions in the region, and through distance learning;

(J) assist vulnerable populations in Syria and in neighboring countries;

(K) protect and preserve the cultural identity of the people of Syria as a counterbalance to extremism, particularly those living in neighboring countries and among youth;

(L) protect and preserve cultural heritage sites in Syria, particularly those damaged and destroyed by extremists;

(M) counter extremism in Syria; and

(N) facilitate the return of displaced persons to liberated areas in Syria.

(2) DEMINING AND UNEXPLODED ORDNANCE CLEARANCE.—Funds appropriated by this Act under the heading “Nonproliferation, Anti-terrorism, Demining and Related Programs” for assistance for Syria shall be made available for demining and unexploded ordnance clearance programs.

(3) STRATEGY AND SYRIAN ORGANIZATIONS.—Funds appropriated by this Act that are made available for assistance for Syria pursuant to the authority of this subsection—

(A) may only be made available after the Secretary of State, in consultation with the heads of relevant United States Government agencies, submits, in classified form if necessary, an update to the comprehensive strategy required in section 7041(i)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113-76); and

(B) shall be made available, on an open and competitive basis, to continue a program to strengthen the capability of Syrian civil society organizations to address the immediate and long-term needs of the Syrian people in Syria in a manner that supports the sustainability of such organizations in implementing Syrian-led humanitarian and development programs: *Provided*, That funds made

available by this paragraph shall be administered by the Bureau for Democracy, Human Rights, and Labor, Department of State.

(4) **LIMITATION.**—None of the funds appropriated by this Act for assistance for Syria may be made available for a project or activity that supports or otherwise legitimizes the Government of Iran, foreign terrorist organizations (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a proxy of Iran in Syria.

(5) **MONITORING, OVERSIGHT, CONSULTATION, AND NOTIFICATION.**—

(A) Prior to the obligation of funds appropriated by this Act and made available for assistance for Syria, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such assistance inside Syria.

(B) Section 7015(j) of this Act regarding the notification of assistance diverted or destroyed shall apply to funds made available for assistance for Syria.

(C) Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(1) **TUNISIA.**—Of the funds appropriated under titles III and IV of this Act, not less than \$165,400,000 shall be made available for assistance for Tunisia.

(m) **WEST BANK AND GAZA.**—

(1) **REPORT ON ASSISTANCE.**—Prior to the initial obligation of funds made available by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

(A) advance Middle East peace;

(B) improve security in the region;

(C) continue support for transparent and accountable government institutions;

(D) promote a private sector economy; or

(E) address urgent humanitarian needs.

(2) **LIMITATIONS.**—

(A)(i) None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees that the Palestinians have not, after the date of enactment of this Act—

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) initiated or actively supported an ICC investigation against Israeli nationals for alleged crimes against Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100-204 under clause (i) of this subparagraph or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(3) **REDUCTION.**—The Secretary of State shall reduce the amount of assistance made available by this Act under the heading “Economic Support Fund” for the Palestinian Authority by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year: *Provided*, That the Secretary shall report to the Committees on Appropriations on the amount reduced for fiscal year 2018 prior to the obligation of funds for the Palestinian Authority.

(4) **SECURITY REPORT.**—The reporting requirements in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110-252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(5) **INCITEMENT REPORT.**—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing steps taken by the Palestinian Authority to counter incitement of violence against Israelis and to promote peace and co-existence with Israel.

AFRICA

SEC. 7042. (a) AFRICAN GREAT LAKES REGION ASSISTANCE RESTRICTION.—Funds appropriated by this Act under the heading “International Military Education and Training” for the central government of a country in the African Great Lakes region may be made available only for Expanded International Military Education and Training and professional military education until the Secretary of State determines and reports to the Committees on Appropriations that such government is not facilitating or otherwise participating in destabilizing activities in a neighboring country, including aiding and abetting armed groups.

(b) **BOKO HARAM.**—Funds appropriated by this Act that are made available for assistance for Cameroon, Chad, Niger, and Nigeria—

(1) shall be made available for assistance for women and girls who are targeted by the terrorist organization Boko Haram, consistent with the provisions of section 7059 of

this Act, and for individuals displaced by Boko Haram violence; and

(2) may be made available for counterterrorism programs to combat Boko Haram.

(c) **CENTRAL AFRICAN REPUBLIC.**—Funds made available by this Act for assistance for the Central African Republic shall be made available for reconciliation and peacebuilding programs, including activities to promote inter-faith dialogue at the national and local levels, and for programs to prevent crimes against humanity.

(d) **ETHIOPIA.**—

(1) **FORCED EVICTIONS.**—

(A) Funds appropriated by this Act for assistance for Ethiopia may not be made available for any activity that supports forced evictions.

(B) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Ethiopia only if such projects are developed and carried out in accordance with the requirements of section 7029(b)(2) of this Act.

(2) **CONSULTATION.**—Programs and activities to improve livelihoods shall include prior consultation with, and the participation of, affected communities, including in the South Omo and Gambella regions.

(3) **REPORT.**—Not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the report under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) **LAKE CHAD BASIN COUNTRIES.**—Funds appropriated by this Act that are made available for assistance for Cameroon, Chad, Niger, and Nigeria should be made available, following consultation with the Committees on Appropriations, for—

(1) democracy programs, including to protect freedom of expression, association, assembly, and religion, including support for independent journalists, civil society, and democratic political parties;

(2) assistance for governments of such countries to strengthen accountability and the rule of law, including within the security forces; and

(3) health and development programs.

(f) **LORD’S RESISTANCE ARMY.**—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord’s Resistance Army (LRA) consistent with the goals of the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172), including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

(g) **MALAWI.**—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$56,000,000 shall be made available for assistance for Malawi, of which up to \$10,000,000 shall be made available for higher education programs.

(h) **SOUTH SUDAN.**—

(1) **STRATEGY UPDATE.**—Not later than 60 days after enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, shall submit an update to the strategy required in section 7042(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31).

(2) **CERTIFICATION.**—None of the funds appropriated by this Act that are available for assistance for the central Government of South Sudan may be made available until the Secretary of State certifies and reports

to the Committees on Appropriations that such government is taking effective steps to—

(A) end hostilities and pursue good faith negotiations for a political settlement of the conflict;

(B) provide access for humanitarian organizations;

(C) end the recruitment and use of child soldiers;

(D) protect freedoms of expression, association, and assembly;

(E) reduce corruption related to the extraction and sale of oil and gas;

(F) establish democratic institutions;

(G) establish accountable military and police forces under civilian authority; and

(H) investigate and prosecute individuals credibly alleged to have committed gross violations of human rights, including at the Terrain compound in Juba, South Sudan on July 11, 2016.

(3) EXCLUSIONS.—The limitation of paragraph (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance to support South Sudan peace negotiations or to advance or implement a peace agreement; and

(C) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement and mutual arrangements related to such Agreement.

(4) CONSULTATION.—Prior to the initial obligation of funds made available for the central Government of South Sudan pursuant to paragraphs (3)(B) and (C), the Secretary of State shall consult with the Committees on Appropriations on the intended uses of such funds, steps taken by such government to advance or implement a peace agreement, and progress made by the Government of South Sudan in meeting the requirements in paragraph (2).

(i) SUDAN.—

(1) LIMITATIONS.—

(A) ASSISTANCE.—Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) LOANS.—None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) EXCLUSIONS.—The limitations of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for democracy programs;

(C) assistance for the Darfur region, Southern Kordofan State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other internationally recognized viable peace agreement in Sudan.

(j) ZIMBABWE.—

(1) INSTRUCTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

(2) LIMITATION.—None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1), and funds may be made available for macroeconomic growth assistance if the Secretary reports to the Committees on Appropriations that such government is implementing transparent fiscal policies, including public disclosure of revenues from the extraction of natural resources.

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) BURMA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—

(A) ECONOMIC SUPPORT FUND.—Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Burma may be made available notwithstanding any other provision of law, except for this subsection, and following consultation with the appropriate congressional committees.

(B) USES.—Funds appropriated under title III of this Act for assistance for Burma—

(i) shall be made available to strengthen civil society organizations in Burma and for programs to strengthen independent media;

(ii) shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading “Migration and Refugee Assistance”;

(iii) shall be made available for programs to promote ethnic and religious tolerance and to combat gender-based violence, including in Rakhine, Shan, Kachin, and Karen states;

(iv) shall be made available to promote rural economic development in Burma, including through microfinance programs;

(v) shall be made available to increase opportunities for foreign direct investment by strengthening the rule of law, transparency, and accountability;

(vi) shall be made available for programs to investigate and document allegations of ethnic cleansing and other gross violations of human rights committed against the Rohingya people in Rakhine state at not less than the amount specified for such programs in the table under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such funds shall be made available for civil society organizations in Bangladesh and Burma for such purposes: *Provided further*, That prior to the obligation of such funds, the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall ensure the establishment of a standard documentation format and documentation procedures for use by such organizations, and shall identify an appropriate repository for such information: *Provided further*, That such sums shall be in addition to funds otherwise made available for such purposes;

(vii) shall be made available for programs to investigate and document allegations of gross violations of human rights committed in Burma, particularly in areas of conflict: *Provided*, That such funds shall be made available for civil society and international organizations, including those in countries bordering Burma, at not less than the amount specified for such programs in the table under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(viii) shall be made available to support the implementation of the August 2017 Final

Report of the Advisory Commission on Rakhine State entitled “Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine”;

(ix) may not be made available to any individual or organization if the Secretary of State has credible information that such individual or organization has committed a gross violation of human rights, including against Rohingya and other minority groups, or that advocates violence against ethnic or religious groups or individuals in Burma;

(x) may not be made available to any organization or entity controlled by the armed forces of Burma;

(xi) may be made available for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace, which may include support to representatives of ethnic armed groups for this purpose; and

(xii) may only be made available for programs to support the return of Rohingya, Karen, and other refugees and internally displaced persons to their locations of origin or preference in Burma if such returns are voluntary and consistent with international law.

(C) REGIONAL PROGRAMS.—Funds appropriated under title III of this Act shall be made available for regional programs to address violent extremism, which shall be administered by the Mission Director of the Regional Development Mission for Asia, USAID.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings “International Military Education and Training” and “Foreign Military Financing Program” may be made available for assistance for Burma: *Provided*, That the Department of State may continue consultations with the armed forces of Burma only on human rights and disaster response in a manner consistent with the prior fiscal year, and following consultation with the appropriate congressional committees.

(3) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Burma only if such projects are developed and carried out in accordance with the requirements of section 7029(b)(2) of this Act.

(4) CERTIFICATION AND WAIVER.—

(A) Notwithstanding any provision of this subsection, of the funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for Burma, 15 percent may not be obligated until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Burma—

(i) has terminated military cooperation with North Korea;

(ii) is respecting human rights and the rule of law, including the arrest and prosecution of journalists and two Kachin pastors in December 2016;

(iii) is revising, updating, or repealing colonial-era and other oppressive laws that are used in such prosecutions, including the Unlawful Associations Act; and

(iv) is credibly investigating the murder of U Ko Ni, and is taking steps to protect and defend the security and safety of other activists.

(B) The Secretary of State may waive the requirements of this paragraph if the Secretary determines and reports to the Committees on Appropriations that do so is in the national interest.

(5) PROGRAMS, POSITION, AND RESPONSIBILITIES.—

(A) Any new program or activity in Burma initiated in fiscal year 2018 shall be subject

to prior consultation with the appropriate congressional committees.

(B) Section 7043(b)(7) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235) shall continue in effect during fiscal year 2018.

(C) The United States Chief of Mission in Burma, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall be responsible for democracy and human rights programs in Burma.

(b) CAMBODIA.—

(1) ASSISTANCE.—

(A) None of the funds appropriated by this Act that are made available for assistance for the Government of Cambodia may be obligated or expended unless the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to—

(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea; and

(ii) respect the rights and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993, including through the—

(I) restoration of the civil and political rights of the opposition Cambodia National Rescue Party, media, and civil society organizations;

(II) restoration of all elected officials to their elected offices; and

(III) release of all political prisoners, including journalists, civil society activists, and members of the opposition political party.

(B) Funds appropriated under title III of this Act for assistance for Cambodia shall be made available for—

(i) democracy programs, including research and education programs associated with the Khmer Rouge in Cambodia, except that no funds for such purposes may be made available to the Extraordinary Chambers in the Court of Cambodia; and

(ii) programs in the Khmer language to counter the influence of the People's Republic of China in Cambodia.

(2) VISA RESTRICTION.—Funds appropriated under title I of this Act shall be made available to continue to implement the policy announced by the Department of State on December 6, 2017, to restrict the issuance of visas to enter the United States to individuals involved in undermining democracy in Cambodia, including the family members of such individuals, as appropriate: *Provided*, That not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the implementation of such policy.

(c) NORTH KOREA.—

(1) CYBERSECURITY.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central government of a country the Secretary of State determines and reports to the appropriate congressional committees engages in significant transactions contributing materially to the malicious cyber-intrusion capabilities of the Government of North Korea: *Provided*, That the Secretary of State shall submit the report required by section 209 of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114-122; 22 U.S.C. 9229), as amended, to the Committees on Appropriations in the manner described in subparagraph (2)(A) of such section: *Provided further*, That the Secretary of State may waive the application of the re-

striction in this paragraph with respect to assistance for the central government of a country if the Secretary determines and reports to the appropriate congressional committees that to do so is important to the national security interest of the United States, including a description of such interest served.

(2) BROADCASTS.—Funds appropriated by this Act under the heading “International Broadcasting Operations” shall be made available to maintain broadcasting hours into North Korea at levels not less than the prior fiscal year.

(3) REFUGEES.—Funds appropriated by this Act under the heading “Migration and Refugee Assistance” should be made available for assistance for refugees from North Korea, including protection activities in the People's Republic of China and other countries in Asia.

(4) HUMAN RIGHTS PROMOTION, DATABASE, AND LIMITATION ON USE OF FUNDS.—

(A) HUMAN RIGHTS PROMOTION.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “Democracy Fund”, not less than \$8,000,000 shall be made available for the promotion of human rights in North Korea: *Provided*, That such funds shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided further*, That the authority of section 7032(b) of this Act shall apply to such funds.

(B) DATABASE.—Funds appropriated by this Act under title III shall be made available to maintain a database of prisons and gulags in North Korea, in accordance with section 7032(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113-76).

(C) LIMITATION.—None of the funds made available by this Act under the heading “Economic Support Fund” may be made available for assistance for the Government of North Korea.

(d) PEOPLE'S REPUBLIC OF CHINA.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading “Diplomatic and Consular Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) PEOPLE'S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) COUNTER INFLUENCE PROGRAMS.—Funds appropriated by this Act for public diplomacy under title I and for assistance under titles III and IV shall be made available to counter the influence of the PRC, in accordance with the strategy required by section 7043(e)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113-76), following consultation with the Committees on Appropriations.

(4) AUTHORITY AND NOTIFICATION REQUIREMENT.—

(A) AUTHORITY.—The uses of funds made available by this Act for the promotion of democracy in the PRC, except for funds made available under subsection (f), shall be the responsibility of the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(B) NOTIFICATION.—Funds appropriated by this Act that are made available for trilateral programs conducted with the PRC shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) PHILIPPINES.—Funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” may be made available for counternarcotics assistance for the Philippine National Police only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of the Philippines has adopted and is implementing a counternarcotics strategy that is consistent with international human rights standards, including investigating and prosecuting individuals who are credibly alleged to have ordered, committed, or covered up extrajudicial killings and other gross violations of human rights in the conduct of counternarcotics operations: *Provided*, That the limitation of this paragraph shall not apply to funds made available for drug demand reduction or maritime programs, or to support for the development of such counternarcotics strategy following consultation with the appropriate congressional committees.

(f) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—

(A) TIBET AUTONOMOUS REGION.—Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$8,000,000 shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development, education, and environmental conservation in Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China.

(B) INDIA AND NEPAL.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$6,000,000 shall be made available for programs to promote and preserve Tibetan culture, development, and the resilience of Tibetan communities in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities: *Provided*, That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(C) TIBETAN GOVERNANCE.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$3,000,000 shall be made available for programs to strengthen the capacity of Tibetan institutions and governance.

(g) VIETNAM.—

(1) DIOXIN REMEDIATION.—Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$20,000,000 shall be made available for activities related to the remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

(2) HEALTH AND DISABILITY PROGRAMS.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$10,000,000 shall be made available for health and disability programs in areas sprayed with Agent Orange and otherwise contaminated with dioxin, to assist individuals with severe upper or lower body mobility impairment or cognitive or developmental disabilities.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) ASSISTANCE AND CONDITIONS.—

(A) FUNDING AND LIMITATIONS.—Funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” may be made available for assistance for Afghanistan: *Provided*, That such funds may not be obligated for any project or activity that—

(i) includes the participation of any Afghan individual or organization, including government entity, if the Secretary of State has credible information that such individual, organization, or entity is involved in corrupt practices, illicit narcotics production or trafficking, or a violation of human rights;

(ii) cannot be sustained, as appropriate, by the Government of Afghanistan or another Afghan entity;

(iii) is not regularly accessible for the purposes of conducting effective oversight in accordance with applicable Federal statutes and regulations;

(iv) initiates any new, major infrastructure development; or

(v) is conducted in areas where project and resource disbursement monitoring cannot be performed, unless the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees describing such interest, including how such project or activity does not legitimize the Taliban or other extremist organizations.

(B) CERTIFICATION AND REPORT.—Prior to the initial obligation of funds made available by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” for assistance for the central Government of Afghanistan, the Secretary of State shall certify and report to the Committees on Appropriations, after consultation with the Government of Afghanistan, that—

(i) goals and benchmarks for the specific uses of such funds have been established by the Governments of the United States and Afghanistan;

(ii) conditions are in place that increase the transparency and accountability of the Government of Afghanistan for funds obligated under the New Development Partnership or other incentive-based programs;

(iii) the Government of Afghanistan is implementing laws and policies to govern democratically and protect the rights of individuals, civil society, and the media;

(iv) the Government of Afghanistan is taking consistent steps to protect and advance the rights of women and girls in Afghanistan;

(v) the Government of Afghanistan is effectively implementing a whole-of-government,

anti-corruption strategy that has been endorsed by the High Council on Rule of Law and Anti-Corruption, as agreed to at the Brussels Conference on Afghanistan in October 2016, and is prosecuting individuals alleged to be involved in corrupt or illegal activities in Afghanistan;

(vi) monitoring and oversight frameworks for programs implemented with such funds are in accordance with all applicable audit policies of the Department of State and USAID, including in areas under the control of the Taliban or other extremist organizations;

(vii) the necessary policies and procedures are in place to ensure Government of Afghanistan compliance with section 7013 of this Act, “Prohibition on Taxation of United States Assistance”; and

(viii) the Government of Afghanistan is publicly reporting its national budget, including revenues and expenditures.

(C) WAIVER.—The Secretary of State may waive the certification requirement of subparagraph (B) if the Secretary determines that to do so is important to the national security interest of the United States and the Secretary submits a report to the Committees on Appropriations, in classified form if necessary, on the justification for the waiver and the reasons why any of the requirements of subparagraph (B) cannot be met.

(D) PROGRAMS.—Funds appropriated by this Act that are made available for assistance for Afghanistan shall be made available—

(i) for programs that protect and strengthen the rights of women and girls and promote the political and economic empowerment of women, including their meaningful inclusion in political processes: *Provided*, That such assistance to promote economic empowerment of women shall be made available as grants to Afghan organizations, to the maximum extent practicable;

(ii) for programs in South and Central Asia to expand linkages between Afghanistan and countries in the region; and

(iii) to assist the Government of Afghanistan to develop transparent budgetary processes, including executing a consistently applied system of legitimate revenue generation and expenditure.

(E) TAXATION.—None of the funds appropriated by this Act for assistance for Afghanistan may be made available for direct government-to-government assistance unless the Secretary of State certifies and reports to the Committees on Appropriations that—

(i) the United States Government and the Government of Afghanistan have in place the agreements necessary to ensure compliance with the principles set forth in section 7013 of this Act; and

(ii) United States companies and organizations that are implementing United States assistance programs in Afghanistan in a manner consistent with United States laws and regulations are not subjected by the Government of Afghanistan to taxes or other fees in contravention of the agreements referenced in clause (i), and are not subjected to retaliation by the Government of Afghanistan for the nonpayment of such taxes or fees imposed in the past: *Provided*, That not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations an assessment of the dollar value of improper taxes or fees levied by such government against such companies and organizations in fiscal year 2017.

(2) GOALS AND BENCHMARKS.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing the goals and benchmarks required in paragraph (1)(B)(i): *Provided*, That not

later than 6 months after the submission of such report and every 6 months thereafter until September 30, 2019, the Secretary of State shall submit a report to such committees on the status of achieving such goals and benchmarks: *Provided further*, That the Secretary of State should suspend assistance for the Government of Afghanistan if any report required by this paragraph indicates that such government is failing to make measurable progress in meeting such goals and benchmarks.

(3) AUTHORITIES.—

(A) Funds appropriated by this Act under title III through VI that are made available for assistance for Afghanistan may be made available—

(i) notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961;

(ii) for reconciliation programs and disarmament, demobilization, and reintegration activities for former combatants who have renounced violence against the Government of Afghanistan, in accordance with section 7046(a)(2)(B)(ii) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74); and

(iii) for an endowment to empower women and girls.

(B) Section 7046(a)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74) shall apply to funds appropriated by this Act for assistance for Afghanistan.

(4) BASING RIGHTS AGREEMENT.—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(b) NEPAL.—

(1) ASSISTANCE.—Not less than \$121,480,000 of the funds appropriated by this Act under the headings “Global Health Programs”, “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Nonproliferation, Anti-terrorism, Demining and Related Programs” shall be made available for assistance for Nepal, including for earthquake recovery and reconstruction programs.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” shall only be made available for humanitarian and disaster relief and reconstruction activities in Nepal, and in support of international peacekeeping operations: *Provided*, That such funds may only be made available for any additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the laws of war, and the Nepal Army is cooperating fully with civilian judicial authorities in such cases.

(c) PAKISTAN.—

(1) INTERNATIONAL SECURITY ASSISTANCE.—

(A) LIMITATION.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan.

(B) CONSULTATION.—Not later than 30 days after enactment of this Act, and prior to the submission of the report required by section 653(a) of the Foreign Assistance Act of 1961, the Secretary of State shall consult with the Committees on Appropriations on the amount of funds appropriated by this Act under the heading “Foreign Military Financing Program” that is anticipated to be subject to the January 2018 policy decision of

the United States to suspend security assistance for Pakistan: *Provided*, That the Secretary shall promptly inform the appropriate congressional committees in writing of any changes to such policy, the justification for such changes, and the progress made by the Government of Pakistan in meeting the counterterrorism objectives described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(C) REPROGRAMMING.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Foreign Military Financing Program” for assistance for Pakistan that are withheld from obligation or expenditure by the Department of State may be reprogrammed by the Secretary of State, except that no such funds may be reprogrammed that are required to complete payment on existing and previously approved contracts: *Provided*, That such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) BILATERAL ECONOMIC ASSISTANCE REPORT.—Prior to the obligation of funds made available by this Act under the heading “Economic Support Fund” for assistance for the central Government of Pakistan, the Secretary of State shall submit a report to the appropriate congressional committees detailing—

(A) the amount of financing and other support, if any, provided by the Government of Pakistan to schools supported by, affiliated with, or run by the Taliban or any domestic or foreign terrorist organization in Pakistan;

(B) the extent of cooperation by such government in issuing visas in a timely manner for United States visitors, including officials and representatives of nongovernmental organizations, engaged in assistance and security programs in Pakistan; and

(C) the extent to which such government is providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by conflict in Pakistan and the region.

(3) AUTHORITY AND USES OF FUNDS.—

(A) Funds appropriated by this Act for assistance for Pakistan may be made available notwithstanding any other provision of law, except for section 620M of the Foreign Assistance Act of 1961.

(B) Funds appropriated by this Act for assistance for Pakistan that are made available for infrastructure projects shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(C) The authorities and directives of section 7044(d)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235) regarding scholarships for women shall apply to funds appropriated by this Act for assistance for Pakistan, following consultation with the Committees on Appropriations.

(D) Funds appropriated by this Act under the headings “Economic Support Fund” and “Nonproliferation, Anti-terrorism, Demining and Related Programs” that are made available for assistance for Pakistan shall be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture improvised explosive devices and for agriculture extension programs that encourage alternative fertilizer use among Pakistani farmers to decrease the dual use of fertilizer in the manufacturing of improvised explosive devices.

(E) Funds appropriated by this Act for assistance for Pakistan shall be made available for border security programs, following con-

sultation with the Committees on Appropriations.

(F) Funds appropriated by title III of this Act shall be made available for programs to promote democracy in Pakistan.

(4) WITHHOLDING.—Of the funds appropriated under titles III and IV of this Act that are made available for assistance for Pakistan, \$33,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that Dr. Shakil Afridi has been released from prison and cleared of all charges relating to the assistance provided to the United States in locating Osama bin Laden.

(5) OVERSIGHT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Pakistan: *Provided*, That the Secretary shall inform the Committees on Appropriations of such steps in a timely manner.

(d) SRI LANKA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than \$35,000,000 shall be made available for assistance for Sri Lanka for economic development and democracy programs, particularly in areas recovering from ethnic and religious conflict: *Provided*, That such funds shall be made available for programs to assist in the identification and resolution of cases of missing persons.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Sri Lanka is—

(A) repealing laws that do not comply with international standards for arrest and detention by security forces, and ensuring that any successor legislation meets such standards;

(B) increasing accountability and transparency in governance;

(C) investigating allegations of arbitrary arrest and torture, and supporting a credible justice mechanism in compliance with United Nations Human Rights Council Resolution (A/HCR/30/L.29) of October 2015;

(D) returning military occupied private lands in former conflict zones to their rightful owners or compensating those whose land was confiscated without due process, which includes legal steps and surveys to determine proper title to disputed lands, and which is in addition to steps taken during the previous calendar year;

(E) establishing a functioning office of missing persons and assisting its investigations of cases of missing persons from Sri Lanka’s internal armed conflicts, and publishing lists of all persons who surrendered to such Government after the end of the civil war in May 2009; and

(F) substantially reducing the presence of the armed forces in former conflict zones and implementing a plan for restructuring and reducing the size of the armed forces to adopt a peacetime role that contributes to post-conflict reconciliation and regional security.

(3) INTERNATIONAL SECURITY ASSISTANCE.—Funds appropriated under title IV of this Act that are available for assistance for Sri Lanka shall be subject to the following conditions—

(A) not to exceed \$500,000 under the heading “Foreign Military Financing Program” may only be made available for programs to support humanitarian and disaster response preparedness and maritime security; and

(B) funds under the heading “Peacekeeping Operations” may only be made available for training and equipment related to international peacekeeping operations, and only

if the Government of Sri Lanka is taking effective steps to bring to justice Sri Lankan peacekeeping troops who have engaged in sexual exploitation and abuse.

(e) REGIONAL PROGRAMS.—

(1) CROSS BORDER PROGRAMS.—Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Afghanistan and Pakistan may be provided, notwithstanding any other provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan, or between either country and the Central Asian countries.

(2) SECURITY AND JUSTICE PROGRAMS.—Funds appropriated by this Act that are made available for assistance for countries in South and Central Asia shall be made available to accelerate the recruitment and enhance the retention and professionalism of women in the judiciary, police, and other security forces.

LATIN AMERICA AND THE CARIBBEAN

SEC. 7045. (a) CENTRAL AMERICA.—

(1) FUNDING.—Subject to the requirements of this subsection, of the funds appropriated under titles III and IV of this Act, up to \$615,000,000 may be made available for assistance for countries in Central America to implement the United States Strategy for Engagement in Central America (the Strategy): *Provided*, That such funds shall be made available to the maximum extent practicable on a cost-matching basis.

(2) PRE-OBLIGATION REQUIREMENTS.—Prior to the obligation of funds made available pursuant to paragraph (1), the Secretary of State shall submit to the Committees on Appropriations an updated multi-year spend plan as described under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(3) ASSISTANCE FOR THE CENTRAL GOVERNMENTS OF EL SALVADOR, GUATEMALA, AND HONDURAS.—Of the funds made available pursuant to paragraph (1) that are available for assistance for each of the central governments of El Salvador, Guatemala, and Honduras, except for funds made available for the International Commission against Impunity in Guatemala or the Mission to Support the Fight against Corruption and Impunity in Honduras, the following amounts shall be withheld from obligation and may only be made available as follows:

(A) 25 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is—

(i) informing its citizens of the dangers of the journey to the southwest border of the United States;

(ii) combating human smuggling and trafficking;

(iii) improving border security, including preventing illegal migration, human smuggling and trafficking, and trafficking of illicit drugs and other contraband; and

(iv) cooperating with United States Government agencies and other governments in the region to facilitate the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of the United States who do not qualify for asylum, consistent with international law.

(B) An additional 50 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is—

(i) working cooperatively with an autonomous, publicly accountable entity to provide oversight of the Plan of the Alliance for Prosperity in the Northern Triangle in Central America (the Plan);

(ii) combating corruption, including investigating and prosecuting current and former

government officials credibly alleged to be corrupt;

(iii) implementing reforms, policies, and programs to improve transparency and strengthen public institutions, including increasing the capacity and independence of the judiciary and the Office of the Attorney General;

(iv) implementing a policy to ensure that local communities, civil society organizations (including indigenous and other marginalized groups), and local governments are consulted in the design, and participate in the implementation and evaluation of, activities of the Plan that affect such communities, organizations, and governments;

(v) countering the activities of criminal gangs, drug traffickers, and organized crime;

(vi) investigating and prosecuting in the civilian justice system government personnel, including military and police personnel, who are credibly alleged to have violated human rights, and ensuring that such personnel are cooperating in such cases;

(vii) cooperating with commissions against corruption and impunity and with regional human rights entities;

(viii) supporting programs to reduce poverty, expand education and vocational training for at-risk youth, create jobs, and promote equitable economic growth, particularly in areas contributing to large numbers of migrants;

(ix) implementing a plan that includes goals, benchmarks, and timelines to create a professional, accountable civilian police force and end the role of the military in internal policing, and make such plan available to the Department of State;

(x) protecting the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

(xi) increasing government revenues, including by implementing tax reforms and strengthening customs agencies; and

(xii) resolving commercial disputes, including the confiscation of real property, between United States entities and such government.

(4) DETERMINATIONS AND IMPACT ON ASSISTANCE.—

(A) INSUFFICIENT PROGRESS.—The Secretary of State shall periodically review the progress of each of the central governments of El Salvador, Guatemala, and Honduras in meeting the requirements of paragraphs (3)(A) and (3)(B): *Provided*, That if the Secretary determines and reports to the appropriate congressional committees that sufficient progress has not been made by such government in meeting such requirements, the Secretary shall suspend, in whole or in part, assistance for such government for programs supporting such requirement, and shall notify the appropriate congressional committees in writing of such action: *Provided further*, That the Secretary may resume such assistance if the Secretary determines and reports to such committees that corrective measures have been taken by such government.

(B) EXTRAORDINARY PROGRESS.—The Secretary of State may, notwithstanding section 7019 of this Act, increase assistance for El Salvador, Guatemala, or Honduras if the Secretary determines and reports to the appropriate congressional committees that the central government of such country has made extraordinary progress in meeting the requirements of paragraphs (3)(A) and (3)(B): *Provided*, That such increase shall be provided in the amounts designated as Award for Extraordinary Progress in the table under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That such determina-

tion may be made for not more than one country and following the submission of the reports for such country submitted pursuant to paragraphs (3)(A) and (3)(B).

(C) CHANGE IN NATIONAL GOVERNMENT.—Not later than 90 days following a change of national government in El Salvador, Guatemala, or Honduras, the Secretary of State shall determine whether or not such government is meeting the requirements of paragraphs (3)(A) and (3)(B) and submit a report to the appropriate congressional committees detailing the reasons for such determination: *Provided*, That if the Secretary determines that such government is not meeting such requirements, then the Secretary shall suspend, in whole or in part, assistance for such central government until such time as such determination and report can be made.

(D) REPROGRAMMING.—

(i) Assistance suspended pursuant to subparagraphs (A) or (C) may be reprogrammed if the Secretary of State determines that corrective measures have not been taken.

(ii) If the Secretary is unable to make a determination pursuant to subparagraph (B) within 180 days after enactment of this Act, amounts designated under such subparagraph may be reprogrammed.

(iii) Any reprogramming made pursuant to clauses (i) or (ii) shall only be made available for assistance for other countries in Latin America and the Caribbean and shall be subject to the regular notification procedures of the Committees on Appropriations.

(5) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations not less than 14 days prior to submitting any certification made pursuant to subsection (a)(3) and any suspension or reprogramming made pursuant to subsection (a)(4).

(6) LIMITATION.—None of the funds made available by this subsection for assistance for countries in Central America may be made available for direct government-to-government assistance or for major infrastructure projects.

(b) COLOMBIA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, not less than \$391,253,000 shall be made available for assistance for Colombia, including to support the efforts of the Government of Colombia to—

(A) conduct a unified campaign against narcotics trafficking, organizations designated as foreign terrorist organizations pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), and other criminal or illegal armed groups: *Provided*, That aircraft supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to transport personnel and supplies involved in drug eradication and interdiction, including security for such activities, and to provide transport in support of alternative development programs and investigations by civilian judicial authorities;

(B) enhance security and stability in Colombia and the region;

(C) strengthen and expand governance, the rule of law, and access to justice throughout Colombia;

(D) promote economic and social development, including by improving access to areas impacted by conflict through demining programs; and

(E) implement a peace agreement between the Government of Colombia and illegal armed groups, in accordance with constitutional and legal requirements in Colombia: *Provided*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) LIMITATION.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Colombia may be made available for payment of reparations to conflict victims or compensation to demobilized combatants associated with a peace agreement between the Government of Colombia and illegal armed groups.

(3) PRE-OBLIGATION REQUIREMENTS.—Prior to the initial obligation of funds made available pursuant to paragraph (1), the Secretary of State, in consultation with the USAID Administrator, shall submit to the Committees on Appropriations an updated multi-year spend plan as described under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(4) APPORTIONMENT AND TRANSFER.—Funds made available by this Act under the heading “Economic Support Fund” for assistance for Colombia shall be apportioned directly to USAID, except that not less than \$7,000,000 of such funds shall be transferred to, and merged with, funds appropriated by this Act under the heading “Migration and Refugee Assistance” for assistance for Colombian refugees in neighboring countries.

(5) COUNTERNARCOTICS.—Of the funds made available by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” for counternarcotics assistance for Colombia, 25 percent may be obligated only after the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Colombia has reduced overall illicit drug cultivation, production, and trafficking.

(6) HUMAN RIGHTS.—Of the funds made available by this Act under the heading “Foreign Military Financing Program” for assistance for Colombia, 20 percent may be obligated only in accordance with the conditions set forth under section 7045 in Senate Report 115–152.

(7) EXCEPTIONS.—The limitations of paragraphs (5) and (6) shall not apply to funds made available for aviation instruction and maintenance, and maritime and riverine security programs.

(c) HAITI.—

(1) CERTIFICATION.—Funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund” that are made available for assistance for Haiti may not be made available for assistance for the central Government of Haiti unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is taking effective steps, which are in addition to steps taken since the certification and report submitted during the prior year, if applicable, to—

(A) strengthen the rule of law in Haiti, including by—

(i) selecting judges in a transparent manner based on merit;

(ii) reducing pre-trial detention;

(iii) respecting the independence of the judiciary; and

(iv) improving governance by implementing reforms to increase transparency and accountability, including through the penal and criminal codes;

(B) combat corruption, including by implementing the anti-corruption law enacted in 2014 and prosecuting corrupt officials;

(C) increase government revenues, including by implementing tax reforms, and increasing expenditures on public services; and

(D) resolve commercial disputes between United States entities and the Government of Haiti.

(2) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) VENEZUELA.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$15,000,000 shall be made available for programs to promote democracy and the rule of law in Venezuela.

EUROPE AND EURASIA

SEC. 7046. (a) ASSISTANCE.—

(1) GEORGIA.—Of the funds appropriated by this Act under titles III and IV, not less than \$105,325,000 shall be made available for assistance for Georgia.

(2) UKRAINE.—Of the funds appropriated by this Act under titles III and IV, not less than \$420,700,000 shall be made available for assistance for Ukraine.

(b) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for a government of an Independent State of the former Soviet Union if such government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That except as otherwise provided in section 7070(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That prior to executing the authority contained in the previous proviso, the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act (22 U.S.C. 5812 note) shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act (22 U.S.C. 5851 et seq.) and section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945 (Public Law 79-173); or

(6) humanitarian assistance.

(d) TURKEY.—None of the funds made available by this Act may be used to facilitate or support the sale of defense articles or defense services to the Turkish Presidential Protection Directorate (TPPD) under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.), unless the Secretary of State determines and reports to the appropriate congressional committees that members of the TPPD named in the July 17, 2017 indictment by the Superior Court of the District of Columbia have returned to the United States to stand trial in connection with the offenses contained in such indictment or have otherwise been brought to justice: *Provided*, That the limitation in this paragraph shall not apply to the use of funds made available by this Act for border security purposes, for North Atlantic Treaty Organization or coalition operations, or to enhance the protection

of United States officials and facilities in Turkey.

WAR CRIMES TRIBUNALS

SEC. 7047. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) RESTRICTIONS.—Of the funds appropriated under title I and under the heading “International Organizations and Programs” in title V of this Act that are available for contributions to the United Nations (including the Department of Peacekeeping Operations), any United Nations agency, or the Organization of American States, 15 percent may not be obligated for such organization, department, or agency until the Secretary of State determines and reports to the Committees on Appropriations that the organization, department, or agency is—

(A) posting on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits;

(B) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(i) protection against retaliation for internal and lawful public disclosures;

(ii) legal burdens of proof;

(iii) statutes of limitation for reporting retaliation;

(iv) access to independent adjudicative bodies, including external arbitration; and

(v) results that eliminate the effects of proven retaliation; and

(C) effectively implementing and enforcing policies and procedures on the appropriate use of travel funds, including restrictions on first class and business class travel.

(2) WAIVER.—The restrictions imposed by or pursuant to paragraph (1) may be waived on a case-by-case basis if the Secretary of State determines and reports to the Committees on Appropriations that such waiver is necessary to avert or respond to a humanitarian crisis.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) RESTRICTIONS ON UNITED STATES DELEGATIONS.—None of the funds made available by this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 as continued in effect pursuant to the Inter-

national Emergency Economic Powers Act (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) RESTRICTIONS ON CONTRIBUTIONS.—None of the funds made available by this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) WAIVER.—The Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interest of the United States, including a description of the national interest served.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national interest of the United States and that such Council is taking significant steps to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided*, That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided further*, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2018, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Prior to the initial obligation of funds for the United Nations Relief and Works Agency (UNRWA), and not later than 45 days after enactment of this Act, the Secretary of State shall submit a report in writing to the Committees on Appropriations on whether UNRWA is—

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes;

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions;

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of

human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

(f) CAPITAL PROJECTS.—None of the funds made available by this Act may be used for the design, renovation, or construction of the United Nations Headquarters in New York: *Provided*, That any operating plan submitted pursuant to this Act for funds made available under the heading "Contributions to International Organizations" shall include information on capital projects, as described under such heading in House Report 115-253.

(g) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2018 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of law: *Provided further*, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(h) SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING OPERATIONS.—

(1) IN GENERAL.—Funds appropriated by this Act shall be made available to implement section 301 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114-323).

(2) WITHHOLDING OF FUNDS.—The Secretary of State should withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to bring the responsible members of such unit to justice and to prevent future incidents: *Provided*, That the Secretary shall promptly notify the government of each country subject to any withholding of assistance pursuant to this paragraph, and shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made: *Provided further*, That the Secretary shall, to the maximum extent practicable, assist such government in bringing the responsible members of such unit to justice.

(3) TRANSFER OF FUNDS.—Of the funds appropriated by this Act under the heading

"Economic Support Fund", not less than \$1,000,000 shall be transferred to, and merged with, funds appropriated under the heading "International Organizations and Programs" for the United Nations Office of the Special Coordinator on Improving the UN Response to Sexual Exploitation and Abuse: *Provided*, That such transfer authority shall be exercised not later than 60 days after enactment of this Act.

(1) ADDITIONAL AVAILABILITY.—Funds appropriated under titles I and V of this Act which are returned or not made available due to the implementation of subsection (a) or the second proviso under the heading "Contributions for International Peacekeeping Activities" of such title shall remain available for obligation until September 30, 2019.

(j) NATIONAL SECURITY INTEREST WITHHOLDING.—

(1) WITHHOLDING.—The Secretary of State shall withhold 5 percent of the funds appropriated by this Act under the heading "Contributions to International Organizations" for a specialized agency or other entity of the United Nations if the Secretary, in consultation with the United States Ambassador to the United Nations, determines and reports to the Committees on Appropriations that such agency or entity has taken an official action that is against the national security interest of the United States or an ally of the United States, including Israel.

(2) RELEASE OF FUNDS.—The Secretary of State, in consultation with the United States Ambassador to the United Nations, may release funds withheld pursuant to paragraph (1) if the Secretary determines and reports to the Committees on Appropriations that such agency or entity is taking steps to address the action that resulted in the withholding of such funds.

(3) REPROGRAMMING.—Should the Secretary of State be unable to make a determination pursuant to paragraph (2) regarding the release of withheld funds, such funds may be reprogrammed for other purposes under the heading "Contributions to International Organizations".

(4) WAIVER.—The Secretary of State, following consultation with the Committees on Appropriations, may waive the requirements of this subsection if the Secretary determines that to do so in the national interest.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7049. Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

DISABILITY PROGRAMS

SEC. 7050. (a) ASSISTANCE.—Funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used for USAID for management, oversight, and technical support.

INTERNATIONAL CONFERENCES

SEC. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

AIRCRAFT TRANSFER, COORDINATION, AND USE

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", and "Andean Counterdrug Programs" may be used for any other program and in any region.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) AUTHORITY.—The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, That funds received by the Department of State in connection with the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

(2) SCOPE.—The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act shall be borne by the recipient country.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign

Operations, and Related Programs Appropriations Act, 2011 (division F of Public Law 111-117) shall apply to this Act: *Provided*, That the date “September 30, 2009” in subsection (f)(2)(B) of such section shall be deemed to be “September 30, 2017”.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) **LANDMINES.**—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) **CLUSTER MUNITIONS.**—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(2) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by Congress: *Provided*, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 22 U.S.C. 2151a note).

CONTINUOUS SUPERVISION AND GENERAL DIRECTION OF ECONOMIC AND MILITARY ASSISTANCE

SEC. 7056. (a) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, law enforcement and justice sector assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(b) Consistent with section 481(b) of the Foreign Assistance Act of 1961, the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking: *Provided*, That the provision of assistance by the Department of Defense which is comparable to assistance that may be made available by this Act under the heading “International Narcotics Control and Law Enforcement” shall be provided in a manner consistent with the requirements of section 333(b) of title 10, United States Code, as added by section 1241 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

SEC. 7057. (a) **AUTHORITY.**—Up to \$93,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949).

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2019.

(c) **CONDITIONS.**—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

(d) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(e) **FOREIGN SERVICE LIMITED EXTENSIONS.**—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(f) **DISASTER SURGE CAPACITY.**—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(g) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83-480; 7 U.S.C. 1721 et seq.), may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83-480; 7 U.S.C. 1721 et seq.), may be made available only for personal services

contractors assigned to the Office of Food for Peace.

(h) **SMALL BUSINESS.**—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) **SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.**—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011 (division F of Public Law 111-117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) **IN GENERAL.**—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than \$575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) **GLOBAL FUND.**—Of the funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that the Global Fund is—

(1) maintaining and implementing a policy of transparency, including the authority of the Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public Web site;

(2) providing sufficient resources to maintain an independent OIG that—

(A) reports directly to the Board of the Global Fund;

(B) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(C) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, and Local Fund Agents;

(3) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(A) protection against retaliation for internal and lawful public disclosures;

(B) legal burdens of proof;

(C) statutes of limitation for reporting retaliation;

(D) access to independent adjudicative bodies, including external arbitration; and

(E) results that eliminate the effects of proven retaliation; and

(4) implementing the recommendations contained in the Consolidated Transformation Plan approved by the Board of the Global Fund on November 21, 2011:

Provided, That such withholding shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2018 pursuant

to the application of any other provision contained in this or any other Act.

(C) CONTAGIOUS INFECTIOUS DISEASE OUTBREAKS.—

(1) **EXTRAORDINARY MEASURES.**—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, funds appropriated by this Act under the headings “Global Health Programs”, “Development Assistance”, “International Disaster Assistance”, “Complex Crises Fund”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, “Migration and Refugee Assistance”, and “Millennium Challenge Corporation” may be made available to combat such infectious disease or public health emergency, and may be transferred to, and merged with, funds appropriated under such headings for the purposes of this paragraph.

(2) **CONSULTATION AND NOTIFICATION.**—Funds made available by this subsection shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(3) **GLOBAL HEALTH SECURITY.**—Not later than 180 days after enactment of this Act, a global health security strategy shall be submitted to the appropriate congressional committees in the manner described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) **REPURPOSED FUNDS.**—(1) Of the unobligated balances available under the heading “Bilateral Economic Assistance” in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235)—

(A) \$35,000,000 shall be made available for the Emergency Reserve Fund established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31): *Provided*, That such funds may only be made available if the USAID Administrator determines and reports to the Committees on Appropriations that it is in the national interest to respond to an emerging health threat that poses severe threats to human health;

(B) \$100,000,000 shall be for programs to accelerate the capabilities of targeted countries to prevent, detect, and respond to infectious disease outbreaks; and

(C) \$10,000,000 shall be made available for support of a multi-partner trust fund or other multilateral efforts to assist communities in Haiti affected by cholera resulting from the United Nations Stabilization Mission in Haiti: *Provided*, That prior to the obligation of such funds, the Secretary of State shall ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided further*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) Funds made available pursuant to this subsection are in addition to funds otherwise made available for such purposes.

(3) Funds made available pursuant to this subsection under the headings “Global Health Programs” and “International Disaster Assistance” may be transferred to, and merged with, funds made available under such headings: *Provided*, That such transfer authority is in addition to any other transfer authority provided by law.

(4) The amounts repurposed under this subsection are designated by the Congress as an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

GENDER EQUALITY

SEC. 7059. (a) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide.

(b) **WOMEN’S LEADERSHIP.**—Of the funds appropriated by title III of this Act, not less than \$50,000,000 shall be made available to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women’s political status, expanding women’s participation in political parties and elections, and increasing women’s opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) **GENDER-BASED VIOLENCE.**—

(1)(A) Of the funds appropriated by titles III and IV of this Act, not less than \$150,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(B) Funds appropriated by titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(2) Department of State and United States Agency for International Development gender programs shall incorporate coordinated efforts to combat a variety of forms of gender-based violence, including child marriage, rape, female genital cutting and mutilation, and domestic violence, among other forms of gender-based violence in conflict and non-conflict settings.

(d) **WOMEN, PEACE, AND SECURITY.**—Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement” should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

(e) **WOMEN AND GIRLS AT RISK FROM EXTREMISM.**—

(1) **ASSISTANCE.**—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$15,000,000 shall be made available to support women and girls who are at risk from extremism and conflict, and for activities to—

(A) empower women and girls to counter extremism;

(B) address the needs of women and girls adversely impacted by extremism and conflict;

(C) document crimes committed by extremists against women and girls, and support investigations and prosecutions of such crimes, as appropriate;

(D) increase the participation and influence of women in formal and informal political processes and institutions at the local level and within traditional governing structures;

(E) support reconciliation programs between impacted minority, religious, and ethnic groups and the broader community;

(F) develop and implement legal reforms and protections for women and girls at the national and local government levels; and

(G) create and sustain networks for women and girls to collectively safeguard their rights on a regional basis.

(2) **CLARIFICATION AND NOTIFICATION.**—Funds made available pursuant to paragraph (1)—

(A) are in addition to amounts otherwise available by this Act for such purposes; and

(B) shall be made available following consultation with, and subject to the regular notification procedures of, the Committees on Appropriations.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) **BASIC EDUCATION.**—

(A) Of the funds appropriated under title III of this Act, not less than \$800,000,000 shall be made available for assistance for basic education, and such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries: *Provided*, That such funds should be used to implement the objectives of basic education programs for each Country Development Cooperation Strategy or similar strategy regarding basic education established by the United States Agency for International Development: *Provided further*, That such funds may also be used for secondary education activities: *Provided further*, That the USAID Administrator, following consultation with the Committees on Appropriations, may reprogram such funds between countries.

(B) Not later than 30 days after enactment of this Act, the USAID Administrator shall report to the Committees on Appropriations on the status of cumulative unobligated balances and obligated, but unexpended, balances in each country where USAID provides basic education assistance and such report shall also include details on the types of contracts and grants provided and the goals and objectives of such assistance: *Provided*, That the USAID Administrator shall update such report on a quarterly basis until September 30, 2019: *Provided further*, That if the USAID Administrator determines that any unobligated balances of funds specifically designated for assistance for basic education in prior Acts making appropriations for the Department of State, foreign operations, and related programs are in excess of the absorptive capacity of recipient countries, such funds may be made available for other programs authorized under chapter 1 of part I of the Foreign Assistance Act of 1961, notwithstanding such funding designation: *Provided further*, That the authority of the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(C) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than \$87,500,000 shall be made available for a contribution to multilateral partnerships that support education.

(2) **HIGHER EDUCATION.**—Of the funds appropriated by title III of this Act, not less than \$235,000,000 shall be made available for assistance for higher education: *Provided*, That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and

shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of such amount, not less than \$35,000,000 shall be made available for human and institutional capacity building partnerships between higher education institutions in the United States and developing countries, of which not less than \$15,000,000 shall be for new partnerships which should be competed and awarded not later than one year after enactment of this Act: *Provided further*, That not later than 45 days after enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of funds for such partnerships.

(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$28,000,000 shall be made available for the American Schools and Hospitals Abroad program, and not less than \$12,000,000 shall be made available for cooperative development programs of USAID.

(c) ENVIRONMENT PROGRAMS.—

(1) AUTHORITY AND NOTIFICATION.—

(A) Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, except for the provisions of this subsection, to support environment programs.

(B) Funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(C) None of the funds in this Act are appropriated or otherwise made available for a contribution, grant, or any other payment for the Green Climate Fund.

(2) CONSERVATION PROGRAMS AND LIMITATIONS.—

(A) Of the funds appropriated under title III of this Act, not less than \$269,000,000 shall be made available for biodiversity conservation programs.

(B) Not less than \$90,664,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.

(C) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the appropriate congressional committees that to do so is in the national security interest of the United States.

(D) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each international financial institutions (IFI) to vote against any financing of any such activity.

(3) LARGE DAMS.—The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to vote in relation to any loan, grant, strategy, or policy of such institution to support the construction of any large dam consistent with the criteria set forth in Senate Report 114-79, while also considering whether the project involves important foreign policy objectives.

(4) SUSTAINABLE LANDSCAPES.—Of the funds appropriated under title III of this Act, not less than \$123,500,000 shall be made available for sustainable landscapes programs.

(d) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than \$1,000,600,000 shall be made available for food security and agricultural development programs to carry out the purposes of the Global Food Security Act of 2016 (Public Law 114-195), of which not less than \$315,960,000 shall be made available for the Bureau for Food Security, USAID, including not less than \$55,000,000 for the Feed the Future Innovation Labs: *Provided*, That funds may be made available for a contribution as authorized by section 3202 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), as amended by section 3206 of the Agricultural Act of 2014 (Public Law 113-79).

(e) MICROENTERPRISE AND MICROFINANCE.—Of the funds appropriated by this Act, not less than \$265,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women.

(f) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement”, not less than \$65,000,000 shall be made available for activities to combat trafficking in persons internationally, of which not less than \$40,000,000 shall be from funds made available under the heading “International Narcotics Control and Law Enforcement”: *Provided*, That funds appropriated by this Act that are made available for programs to end modern slavery shall be in addition to funds made available by this subsection to combat trafficking in persons.

(g) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “Development Assistance”, not less than \$30,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil strife and war: *Provided*, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government: *Provided further*, That such funds shall be administered by the Office of Conflict Management and Mitigation, USAID.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than \$400,000,000 shall be made available for water supply and sanitation projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121), of which not less than \$145,000,000 shall be for programs in sub-Saharan Africa, and of which not less than \$15,000,000 shall be made available to support initiatives by local communities in developing countries to build and maintain safe latrines.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7061. (a) TRANSFER OF FUNDS.—Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Over-

seas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2018.

ARMS TRADE TREATY

SEC. 7062. None of the funds appropriated by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

INSPECTORS GENERAL

SEC. 7063. (a) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency of the United States Government over which such Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of such Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access of such Inspector General.

(b) TIMELY ACCESS.—A department or agency of the United States Government covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) COMPLIANCE.—Each Inspector General covered by this section shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) REPORT.—Each Inspector General covered by this section shall report to the Committees on Appropriations within 5 calendar days of any failure by any department or agency of the United States Government to provide its Inspector General access to all requested records, documents, and other materials.

REPORTING REQUIREMENTS CONCERNING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTÁNAMO BAY, CUBA

SEC. 7064. Not later than 5 days after the conclusion of an agreement with a country, including a state with a compact of free association with the United States, to receive by transfer or release individuals detained at United States Naval Station, Guantánamo Bay, Cuba, the Secretary of State shall notify the Committees on Appropriations in writing of the terms of the agreement, including whether funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs will be made available for assistance for such country pursuant to such agreement.

MULTI-YEAR PLEDGES

SEC. 7065. None of the funds appropriated by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

(1) previously justified, including the projected future year costs, in a congressional budget justification;

(2) included in an Act making appropriations for the Department of State, foreign

operations, and related programs or previously authorized by an Act of Congress;

(3) notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or

(4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

PROHIBITION ON USE OF TORTURE

SEC. 7066. None of the funds made available in this Act may be used to support or justify the use of torture, cruel, or inhumane treatment by any official or contract employee of the United States Government.

EXTRADITION

SEC. 7067. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings “International Disaster Assistance”, “Complex Crises Fund”, “International Narcotics Control and Law Enforcement”, “Migration and Refugee Assistance”, “United States Emergency Refugee and Migration Assistance Fund”, and “Nonproliferation, Anti-terrorism, Demining and Related Assistance”) for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interest of the United States.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7068. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt, and the North Atlantic Treaty Organization (NATO), and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

JOINT STRATEGIC PLAN, BUDGET, AND TRANSITIONS

SEC. 7069. (a) JOINT STRATEGIC PLAN AND BUDGET.—Not later than 180 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committees on Appropriations a five year budget estimate that details by each fiscal year the funds necessary to implement, by agency, each of the four goals identified in the “Joint Strategic Plan for the Department of State and the United States Agency for International Development, FY 2018–2022” (Joint Strategic

Plan), required by section 306 of title 5, United States Code, and published on February 12, 2018: *Provided*, That the Secretary and the Administrator shall inform the appropriate congressional committees not later than September 30, 2018 of any changes to the Joint Strategic Plan.

(b) STRATEGIC TRANSITIONS.—

(1) The USAID Administrator shall regularly consult with the appropriate congressional committees and development stakeholders on efforts to transition nations from assistance recipients to enduring diplomatic, economic, and security partners: *Provided*, That such consultations shall include the guiding principles and metrics being developed to support such efforts, and any other matters related to the implementation plan required in paragraph (2).

(2) Not later than 180 days after enactment of this Act, the USAID Administrator shall submit to the appropriate congressional committees an implementation plan on country transitions from assistance that includes—

(A) the conditions and related benchmarks under which countries may transition from assistance provided by this Act and subsequent Acts making appropriations for the Department of State, foreign operations, and related programs;

(B) the actions required by USAID to facilitate or support country efforts toward such transition, including consultation with civil society, other donors, multilateral organizations, and implementing partners;

(C) a description of the costs and number of personnel associated with strategic transitions, including investments to increase public and private domestic resource mobilization; and

(D) the plans to ensure post-transition development progress.

COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

SEC. 7070. (a) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) ANNEXATION OF CRIMEA.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has taken affirmative steps intended to support or be supportive of the Russian Federation annexation of Crimea or other territory in Ukraine: *Provided*, That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea or other territory in Ukraine;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) The Secretary of the Treasury shall instruct the United States executive directors

of each international financial institution to vote against any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

(4) The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea and other territory in Ukraine under the control of Russian-backed separatists.

(c) OCCUPATION OF THE GEORGIAN TERRITORIES OF ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has recognized the independence of, or has established diplomatic relations with, the Russian occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia: *Provided*, That the Secretary shall publish on the Department of State Web site a list of any such central governments in a timely manner: *Provided further*, That the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) None of the funds appropriated by this Act may be made available to support the Russian occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

(3) The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to vote against any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty and territorial integrity of Georgia.

(d) ASSISTANCE TO COUNTER INFLUENCE AND AGGRESSION.—

(1) Of the funds appropriated by this Act under the headings “Assistance for Europe, Eurasia and Central Asia”, “International Narcotics Control and Law Enforcement”, “International Military Education and Training”, and “Foreign Military Financing Program”, not less than \$250,000,000 shall be made available to carry out the purposes of the Countering Russian Influence Fund, as authorized by section 254 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 22 U.S.C. 9543), and programs to enhance the capacity of law enforcement and security forces in countries in Europe and Eurasia and strengthen security cooperation between such countries and the United States and the North Atlantic Treaty Organization, as appropriate.

(2) Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(e) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the Russian Federation, including to promote Internet freedom, and shall also be made available to support the democracy and rule of law strategy required by section 7071(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

INTERNATIONAL MONETARY FUND

SEC. 7071. (a) EXTENSIONS.—The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

SPECIAL DEFENSE ACQUISITION FUND

SEC. 7072. Not to exceed \$900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (the Fund), to remain available for obligation until September 30, 2020: *Provided*, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

STABILITY AND DEVELOPMENT IN REGIONS IMPACTED BY EXTREMISM AND CONFLICT

SEC. 7073. (a) COUNTERING FOREIGN FIGHTERS AND EXTREMIST ORGANIZATIONS.—Funds appropriated under titles III and IV of this Act shall be made available for programs and activities to counter and defeat violent extremism and foreign fighters abroad, consistent with the strategy required by section 7073(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided*, That the Secretary of State shall ensure such programs are coordinated with and complement the efforts of other United States Government agencies and international partners, and that information gained through the conduct of such programs is shared in a timely manner with relevant departments and agencies of the United States Government, other international partners, and the appropriate congressional committees, as appropriate.

(b) COUNTRIES IMPACTED BY SIGNIFICANT REFUGEE POPULATIONS OR INTERNALLY DISPLACED PERSONS.—

(1) USES OF FUNDS.—Funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund” shall be made available for programs in countries affected by significant populations of internally displaced persons or refugees to—

(A) expand and improve host government social services and basic infrastructure to accommodate the needs of such populations and persons;

(B) alleviate the social and economic strains placed on host communities, including through programs to promote livelihoods, vocational training, and formal and informal education;

(C) improve coordination of such assistance in a more effective and sustainable manner; and

(D) leverage increased assistance from donors other than the United States Government for central governments and local communities in such countries: *Provided*, That the Secretary of State shall periodically inform the appropriate congressional committees of the amounts and specific uses of funds made available for the purposes of this subsection.

(2) CONCESSIONAL FINANCE FACILITY.—Funds appropriated under title III of this Act under the heading “Economic Support Fund” may be made available for the Concessional Finance Facility of the World Bank to provide financing to support refugees and host communities: *Provided*, That such funds shall be in addition to funds made available for bilat-

eral assistance in the report required by section 653(a) of the Foreign Assistance Act of 1961, and may only be made available subject to prior consultation with the Committees on Appropriations.

(c) FRAGILE STATES AND EXTREMISM.—Funds appropriated by this Act shall be made available for the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31), subject to the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUNDS

SEC. 7074. (a) NOTIFICATION.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the appropriate congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7075. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

BUDGET DOCUMENTS

SEC. 7076. (a) OPERATING AND REORGANIZATION PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2018, that provides details of the uses of such funds at the program, project, and activity level: *Provided*, That such plans shall include, as applicable, a comparison between the congressional budget justification funding levels, the most recent congressional directives or approved funding levels, and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further*, That if such department, agency, or organization receives an additional amount under the same heading in title VIII of this Act, operating plans required by this subsection shall include consolidated information on all such funds: *Provided further*, That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as applicable, shall be subject to the notification and reprogramming requirements of section 7015 of this Act.

(b) SPEND PLANS.—

(1) Prior to the initial obligation of funds, the Secretary of State or Administrator of the United States Agency for International Development, as appropriate, shall submit to the Committees on Appropriations a spend plan for funds made available by this Act, for—

(A) assistance for Afghanistan, Iraq, Lebanon, Pakistan, and the West Bank and Gaza;

(B) assistance made available pursuant to section 7070(d) of this Act to counter Russian influence and aggression, except that such plan shall be on a country-by-country basis;

(C) Power Africa and the regional security initiatives listed under this section in Senate Report 115–152: *Provided*, That the spend plan for such initiatives shall include the amount of assistance planned for each country by account, to the maximum extent practicable; and

(D) democracy programs, programs to support section 7073(a) of this Act, and sectors enumerated in subsections (a), (c), (d), (e), (f), and (h) of section 7060 of this Act.

(2) Not later than 45 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the heading “Department of the Treasury, International Affairs Technical Assistance” in title III.

(3) Notwithstanding paragraph (1), up to 10 percent of the funds contained in a spend plan required by this subsection may be obligated prior to the submission of such spend plan if the Secretary of State or the USAID Administrator, as appropriate, determines that the obligation of such funds is necessary to avoid significant programmatic disruption: *Provided*, That not less than seven days prior to such obligation, the Secretary or Administrator, as appropriate, shall consult with the Committees on Appropriations on the justification for such obligation and the proposed uses of such funds.

(c) SPENDING REPORT.—Not later than 45 days after enactment of this Act, the USAID Administrator shall submit to the Committees on Appropriations a detailed report on spending of funds made available during fiscal year 2017 under the heading “Development Credit Authority”.

(d) CLARIFICATION.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(e) CONGRESSIONAL BUDGET JUSTIFICATION.—

(1) The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President's budget for fiscal year 2019: *Provided*, That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter.

(2) The Secretary of State and the USAID Administrator shall include in the congressional budget justification a detailed justification for multi-year availability for any funds requested under the headings “Diplomatic and Consular Programs” and “Operating Expenses”.

REPORTS AND RECORDS MANAGEMENT

SEC. 7077. (a) PUBLIC POSTING OF REPORTS.—

(1) REQUIREMENT.—Any agency receiving funds made available by this Act shall, subject to paragraphs (2) and (3), post on the publicly available Web site of such agency

any report required by this Act to be submitted to the Committees on Appropriations, upon a determination by the head of such agency that to do so is in the national interest.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a report if—

(A) the public posting of such report would compromise national security, including the conduct of diplomacy; or

(B) the report contains proprietary, privileged, or sensitive information.

(3) TIMING AND INTENTION.—The head of the agency posting such report shall, unless otherwise provided for in this Act, do so only after such report has been made available to the Committees on Appropriations for not less than 45 days: *Provided*, That any report required by this Act to be submitted to the Committees on Appropriations shall include information from the submitting agency on whether such report will be publicly posted.

(b) REQUESTS FOR DOCUMENTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development.

(c) RECORDS MANAGEMENT.—

(1) LIMITATION.—None of the funds appropriated by this Act under the headings “Diplomatic and Consular Programs” and “Capital Investment Fund” in title I, and “Operating Expenses” and “Capital Investment Fund” in title II that are made available to the Department of State and USAID may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in contravention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113-187).

(2) DIRECTIVES.—The Secretary of State and USAID Administrator shall—

(A) update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools;

(B) use funds appropriated by this Act under the headings “Diplomatic and Consular Programs” and “Capital Investment Fund” in title I, and “Operating Expenses” and “Capital Investment Fund” in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(C) direct departing employees that all Federal records generated by such employees, including senior officials, belong to the Federal Government; and

(D) significantly improve the response time for identifying and retrieving Federal records, including requests made pursuant to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

(3) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State and USAID Administrator shall each submit a report to the Committees on Appropriations and to the National Archives and Records Administration detailing, as appropriate and where applicable—

(A) any updates or modifications made to the policy of each agency regarding the use

or the establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program since the submission to the Committees on Appropriations of the report required by section 7077(c)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31);

(B) the extent to which each agency is in compliance with applicable Federal records management statutes, regulations, and policies, including meeting Directive goal 1.2 of the Managing Government Records Directive (M-12-18) by December 31, 2017; and

(C) any steps taken since the submission of the report referenced in subparagraph (A) to—

(i) comply with paragraph (1)(B) of this subsection;

(ii) ensure that all employees at every level have been instructed in procedures and processes to ensure that the documentation of their official duties is captured, preserved, managed, protected, and accessible in official Government systems of the Department of State and USAID;

(iii) implement recommendation 1 made by the Office of Inspector General (OIG), Department of State, in the January 2016 Evaluation of the Department of State’s FOIA Process for Requests Involving the Office of the Secretary (ESP-16-01);

(iv) reduce the backlog of Freedom of Information Act (FOIA) and Congressional oversight requests, and measurably improve the response time for answering such requests; and

(v) strengthen cyber security measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain, improve the process to identify and remove inactive user accounts, update and enforce guidance related to the control of national security information, and implement the recommendations of the corresponding reports of the OIG as detailed under this section in House Report 115-253 and contained in other relevant reports issued by the OIG.

(4) OPERATING PLANS.—The operating plans required by section 7076(a) of this Act for funds appropriated under the headings listed in paragraph (1) shall include funds planned for—

(A) implementing the recommendations of the OIG reports referenced in clauses (iii) and (v); and

(B) measurably reducing the FOIA and Congressional oversight requests backlog.

GLOBAL INTERNET FREEDOM

SEC. 7078. (a) FUNDING.—Of the funds available for obligation during fiscal year 2018 under the headings “International Broadcasting Operations”, “Economic Support Fund”, “Democracy Fund”, and “Assistance for Europe, Eurasia and Central Asia”, not less than \$55,500,000 shall be made available for programs to promote Internet freedom globally: *Provided*, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interest of the United States: *Provided further*, That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

(b) REQUIREMENTS.—

(1) Funds appropriated by this Act under the headings “Economic Support Fund”, “Democracy Fund”, and “Assistance for Europe, Eurasia and Central Asia” that are made available pursuant to subsection (a) shall be—

(A) coordinated with other democracy programs funded by this Act under such headings, and shall be incorporated into country assistance and democracy promotion strategies, as appropriate;

(B) for programs to implement the May 2011, International Strategy for Cyberspace; the Department of State International Cyberspace Policy Strategy required by section 402 of the Cybersecurity Act of 2015 (division N of Public Law 114-113); and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(C) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists;

(D) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship techniques: *Provided*, That the Secretary of State, in consultation with the Chief Executive Officer (CEO) of the Broadcasting Board of Governors (BBG), shall coordinate any such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(E) made available only after the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, concurs that such funds are allocated consistent with—

(i) the strategies referenced in subparagraph (B) of this paragraph;

(ii) best practices regarding security for, and oversight of, Internet freedom programs; and

(iii) sufficient resources and support for the development and maintenance of anti-censorship technology and tools.

(2) Funds appropriated by this Act under the heading “International Broadcasting Operations” that are made available pursuant to subsection (a) shall be—

(A) made available only for tools and techniques to securely develop and distribute BBG digital content; facilitate audience access to such content on Web sites that are censored; coordinate the distribution of BBG digital content to targeted regional audiences; and to promote and distribute such tools and techniques, including digital security techniques;

(B) coordinated with programs funded by this Act under the heading “International Broadcasting Operations”, and shall be incorporated into country broadcasting strategies, as appropriate;

(C) coordinated by the BBG CEO to provide Internet circumvention tools and techniques for audiences in countries that are strategic priorities for the BBG and in a manner consistent with the BBG Internet freedom strategy; and

(D) made available for the research and development of new tools or techniques authorized in paragraph (A) only after the BBG CEO, in consultation with the Secretary of State and other relevant United States Government departments and agencies, evaluates the risks and benefits of such new tools

or techniques, and establishes safeguards to minimize the use of such new tools or techniques for illicit purposes.

(C) **COORDINATION AND SPEND PLANS.**—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State and the BBG CEO shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes: *Provided*, That the Department of State spend plan shall include funding for all such programs for all relevant Department of State and USAID offices and bureaus.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7079. None of the funds appropriated or otherwise made available under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers' rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture;

(3) any assistance to an entity outside the United States if such assistance is for the purpose of directly relocating or transferring jobs from the United States to other countries and adversely impacts the labor force in the United States; or

(4) for the enforcement of any rule, regulation, policy, or guidelines implemented pursuant to—

(A) the third proviso of subsection 7079(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117);

(B) the modification proposed by the Overseas Private Investment Corporation in November 2013 to the Corporation's Environmental and Social Policy Statement relating to coal; or

(C) the Supplemental Guidelines for High Carbon Intensity Projects approved by the Export-Import Bank of the United States on December 12, 2013,

when enforcement of such rule, regulation, policy, or guidelines would prohibit, or have the effect of prohibiting, any coal-fired or other power-generation project the purpose of which is to: (i) provide affordable electricity in International Development Association (IDA)-eligible countries and IDA-blend countries; and (ii) increase exports of goods and services from the United States or prevent the loss of jobs from the United States.

UNITED STATES CITIZENS AND NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD

SEC. 7080. (a) **REVIEW.**—The Special Presidential Envoy for Hostage Affairs, in con-

sultation with the Assistant Secretary for Consular Affairs, Department of State, shall review the practices of United States consular officers regarding assistance for citizens and nationals of the United States who are detained in countries where the Department of State's Country Reports on Human Rights Practices indicate that arbitrary arrest or the denial of due process is common, or the judicial system is not independent or is susceptible to corruption, to—

(1) assess whether consular officers routinely seek to determine if—

(A) the detained individual has presented credible information of factual innocence to United States officials;

(B) credible information exists that the individual is detained solely or substantially because he or she is a citizen or national of the United States;

(C) credible information exists that the individual is being detained as a result of exercising his or her right to freedom of expression, association, assembly, or religion;

(D) credible information exists that the individual has been detained arbitrarily and denied due process or a fair trial;

(E) independent nongovernmental organizations or journalists have raised concerns about the innocence or the conditions of confinement of the detained individual;

(F) the detained individual has presented credible information that his or her detention is a pretext; and

(G) the individual is detained in inhumane conditions; and

(2) identify what, if any, diplomatic or other actions are taken by the Department on behalf of a detained individual if the consular officer determines that the answer to any of the questions specified in paragraph (1) is affirmative.

(b) **RECOMMENDATIONS, GUIDANCE, AND REPORT.**—Not later than 180 days after enactment of this Act and after completion of the review required under subsection (a), the Special Presidential Envoy for Hostage Affairs, after consultation with the Assistant Secretary for Consular Affairs, Department of State, shall—

(1) provide recommendations to the Secretary of State for modifying the guidance concerning the arrest and detention of United States citizens abroad in the Foreign Affairs Manual and Foreign Affairs Handbook to better assist the Department of State in identifying cases where such detention is unlawful or wrongful and to enhance diplomatic engagements with foreign governments and other actions on behalf of such citizens and nationals; and

(2) submit a report to the appropriate congressional committees detailing the findings of the review required pursuant to subsection (a) and the recommendations provided pursuant to paragraph (1) of this subsection.

REORGANIZATION AND REDESIGN

SEC. 7081. (a) **OVERSIGHT.**—

(1) **PRIOR CONSULTATION.**—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may not be used to implement a reorganization, redesign, or other plan described in paragraph (2) by the Department of State, the United States Agency for International Development, or any other Federal department, agency, or organization funded by this Act without prior consultation by the head of such department, agency, or organization with the appropriate congressional committees.

(2) **DESCRIPTION OF ACTIVITIES.**—Pursuant to paragraph (1), a reorganization, redesign, or other plan shall include any action to—

(A) expand, eliminate, consolidate, or downsize covered departments, agencies, or

organizations, including bureaus and offices within or between such departments, agencies, or organizations, including the transfer to other agencies of the authorities and responsibilities of such bureaus and offices;

(B) expand, eliminate, consolidate, or downsize the United States official presence overseas including at bilateral, regional, and multilateral diplomatic facilities and other platforms; and

(C) expand or reduce the size of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the on-board levels as of December 31, 2017: *Provided*, That not less than 30 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit to the appropriate congressional committees such on-board levels.

(3) **NOTIFICATION.**—Funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for the activities described in paragraph (2) shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That any such notification submitted to such Committees shall include a detailed justification for any proposed action, including the information specified under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(4) **OPERATING PLANS.**—Operating plans submitted pursuant to section 7076(a) of this Act shall detail, as applicable, amounts for the bureaus, offices, and organizations detailed under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) **ADDITIONAL REQUIREMENTS.**—

(1) **PERSONNEL.**—

(A) Not later than 90 days after enactment of this Act, the Secretary of State and the USAID Administrator shall each submit a report to the appropriate congressional committees detailing the personnel requirements necessary to implement the December 2017 "National Security Strategy of the United States" and the February 2018 "Joint Strategic Plan for the Department of State and the United States Agency for International Development, FY 2018-2022".

(B) Not later than 30 days after enactment of this Act, the Secretary of State and the USAID Administrator shall each submit to the appropriate congressional committees an analysis and justification for the reduction of Department of State and USAID personnel during calendar year 2017, to include an explanation of how such reductions support the missions of each agency.

(C) Not later than 60 days after enactment of this Act and every 60 days thereafter until September 30, 2019, the Secretary of State, in the case of the Department of State, and the USAID Administrator, in the case of USAID, shall report to the appropriate congressional committees on the on-board personnel levels, hiring, and attrition of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID, as appropriate, on an operating unit-by-operating unit basis.

(2) **ADMINISTRATION OF FUNDS.**—Funds appropriated by this Act—

(A) under the heading "Migration and Refugee Assistance" shall be administered by the Assistant Secretary for Population, Refugees, and Migration, Department of State; and

(B) that are made available for the Office of Global Women's Issues shall be administered by the United States Ambassador-at-Large for Global Women's Issues.

(3) INFORMATION TECHNOLOGY PLATFORM.—

(A) None of the funds appropriated in title I of this Act under the heading "Administration of Foreign Affairs" may be made available for a new major information technology investment without the concurrence of the Chief Information Officer, Department of State.

(B) In complying with the requirements of this paragraph, the Chief Information Officer, Department of State, shall consider whether a new major information technology investment—

(i) is consistent with the Department Information Technology Strategic Plan;

(ii) maintains consolidated control over enterprise IT functions or improves operational maintenance;

(iii) improves Department of State resiliency to a cyber-attack;

(iv) reduces Department of State IT costs over the long-term; and

(v) is in accordance with the Federal Acquisition Regulation (FAR), including FAR Part 6 regarding competition requirements.

(C) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing the conclusions and recommendations from the Information Technology (IT) Platform Planning workstream of the Department of State redesign initiative.

(4) REGIONAL DEVELOPMENT MISSION FOR ASIA.—Funds appropriated by this Act and made available for the Regional Development Mission for Asia, USAID, in the table included under title II of the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall be subject to section 7019 of this Act.

UNITED NATIONS POPULATION FUND

SEC. 7082. (a) CONTRIBUTION.—Of the funds made available under the heading "International Organizations and Programs" in this Act for fiscal year 2018, \$32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the "Global Health Programs" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

MULTILATERAL DEVELOPMENT BANK
REPLENISHMENTS

SEC. 7083. (a) The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"SEC. 36. ELEVENTH REPLENISHMENT.

"(a) The United States Governor of the Bank is authorized to contribute, on behalf of the United States, \$189,580,000 to the eleventh replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$189,580,000 for payment by the Secretary of the Treasury."

(b) The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 30. EIGHTEENTH REPLENISHMENT.

"(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States \$3,291,030,000 to the eighteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$3,291,030,000 for payment by the Secretary of the Treasury."

(c) The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

"SEC. 225. FOURTEENTH REPLENISHMENT.

"(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States \$513,900,000 to the fourteenth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$513,900,000 for payment by the Secretary of the Treasury."

RESCISSIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 7084. (a) Of the unobligated balances available to the President under the heading "Development Assistance", as identified by Treasury Appropriation Fund Symbol 72 X 1021, \$23,766,000 are rescinded.

(b) Of the unobligated balances available under the heading "Export and Investment Assistance, Export-Import Bank of the United States" for carryover under the heading "Receipts Collected" in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235), \$10,000,000 are rescinded.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS/
GLOBAL WAR ON TERRORISM

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", \$2,975,971,000, to re-

main available until September 30, 2019, of which \$2,376,122,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to \$5,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That any such transfer shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", \$68,100,000, to remain available until September 30, 2019, of which \$54,900,000 shall be for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight: *Provided*, That printing and reproduction costs of SIGAR shall not exceed amounts for such costs during fiscal year 2017: *Provided further*, That notwithstanding any other provision of law, any employee of SIGAR who completes at least 12 months of continuous service after the date of enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND
MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", \$71,778,000, to remain available until expended, for Worldwide Security Upgrades, acquisition, and construction as authorized: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS
CONTRIBUTIONS TO INTERNATIONAL
ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", \$96,240,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONTRIBUTIONS FOR INTERNATIONAL
PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", \$967,456,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT
OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$158,067,000, to remain available

until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$2,500,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$1,588,778,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for “Transition Initiatives”, \$62,043,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMPLEX CRISES FUND

For an additional amount for “Complex Crises Fund”, \$20,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$2,152,122,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance” to respond to refugee crises, including in Africa, the Near East, South and Central Asia, and Europe and Eurasia, \$2,431,198,000, to remain available until expended, except that such funds shall not be made available for the resettlement costs of refugees in the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$417,951,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINEING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-terrorism, Demining and Related Programs”, \$220,583,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, \$325,213,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds available for obligation under this heading in this Act may be used to pay assessed expenses of international peacekeeping activities in Somalia, subject to the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$460,000,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

ADDITIONAL APPROPRIATIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2018.

EXTENSION OF AUTHORITIES AND CONDITIONS

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

COUNTERTERRORISM PARTNERSHIPS FUND

SEC. 8003. Funds appropriated by this Act under the heading “Nonproliferation, Anti-terrorism, Demining and Related Programs” shall be made available for the Counterterrorism Partnerships Fund for programs in areas liberated from, under the influence of, or adversely affected by, the Islamic State of Iraq and Syria or other terrorist organizations: *Provided*, That such areas shall include the Kurdistan Region of Iraq: *Provided further*, That prior to the obligation of funds made available pursuant to this section, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided further*, That section 7015(j) of this Act regarding notification of assistance diverted or destroyed shall apply to funds made available for the Counterterrorism Partnerships Fund: *Provided further*, That funds made available pursuant to this section shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

TRANSFER OF FUNDS

SEC. 8004. (a) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—

(1) Funds appropriated by this title in this Act under the headings “Transition Initiatives”, “Complex Crises Fund”, “Economic Support Fund”, and “Assistance for Europe,

Eurasia and Central Asia” may be transferred to, and merged with, funds appropriated by this title under such headings.

(2) Funds appropriated by this title in this Act under the headings “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Peacekeeping Operations”, and “Foreign Military Financing Program” may be transferred to, and merged with, funds appropriated by this title under such headings.

(b) GLOBAL SECURITY CONTINGENCY FUND.—Notwithstanding any other provision of this section, not to exceed \$7,500,000 from funds appropriated under the headings “International Narcotics Control and Law Enforcement”, “Peacekeeping Operations”, and “Foreign Military Financing Program” by this title in this Act may be transferred to, and merged with, funds previously made available under the heading “Global Security Contingency Fund”.

(c) LIMITATION.—The transfer authority provided in subsection (a) may only be exercised to address contingencies.

(d) NOTIFICATION.—The transfer authority provided by this section shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act of 1961 which may be exercised by the Secretary of State for the purposes of this title.

This division may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018”.

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RE- LATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$112,813,000, of which not to exceed \$3,001,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,040,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,555,000 shall be available for the Office of the General Counsel; not to exceed \$10,331,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$14,019,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,546,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$29,356,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,142,000 shall be available for the Office of Public Affairs; not to exceed \$1,760,000 shall be available for the Office of the Executive Secretariat; not to exceed \$11,318,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$16,745,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 7 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000

shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, \$23,465,109, of which \$2,618,000 shall remain available until September 30, 2020, and of which \$15,000,000, to remain available until expended, is for new competitive grants under 49 U.S.C. 5505 to a national center for congestion research and a national center for infrastructure research: *Provided*, That such amounts are in addition to amounts previously provided for such program: *Provided further*, That such amounts for additional national centers are provided notwithstanding 49 U.S.C. 5505(c)(2)(A): *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further*, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$1,500,000,000, to remain available through September 30, 2020: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant local or regional impact: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments (including inland port infrastructure and land ports of entry): *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed \$15,000,000 for the planning, preparation or design of projects eligible for funding under this heading: *Provided further*, That grants awarded under the previous proviso shall not be subject to a minimum grant size: *Provided further*, That the Secretary may use up to 20 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than \$5,000,000 and not greater than \$25,000,000: *Provided further*, That not more

than 10 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than 30 percent of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Maritime Administration to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: *Provided further*, That none of the funds provided in the previous proviso may be used to hire additional personnel: *Provided further*, That the Secretary shall not use the Federal share as a selection criteria in awarding projects: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity under the previous proviso no later than 60 days after enactment of this Act: *Provided further*, That the Notice of Funding Opportunity shall require application submissions 90 days after the publishing of such Notice: *Provided further*, That of the applications submitted under the previous two provisos, the Secretary shall make grants no later than 270 days after enactment of this Act in such amounts that the Secretary determines.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

For necessary expenses for the administration of the National Surface Transportation and Innovative Finance Bureau (the Bureau) within the Office of the Secretary of Transportation, \$3,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall use such amount for the necessary expenses to fulfill the responsibilities of the Bureau, as detailed in section 9001 of the Fixing America's Surface Transportation (FAST) Act (Public Law 114-94) (49 U.S.C. 116): *Provided further*, That the Secretary is required to receive the advance approval of the House and Senate Committees on Appropriations prior to exercising the authorities of 49 U.S.C. 116(h): *Provided further*, That the program be available to other Federal agencies, States, municipalities and project sponsors seeking Federal transportation expertise in obtaining financing.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$6,000,000, to remain available through September 30, 2020.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information tech-

nology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, and implementation of enhanced security controls on network devices, \$15,000,000, to remain available through September 30, 2019.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,500,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$14,000,000: *Provided*, That of such amount, \$1,500,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC): *Provided further*, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: *Provided further*, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department as provided for under the previous proviso.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$202,245,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, sub-activity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For necessary expenses of the Minority Business Resource Center, the provision of financial education outreach activities to eligible transportation-related small businesses, the monitoring of existing loans in the guaranteed loan program, and the modification of such loans of the Minority Business Resource Center, \$500,301, as authorized by 49 U.S.C. 332: *Provided*, That notwithstanding that section, these funds may be for business opportunities related to any mode of transportation.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, \$4,646,000, to remain available until September 30, 2019: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$155,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That none of the funds in this Act or any other Act shall be used to enter into a new contract with a community located less than 40 miles from the nearest small hub airport before the Secretary has negotiated with the community over a local cost share: *Provided further*, That amounts authorized to be distributed for the essential air service program under subsection 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further*, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE
SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of Public Law 109-59: *Provided*, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: *Provided further*, That such reserve will not exceed one month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: *Provided further*, That the Working Capital Fund will be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space trans-

portation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 112-95, \$10,211,754,000, to remain available until September 30, 2019, of which \$8,851,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,692,786,000 shall be available for air traffic organization activities; not to exceed \$1,310,000,000 shall be available for aviation safety activities; not to exceed \$22,587,000 shall be available for commercial space transportation activities; not to exceed \$801,506,000 shall be available for finance and management activities; not to exceed \$60,000,000 shall be available for NextGen and operations planning activities; not to exceed \$112,622,000 shall be available for security and hazardous materials safety; and not to exceed \$212,253,000 shall be available for staff offices: *Provided*, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 5 percent: *Provided further*, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms:

Provided further, That of the funds appropriated under this heading, not less than \$165,000,000 shall be used to fund direct operations of the current 253 air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of Transportation shall transmit to Congress the final disposition of the Benefit Cost Analysis for applications for participation in the Contract Tower Program and for reevaluation of Cost-share Program participants pending as of January 1, 2016, as mandated by section 119C of division K of the Consolidated Appropriations Act, 2017 (Public Law 115-31): *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$3,250,000,000, of which \$498,000,000 shall remain available until September 30, 2019, \$2,602,000,000 shall remain available until September 30, 2020, and \$150,000,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That no later than March 31, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2019 through 2023, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$188,926,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2020: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private

sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,350,000,000 in fiscal year 2018, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$111,863,000 shall be available for administration, not less than \$15,000,000 shall be available for the Airport Cooperative Research Program, not less than \$33,210,000 shall be available for Airport Technology Research, and \$10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program: *Provided further*, That in addition to airports eligible under section 41743 of title 49, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-In-Aid for Airports", to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, \$1,000,000,000, to remain available through September 30, 2020: *Provided*, That amounts made available under this heading shall be derived from the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: *Provided further*, That the Secretary shall distribute funds provided under this heading as discretionary grants to

airports: *Provided further*, That the Secretary shall give priority consideration to projects at (a) nonprimary airports that are classified as Regional, Local, or Basic airports and are not located within a Metropolitan or Micropolitan Statistical Area as defined by the Office of Management and Budget, or (b) primary airports that are classified as Small or Nonhub airports: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading to a nonprimary airport shall be 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

ADMINISTRATIVE PROVISIONS—FEDERAL
AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2018.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303 and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Assistant Secretary for Administration of the Department of Transportation.

SEC. 117. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement

any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 118. None of the funds in this Act shall be available for salaries and expenses of more than eight political and Presidential appointees in the Federal Aviation Administration.

SEC. 119. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order 13642.

SEC. 119A. None of the funds in this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119C. None of the funds provided under this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants, pending as of January 1, 2016, as long as the Federal Aviation Administration has received an application from the airport, and as long as the Administrator determines such tower is eligible using the factors set forth in the Federal Aviation Administration report, Establishment and Discontinuance Criteria for Airport Traffic Control Towers (FAA-APO-90-7 as of August, 1990).

SEC. 119D. Notwithstanding any other provision of law, none of the funds made available in this Act may be obligated or expended to limit the use of an Organization Designation Authorization's (ODA) delegated functions documented in its procedures manual on a type certification project unless the Administrator documents a systemic airworthiness noncompliance performance issue as a result of inspection or oversight that the safety of air commerce requires a limitation with regard to a specific authorization or where an ODA's capability has not been previously established in terms of a new compliance method or design feature: *Provided*, That in such cases FAA shall work with the ODA holder if requested to develop the capability to execute that function safely, efficiently and effectively.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES
(HIGHWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$439,443,925, together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration. In addition, \$3,248,000 shall be transferred to the Appalachian Regional Commission in accordance

with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America's Surface Transportation Act shall not exceed total obligations of \$44,234,212,000 for fiscal year 2018: *Provided*, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highway and highway safety construction programs authorized under title 23, United States Code, \$44,973,212,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

There is hereby appropriated to the Secretary of Transportation \$2,525,000,000: *Provided*, That the amounts made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2018 in this or any other Act for "Federal-aid Highways" under chapter 1 of title 23, United States Code, and shall not affect the distribution or amount of funds provided in any other Act: *Provided further*, That section 1101(b) of Public Law 114-94 shall apply to funds made available under this heading: *Provided further*, That of the funds made available under this heading, \$1,980,000,000 shall be set aside for activities eligible under section 133(b)(1)(A) of title 23, United States Code, \$15,800,000 shall be set aside for activities eligible under the Puerto Rico Highway Program as described in section 165(b)(2)(C) of such title, \$4,200,000 shall be set aside for activities eligible under the Territorial Highway Program, as described in section 165(c)(6) of such title, and \$300,000,000 shall be set aside for the nationally significant Federal lands and tribal projects program under section 1123 of the Fixing America's Surface Transportation (FAST) Act (Public Law 114-94): *Provided further*, That the funds made available under this heading for activities eligible under section 133(b)(1)(A) of title 23, United States Code, shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2018 is distributed among the States in section 120(a)(5) of this Act: *Provided further*, That the funds made available under this heading for activities eligible under section 133(b)(1)(A) of title 23, United States Code, shall be suballocated in the manner described in section 133(d) of such title, except that the set-aside described in section 133(h) of such title shall not apply to funds made available under this heading: *Provided further*, That the funds made available under this heading for activi-

ties eligible under section 133(b)(1)(A) of such title shall be administered as if apportioned under chapter 1 of such title and shall remain available through September 30, 2021: *Provided further*, That, except as provided in the following proviso, the funds made available under this heading for activities eligible under the Puerto Rico Highway Program and activities eligible under the Territorial Highway Program shall be administered as if allocated under sections 165(b) and 165(c), respectively, of such title and shall remain available through September 30, 2021: *Provided further*, That the funds made available under this heading for activities eligible under the Puerto Rico Highway Program shall not be subject to the requirements of sections 165(b)(2)(A) or 165(b)(2)(B) of such title: *Provided further*, That notwithstanding section 1123(h) of the FAST Act, the funds made available under this heading for the nationally significant Federal lands and tribal projects program in section 1123 of such Act shall remain available until expended: *Provided further*, That of the funds made available under this heading, \$225,000,000, to remain available through September 30, 2021, shall be set aside for a competitive highway bridge program for States that have a population density of less than 100 individuals per square mile: *Provided further*, That the funds made available by the previous proviso shall be (1) used for highway bridge replacement or rehabilitation projects on public roads that demonstrate cost savings by bundling multiple highway bridge projects and (2) administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That for purpose of the previous two provisos, the Secretary shall calculate population density figures based on the latest available data from the decennial census conducted under section 141(a) of title 13, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL
HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2018, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2018, only in an amount equal to \$639,000,000).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112-141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of the Fixing America's Surface Transportation Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary of Transportation provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: *Provided*, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 124. None of the funds in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award: *Provided*, That the written notification required in the previous proviso shall be made no later than 180 days after enactment of this Act.

SEC. 125. For this fiscal year, the Federal Highway Administration shall reinstate Interim Approval IA-5, relating to the provisional use of an alternative lettering style on certain highway guide signs, as it existed before its termination, as announced in the Federal Register on January 25, 2016 (81 Fed. Reg. 4083).

SEC. 126. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: *Provided*, That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of Transportation of its intent to use its authority under this section and submits a quarterly report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary of Transportation is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

(b) In this section, the term "earmarked amount" means—

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent

of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 50 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories each quarter to the House and Senate Committees on Appropriations.

SEC. 127. Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(u) VEHICLES IN NORTH DAKOTA.—A vehicle limited or prohibited under this section from operating on a segment of the Interstate System in the State of North Dakota may operate on such a segment if such vehicle—

"(1) has a gross vehicle weight of 129,000 pounds or less;

"(2) other than gross vehicle weight, complies with the single axle, tandem axle, and bridge formula limits set forth in subsection (a); and

"(3) is authorized to operate on such segment under North Dakota State law."

SEC. 128. Section 1105(c)(89) of Public Law 102-240, as amended, is amended to read as follows:

"(89) I-57 Corridor Extension as follows: In Arkansas, the corridor shall follow United States Route 67 in North Little Rock, Arkansas, from I-40 to United States Route 412, then continuing generally northeast to the State line, and in Missouri, the corridor shall continue generally north from the Arkansas State line to Poplar Bluff, Missouri, and then follow United States Route 60 to I-57."

SEC. 129. Section 1012(e) of Public Law 102-240 is amended by inserting "(1)" before "Notwithstanding" and adding at the end the following:

"(2) Upon the request of any State Department of Transportation that was authorized to enter into a tolling agreement under section 120(c) of Public Law 100-17 (101 STAT. 159), the Secretary is authorized to modify the agreement entered into under Public Law 100-17, as follows. The Secretary shall authorize the use of excess toll revenues for any other purpose for which Federal funds may be obligated under title 23, United States Code, provided the State—

"(A) certifies annually that the tolled facility is being adequately maintained; and

"(B) agrees to comply with the audit requirements in section 129(a)(3)(B) of title 23, United States Code.

"(3) For the purposes of paragraph (2), 'excess toll revenues' means revenues in excess of amounts necessary for operation and maintenance; debt service; reasonable return on investment of any private person or entity that may be authorized by the State to operate and maintain the facility; and any cost necessary for improvement, including reconstruction, resurfacing, restoration, and rehabilitation."

SEC. 129A. Section 127(a)(10) of title 23, United States Code, is amended to read—

"(10) With respect to Interstate Routes 89, 93, and 95 in the State of New Hampshire—

"(A) State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection; and

"(B) effective June 30, 2016, a combination of truck-tractor and dump trailer equipped with 6 axles or more with a gross weight of

up to 99,000 pounds shall be permitted if the distances between the extreme axles, excluding the steering axle, is 28 feet or more.”.

FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION
MOTOR CARRIER SAFETY OPERATIONS AND
PROGRAMS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, \$283,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That funds available for implementation, execution or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of \$283,000,000 for “Motor Carrier Safety Operations and Programs” for fiscal year 2018, of which \$9,073,000, to remain available for obligation until September 30, 2020, is for the research and technology program, and of which \$34,824,000, to remain available for obligation until September 30, 2020, is for information management.

MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31131 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, \$374,800,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of \$374,800,000 in fiscal year 2018 for “Motor Carrier Safety Grants”; of which \$298,900,000 shall be available for the motor carrier safety assistance program, \$31,800,000 shall be available for the commercial driver's license program implementation program, \$43,100,000 shall be available for the high priority activities program, and \$1,000,000 shall be available for the commercial motor vehicle operators grant program: *Provided further*, That of the unobligated amounts provided for Commercial Vehicle Information Systems Network Development or other Motor Carrier Safety grants in the Transportation Equity Act for the 21st Century (Public Law 105-178), SAFETEA-LU (Public Law 109-59), or other appropriation or authorization acts prior to fiscal year 2017, \$87,000,000 in additional obligation limitation is provided for the modernization and maintenance of border facilities, and shall remain available until September 30, 2022: *Provided further*, That of the unobligated amounts provided for Commercial Vehicle Information Systems Network Development or other Motor Carrier Safety grants in the Transportation Equity Act for the 21st Century (Public Law 105-178), SAFETEA-LU (Public Law 109-59), or other appropriation or authorization acts prior to fiscal year 2017, \$100,000,000 in additional obligation limitation is provided for a highly automated vehicle research and development program and shall remain available until expended, of which not less than \$60,000,000

shall be for demonstration grants, and of which not less than \$38,000,000 shall be for research activities: *Provided further*, That the activities funded by the previous proviso may be accomplished through direct expenditure, direct research activities, grants, cooperative agreements, contracts, intra or interagency agreements, or other agreements with public organizations: *Provided further*, That such amounts, payments, and obligation limitation as may be necessary to carry out highly automated vehicle research and development program activities may be transferred and credited to appropriate accounts of other participating Federal agencies: *Provided further*, That \$187,000,000 for payment of obligations incurred in carrying out this section shall be derived from the Highway Trust Fund (other than the Mass Transit Account), to be available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28.

SEC. 131. The Federal Motor Carrier Safety Administration shall send notice of 49 CFR section 385.308 violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

SEC. 132. None of the funds appropriated or otherwise made available to the Department of Transportation by this Act or any other Act may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION
OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, \$189,075,000, of which \$40,000,000 shall remain available through September 30, 2019.

OPERATIONS AND RESEARCH
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, section 4011 of the FAST Act (Public Law 114-94), and chapter 303 of title 49, United States Code, \$149,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2018, are in excess of \$149,000,000, of which \$143,700,000 shall be for programs authorized under 23 U.S.C. 403 and \$5,300,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the \$149,000,000 obligation limitation for operations and research, \$20,000,000 shall remain available until September 30, 2019, and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, to remain available until expended, \$597,629,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2018, are in excess of \$597,629,000 for programs authorized under 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, of which \$261,200,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402; \$280,200,000 shall be for “National Priority Safety Programs” under 23 U.S.C. 405; \$29,900,000 shall be for “High Visibility Enforcement Program” under 23 U.S.C. 404; \$26,329,000 shall be for “Administrative Expenses” under section 4001(a)(6) of the Fixing America's Surface Transportation Act: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for “National Priority Safety Programs” under 23 U.S.C. 405 for “Impaired Driving Countermeasures” (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further*, That with respect to the “Transfers” provision under 23 U.S.C. 405(a)(8), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: *Provided further*, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(8) within 5 days.

ADMINISTRATIVE PROVISIONS—NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds made available by this Act may be used to obligate or award funds for the National Highway Traffic Safety Administration's National Roadside Survey.

SEC. 143. None of the funds made available by this Act may be used to mandate global positioning system (GPS) tracking in private passenger motor vehicles without providing full and appropriate consideration of privacy concerns under 5 U.S.C. chapter 5, subchapter II.

SEC. 144. In addition to the amounts made available under the heading, “Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)” for carrying out the provisions of section 403 of title 23, United States

Code, \$11,500,000, to remain available until September 30, 2019, shall be made available to the National Highway Traffic Safety Administration from the general fund, of which not to exceed \$5,000,000 shall be available to provide funding for grants, pilot program activities, and innovative solutions to reduce alcohol-impaired-driving fatalities and other causes of the recent increase in highway fatalities from impaired driving in collaboration with eligible entities under section 403 of title 23, United States Code, and not to exceed \$6,500,000 shall be available to continue a high visibility enforcement paid-media campaign regarding highway-rail grade crossing safety in collaboration with the Federal Railroad Administration.

FEDERAL RAILROAD ADMINISTRATION SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$221,698,000, of which \$15,900,000 shall remain available until expended, and of which up to \$350,000 shall be available for the Secretary of Transportation to assist Class II and Class III railroads in preparing to apply and applying for direct loans and loan guarantees for eligible projects pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210) to also remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$40,600,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

For the cost of direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, \$25,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That the Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, such authority shall exist as long as any such direct loan or loan guarantee is outstanding: *Provided further*, That, for direct loans and loan guarantees issued pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, the Secretary, in consultation with the Director of the Office of Management and Budget, not later than 120 days after the date of enactment of this Act, shall define each cohort as the loans provided for that fiscal year, creating individual fiscal year cohorts for each fiscal year in which a loan was provided from the date of enactment of Public Law 105-178 to the date of enactment of Public Law 114-94: *Provided further*, That, when all obligations attached to a cohort as defined under the previous proviso have been satisfied, the Secretary shall repay the credit risk premiums of loans in the cohort, with interest accrued thereon, not later than 180 days after the date of enactment of this Act or, for a cohort with obligations that have not yet been satisfied, not later than 60 days after the date on which all obligations attached to the cohort have been satisfied: *Provided further*, That the Secretary shall not treat the repayment of a loan after the date of enactment of Public Law 114-94 as precluding, limiting, or negatively affecting the satisfaction of the obligation of its cohort for a fiscal year prior to the enactment of Public Law 114-94.

FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR

For necessary expenses related to Federal-State Partnership for State of Good Repair Grants as authorized by section 24911 of title 49, United States Code, \$250,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code: *Provided further*, That section 24911(e)(1) of title 49, United States Code, is amended by striking “transportation” and inserting “transportation at the eligible project location”.

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements Grants, as authorized by section 24407 of title 49, United States Code, \$592,547,000, to remain available until expended, of which \$250,000,000 shall be available for eligible projects under section 24407(c)(1) of title 49, United States Code, for the implementation of positive train control systems, and of which \$35,547,000 shall be available for eligible projects under section 24407(c)(2) of title 49, United States Code, that contribute to the initiation or restoration of intercity passenger rail service: *Provided*, That the Secretary shall not preclude projects from consideration for funding under the previous proviso due to a lack of agreement among the funding recipients, operator, and host railroad regarding access to and use of the host railroad facilities, if an agreement or order for the use of such facilities may occur under section 24308 of title 49, United States Code: *Provided further*, That section 24405(f) of title 49, United States Code, shall not apply to projects for the implementation of positive train control systems otherwise eligible under section 24407(c)(1) of title 49, United States Code: *Provided further*, That amounts available under this heading for projects selected for commuter rail passenger transportation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accordance with chapter 53 of title 49, United States Code: *Provided further*, That the Secretary shall not limit eligible projects from consideration for funding for planning, engineering, environmental, construction, and design elements of the same project in the same application: *Provided further*, That unobligated balances remaining after four years from the date of enactment may be used for any eligible project under section 24407(c) of title 49, United States Code: *Provided further*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24407 of title 49, United States Code.

RESTORATION AND ENHANCEMENT

For necessary expenses related to Restoration and Enhancement Grants, as authorized by section 24408 of title 49, United States Code, \$20,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the funds provided under this heading to fund the costs of award and project management and oversight.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 11101(a) of the Fixing America's Surface Transportation Act (division A

of Public Law 114-94), \$650,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading and the “National Network Grants to the National Railroad Passenger Corporation” heading to fund the costs of project management and oversight of activities authorized by section 11101(c) of division A of Public Law 114-94: *Provided further*, That in addition to the project management oversight funds authorized under section 11101(c) of division A of Public Law 114-94, the Secretary may retain up to an additional \$5,000,000 of the funds provided under this heading to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code: *Provided further*, That of the amounts made available under this heading and the “National Network Grants to the National Railroad Passenger Corporation” heading, not less than \$50,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America's Surface Transportation Act (division A of Public Law 114-94), \$1,291,600,000, to remain available until expended: *Provided*, That the Secretary may retain up to an additional \$2,000,000 of the funds provided under this heading to fund expenses associated with the State-Supported Route Committee established under section 24712 of title 49, United States Code: *Provided further*, That up to \$5,000,000 of the amount provided under this heading shall be available for costs associated with any matters Amtrak may elect to bring before the Surface Transportation Board related to passenger rail service: *Provided further*, That at least \$50,000,000 of the amount provided under this heading shall be available for the development, installation and operation of railroad safety technology, including the implementation of a positive train control system, on State-supported routes as defined under section 24102(13) of title 49, United States Code, on which positive train control systems are not required by law or regulation.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of \$35,000 for any individual employee: *Provided*, That the President of Amtrak may waive the cap set in the previous proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations each quarter within 30 days of such quarter of the calendar year on waivers granted to employees and amounts paid above the cap for each month within such quarter and delineate the reasons each waiver was granted: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act, a summary of all overtime payments incurred by the Corporation for 2017 and the three prior calendar years: *Provided further*, That such summary shall include the total number of employees that received waivers and the total overtime payments the Corporation paid to those employees receiving waivers for each month for 2017 and for the three prior calendar years.

FEDERAL TRANSIT ADMINISTRATION
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$113,165,000: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2019 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations for fiscal year 2019.

TRANSIT FORMULA GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, and section 20005(b) of Public Law 112-141, and section 3006(b) of the Fixing America's Surface Transportation Act, \$10,300,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, and section 20005(b) of Public Law 112-141, and section 3006(b) of the Fixing America's Surface Transportation Act, shall not exceed total obligations of \$9,733,353,407 in fiscal year 2018: *Provided further*, That the Federal share of the cost of activities carried out under section 5312 shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339 of title 49, United States Code, state of good repair grants under section 5337 of such title, high density state apportionments under section 5340(d) of such title, and the bus testing facilities under sections 5312 and 5318 of such title, \$834,000,000 to remain available until expended: *Provided*, That \$400,000,000 shall be available for grants as authorized under section 5339 of such title, of which \$209,104,000 shall be available for the buses and bus facilities formula grants as authorized under section 5339(a) of such title, \$161,446,000 shall be available for the buses and bus facilities competitive grants as authorized under section 5339(b) of such title, and \$29,450,000 shall be available for the low or no emission grants as authorized under section 5339(c) of such title: *Provided further*, That \$400,000,000 shall be available for the state of good repair grants as authorized under section 5337 of such title: *Provided further*, That \$30,000,000 shall be available for the high density state apportionments as authorized under section 5340(d) of such title: *Provided further*, That \$2,000,000 shall be available for the bus testing facility as authorized under section 5318 of such title: *Provided further*, That notwithstanding section 5318(a) of such title, \$2,000,000 shall be available for the operation and maintenance of bus testing facilities by institutions of higher education selected pursuant to section 5312(h) of such title: *Provided further*, That the Secretary shall enter into a contract or cooperative agreement

with, or make a grant to, each institution of higher education selected pursuant to section 5312(h) of such title, to operate and maintain a facility to conduct the testing of low or no emission vehicle new bus models using the standards established pursuant to section 5318(e)(2) of such title: *Provided further*, That the term "low or no emission vehicle" has the meaning given the term in section 5312(e)(6) of such title: *Provided further*, That the Secretary shall pay 80 percent of the cost of testing a low or no emission vehicle new bus model at each selected institution of higher education: *Provided further*, That the entity having the vehicle tested shall pay 20 percent of the cost of testing: *Provided further*, That a low or no emission vehicle new bus model tested that receives a passing aggregate test score in accordance with the standards established under section 5318(e)(2) of such title, shall be deemed to be in compliance with the requirements of section 5318(e) of such title: *Provided further*, That amounts made available by this heading shall be derived from the general fund: *Provided further*, That the amounts made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out 49 U.S.C. 5314, \$5,000,000.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out fixed guideway capital investment grants under section 5309 of title 49, United States Code, \$2,644,960,000 to remain available until September 30, 2021: *Provided*, That of the amounts made available under this heading, \$2,252,508,586 shall be obligated by December 31, 2019: *Provided further*, That \$5,050,000 from unobligated amounts appropriated for the buses and bus facilities program under section 5309 of such title from fiscal years 2000 to 2005 shall remain available until September 30, 2021 to carry out section 5309: *Provided further*, That of the amounts made available under this heading, \$1,506,910,000 shall be available for projects authorized under section 5309(d) of such title, \$715,700,000 shall be available for projects authorized under section 5309(e) of such title, \$400,900,000 shall be available for projects authorized under section 5309(h) of such title: *Provided further*, That the Secretary shall continue to administer the capital investment grant program in accordance with the procedural and substantive requirements of section 5309 of such title.

GRANTS TO THE WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110-432, \$150,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall certify that the Washington Metropolitan Area Transit Authority is making progress to improve its safety management system in response to the Federal Transit Administration's 2015 safety management inspection: *Provided further*, That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements

of section 601(e)(1) of division B of Public Law 110-432.

ADMINISTRATIVE PROVISIONS—FEDERAL
TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, any funds appropriated before October 1, 2017, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 162. (a) Except as provided in subsection (b), none of the funds in this or any other Act may be available to advance in any way a new light or heavy rail project towards a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

(b) The Metropolitan Transit Authority of Harris County, Texas, may attempt to construct or construct a new fixed guideway capital project, including light rail, in the locations referred to in subsection (a) if—

(1) voters in the jurisdiction that includes such locations approve a ballot proposition that specifies routes on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas; and

(2) the proposed construction of such routes is part of a comprehensive, multimodal, service-area wide transportation plan that includes multiple additional segments of fixed guideway capital projects, including light rail for the jurisdiction set forth in the ballot proposition. The ballot language shall include reasonable cost estimates, sources of revenue to be used and the total amount of bonded indebtedness to be incurred as well as a description of each route and the beginning and end point of each proposed transit project.

SEC. 163. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 51 percent.

SAINT LAWRENCE SEAWAY DEVELOPMENT
CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE
(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital asset renewal activities of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$40,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662: *Provided*, That of the amounts made available under this heading, not less than \$19,500,000 shall be used on asset renewal activities and

shall remain available through September 30, 2020.

MARITIME ADMINISTRATION
MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$300,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$513,642,000, of which \$22,000,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$300,000,000 shall remain available until expended for the National Security Multi-Mission Vessel Program, including funds for construction, planning, administration, and design of school ships in accordance with section 3505 of Public Law 114-328, as applicable, with unobligated balances from previous appropriations for the National Security Multi-Mission Vessel Program also available for and merged into this appropriation; and of which \$2,400,000 shall remain available through September 30, 2019, for the Student Incentive Program at State Maritime Academies, and of which \$1,800,000 shall remain available until expended for training ship fuel assistance payments, and of which \$52,000,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy, and of which \$3,000,000 shall remain available through September 30, 2019, for Maritime Environment and Technology Assistance program authorized under section 50307 of title 46, United States Code, and of which \$7,000,000 shall remain available until expended for the Short Sea Transportation Program (America's Marine Highways) to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided*, That not later than January 12, 2019, the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3507 of Public Law 110-417.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, as amended by Public Law 113-281, \$20,000,000 to remain available until expended.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$116,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI)
PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, \$30,000,000, of which \$27,000,000 shall remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That not to exceed \$3,000,000 shall be for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriations for "Operations and Training", Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing

authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet: *Provided*, That such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106-398: *Provided further*, That nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 54 U.S.C. 308704, section 3502, or otherwise authorized under the Federal Acquisition Regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$23,000,000: *Provided*, That the Secretary of Transportation shall issue a final rule to expand the applicability of comprehensive oil spill response plans within 5 days of enactment of this Act.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$59,000,000, of which \$7,570,000 shall remain available until September 30, 2020: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$162,000,000, of which \$23,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2020; and of which \$131,000,000 shall be derived from the Pipeline Safety Fund, of which \$64,736,000 shall remain available until September 30, 2020; and of which \$8,000,000 shall be derived from fees collected under 49

U.S.C. 60302 and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out 49 U.S.C. 60141 and shall remain available until September 30, 2020: *Provided*, That not less than \$1,058,000 of the funds provided under this heading shall be for the One-Call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

Notwithstanding the fiscal year limitation specified in 49 U.S.C. 5116, not more than \$28,318,000 shall be made available for obligation in fiscal year 2018 from amounts made available by 49 U.S.C. 5116(h), and 5128(b) and (c): *Provided*, That notwithstanding 49 U.S.C. 5116(h)(4), not more than 4 percent of the amounts made available from this account shall be available to pay administrative costs: *Provided further*, That none of the funds made available by 49 U.S.C. 5116(h), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$92,152,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

GENERAL PROVISIONS—DEPARTMENT OF
TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the Department's, or its operating administrations', missions.

(c) Any unmanned aircraft system purchased or procured by the Department prior to the enactment of this Act shall be deemed authorized.

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided

in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 183. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. (a) None of the funds provided in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, or discretionary grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, or full funding grant agreement is announced by the Department or its modal administrations: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

(b) In addition to the notification required in subsection (a), none of the funds made available in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, cooperative agreement or discretionary grant unless the Secretary of Transportation provides the House and Senate Committees on Appropriations a comprehensive list of all such loans, loan guarantees, lines of credit, cooperative agreement or discretionary grants that will be announced not less than 3 full business days before such announcement: *Provided*, That the requirement to provide a list in this subsection does not apply to any "quick release" of funds from the emergency relief program: *Provided further*, That no list shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any prior Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments: *Provided*, That amounts made available in this Act shall be available until expended; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002:

Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: *Provided further*, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments" has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of said reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and said reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided*, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 190. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

SEC. 191. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

This title may be cited as the "Department of Transportation Appropriations Act, 2018".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, \$14,708,000: *Provided*, That not to exceed \$19,876 of the amount made available under this heading shall be available to the Secretary for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, \$518,303,000, of which \$52,200,000 shall be available for the Office of the Chief Financial Officer; \$95,400,000 shall be available for the Office of the General Counsel; \$204,253,000 shall be available for the Office of Administration; \$39,300,000 shall be available for the Office of the Chief Human Capital Officer; \$53,500,000 shall be available for the Office of Field Policy and Management; \$19,500,000 shall be available for the Office of the Chief Procurement Officer; \$3,800,000 shall be available for the Office of Departmental Equal Employment Opportunity; \$4,950,000 shall be available for the Office of Strategic Planning and Management; and \$45,400,000 shall be available for the Office of the Chief Information Officer: *Provided*, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: *Provided further*, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide in electronic form all signed reports required by Congress: *Provided further*, That within 30 days of enactment of this Act, the Secretary shall submit to the House and Senate Committees on Appropriations organization charts reflecting the Department's and each office's structure (to the branch level) on October 1, 2017 and on the date of enactment of this Act.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, \$216,633,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development, \$107,554,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, \$383,000,000.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, \$24,065,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, \$69,808,000.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

For necessary salaries and expenses of the Office of Lead Hazard Control and Healthy Homes, \$7,600,000.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the "Fund"), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred to the Fund under this heading shall be available for Federal shared services used by offices and agencies of the Department, and for such portion of any office or agency's printing, records management, space renovation, furniture, or supply services as the Secretary determines shall be derived from centralized sources made available by the Department to all offices and agencies and funded through the Fund: *Provided*, That of the amounts made available in this title for salaries and expenses under the headings "Executive Offices", "Administrative Support Offices", "Program Office Salaries and Expenses", and "Government National Mortgage Association", the Secretary shall transfer to the Fund such amounts, to remain available until expended, as are necessary to fund services, specified in the matter preceding the first proviso, for which the appropriation would otherwise have been available, and may transfer not to exceed an additional \$5,000,000, in aggregate, from all such appropriations, to be merged with the Fund and to remain available until expended for use for any office or agency: *Provided further*, That amounts in the Fund shall be the only amounts available to each office or agency of the Department for the services, or portion of services, specified in the matter preceding the first proviso: *Provided further*, That with respect to the Fund, the authorities and conditions under this heading shall supplement the authorities and conditions provided under section 7(f).

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$18,015,000,000, to remain available until expended, shall be available on October 1, 2017 (in addition to the \$4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2017), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2018: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$19,600,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2018 funding cycle shall provide renewal funding for each public housing agency based

on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection, HOPE VI, and Choice Neighborhoods vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the MTW demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2018: *Provided further*, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That the Secretary may offset public housing agencies' calendar year 2018 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD-held programmatic reserves (in accordance with VMS data in calendar year 2017 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2018 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the previous two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further*, That up to \$75,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers; and (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding: *Provided further*, That the Secretary shall al-

locate amounts under the previous proviso based on need, as determined by the Secretary;

(2) \$85,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI and Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, \$5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 60 days of the enactment of this Act: *Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further*, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the "Project-Based Rental Assistance" heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: *Provided further*, That to the extent that the Secretary determines that such units are not

feasible for continued rental assistance payments or transfer of the subsidy contract associated with such units to another project or projects and owner or owners, any remaining amounts associated with such units under such contract shall be recaptured and used to reimburse amounts used under this paragraph for rental assistance under the preceding proviso;

(3) \$1,760,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other special purpose incremental vouchers: *Provided*, That no less than \$1,730,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2018 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements, and shall be subject to the same uniform percentage decrease as under the previous proviso: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$505,000,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: *Provided*, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: *Provided further*, That any amounts provided under this paragraph in this Act or prior Acts, remaining available after funding renewals and administrative expenses under this paragraph, shall be available for incremental tenant-based assistance contracts under such section 811, including necessary administrative expenses;

(5) \$5,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD-VA Supportive Housing to serve Native American veterans that are homeless or at risk of homelessness living on or near a reservation or other Indian areas: *Provided*, That such amount shall be made available for renewal grants to recipients that received assistance under prior Acts under the

Tribal HUD-VA Supportive Housing program: *Provided further*, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: *Provided further*, That such assistance shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the HUD-VASH program: *Provided further*, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: *Provided further*, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: *Provided further*, That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under prior acts;

(6) \$40,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) \$20,000,000 shall be made available for new incremental voucher assistance through the family unification program as authorized by section 8(x) of the Act: *Provided*, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further*, That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher as-

sistance in connection with such program; and

(8) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND (INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2018 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$2,750,000,000, to remain available until September 30, 2021: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2018, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$8,300,000 shall be to support ongoing public housing financial and physical assessment activities: *Provided further*, That up to \$1,000,000 shall be to support the costs of administrative and judicial receiverships: *Provided further*, That of the total amount provided under this heading, not to exceed \$21,500,000 shall be available for the Secretary to make grants, notwithstanding section 203 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2018: *Provided further*, That of the amount made available under the previous proviso, not less than \$5,000,000 shall be for safety and security measures: *Provided further*, That in addition to the amount in the previous proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2019, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures: *Provided further*, That of the total

amount provided under this heading, up to \$35,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount made available under this heading, \$15,000,000 shall be for a Jobs-Plus initiative modeled after the Jobs-Plus demonstration: *Provided further*, That funding provided under the previous proviso shall be available for competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 117 of the Workforce Investment Act of 1998, and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: *Provided further*, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further*, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus initiative as a voluntary program for residents: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice: *Provided further*, That for funds provided under this heading, the limitation in section 9(g)(1) of the Act shall be 25 percent: *Provided further*, That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: *Provided further*, That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2018 to public housing agencies that are designated high performers: *Provided further*, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act.

PUBLIC HOUSING OPERATING FUND

For 2018 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,550,000,000, to remain available until September 30, 2019.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v)), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, \$150,000,000, to remain available until September 30, 2020: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That the use of funds made

available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: *Provided further*, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further*, That grantees shall provide a match in State, local, other Federal or private funds: *Provided further*, That grantees may include local governments, tribal entities, public housing authorities, and non-profits: *Provided further*, That for-profit developers may apply jointly with a public entity: *Provided further*, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further*, That of the amount provided, not less than \$75,000,000 shall be awarded to public housing agencies: *Provided further*, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That no more than \$5,000,000 of funds made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: *Provided further*, That unobligated balances, including recaptures, remaining from funds appropriated under the heading “Revitalization of Severely Distressed Public Housing (HOPE VI)” in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Secretary shall issue the Notice of Funding Availability for funds made available under this heading no later than 60 days after enactment of this Act: *Provided further*, That the Secretary shall make grant awards no later than 270 days after enactment of this Act in such amounts that the Secretary determines.

FAMILY SELF-SUFFICIENCY

For the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937, to promote the development of local strategies to coordinate the use of assistance under sections 8(o) and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency, \$75,000,000, to remain available until September 30, 2019: *Provided*, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections b(3), b(4), b(5), or c(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of the Act, as determined by the Secretary: *Provided further*, That owners of a privately owned multifamily property with a section 8 contract may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: *Provided further*, That such procedures established pursuant to the previous proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) and shall allow owners to use funding from residual receipt accounts

to hire coordinators for their own Family Self-Sufficiency program.

NATIVE AMERICAN HOUSING BLOCK GRANTS (INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$655,000,000, to remain available until September 30, 2022: *Provided*, That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$7,000,000 shall be for providing training and technical assistance to Indian housing authorities and tribally designated housing entities, to support the inspection of Indian housing units, contract expertise, and for training and technical assistance related to funding provided under this heading and other headings under this Act for the needs of Native American families and Indian country: *Provided further*, That of the funds made available under the previous provisos, not less than \$2,000,000 shall be made available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further*, That amounts made available under the previous two provisos may be used, contracted, or competed as determined by the Secretary: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$17,391,304: *Provided further*, That the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act: *Provided further*, That for an additional amount for the Native American Housing Block Grants program, as authorized under title I of NAHASDA, \$100,000,000 to remain available until September 30, 2022: *Provided further*, That the Secretary shall obligate this additional amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: *Provided further*, That in awarding this additional amount, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation: *Provided further*, That up to 1 percent of this additional amount may be transferred, in aggregate, to “Program Office Salaries and Expenses—Public and Indian Housing” for necessary costs of administering and overseeing the obligation and expenditure of this additional amount: *Provided further*, That any funds transferred pursuant to the previous proviso shall remain available until September 30, 2023.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$1,000,000, to remain available until expended: *Provided*, That such

costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$270,270,270, to remain available until expended: *Provided further*, That up to \$750,000 of this amount may be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$2,000,000 to remain available until September 30, 2022: *Provided*, That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts provided under this heading in investment securities and other obligations: *Provided further*, That the language under the first proviso under the heading “Native Hawaiian Housing Block Grant” in the Department of Housing and Urban Development Appropriations Act, 2015 (Public Law 113-235) is amended by striking “Hawaii-based”: *Provided further*, That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands, notwithstanding any other provision of law.

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$375,000,000, to remain available until September 30, 2019, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2020: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$3,365,000,000, to remain available until September 30, 2020, unless otherwise specified: *Provided*, That of the total amount provided, \$3,300,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (“the Act” herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That a metropolitan city, urban county, unit of general local government, Indian tribe, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act: *Provided fur-*

ther, That notwithstanding section 105(e)(1) of the Act, no funds provided under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2): *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the total amount provided under this heading, \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 203 of this Act), up to \$4,000,000 may be used for emergencies that constitute imminent threats to health and safety.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2018, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of \$300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: *Provided*, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,362,000,000, to remain available until September 30, 2021: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocations of such amount: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$50,000,000, to remain available until September 30, 2020: *Provided*, That of the total amount provided under this heading, \$10,000,000 shall be made available to the Self-Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That of the total amount provided under this heading, \$35,000,000 shall be made available for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 shall be made available for rural capacity building activities: *Provided further*, That of the total amount provided under this heading, \$5,000,000 shall be made available for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofits, local governments, and Indian Tribes serving high need rural communities: *Provided further*, That an additional \$4,000,000, to remain available until expended, shall be for a program to rehabilitate and modify homes of

disabled or low-income veterans, as authorized under section 1079 of Public Law 113-291.

HOMELESS ASSISTANCE GRANTS

For the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the Continuum of Care program as authorized under subtitle C of title IV of such Act; and the Rural Housing Stability Assistance program as authorized under subtitle D of title IV of such Act, \$2,513,000,000, to remain available until September 30, 2020: *Provided*, That any rental assistance amounts that are recaptured under such Continuum of Care program shall remain available until expended: *Provided further*, That not less than \$270,000,000 of the funds appropriated under this heading shall be available for such Emergency Solutions Grants program: *Provided further*, That not less than \$2,106,000,000 of the funds appropriated under this heading shall be available for such Continuum of Care and Rural Housing Stability Assistance programs: *Provided further*, That of the amounts made available under this heading, up to \$50,000,000 shall be made available for grants for rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, and stalking: *Provided further*, That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That up to \$7,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That all funds awarded for supportive services under the Continuum of Care program and the Rural Housing Stability Assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall collect system performance measures for each continuum of care, and that relative to fiscal year 2015, under the Continuum of Care competition with respect to funds made available under this heading, the Secretary shall base an increasing share of the score on performance criteria: *Provided further*, That none of the funds provided under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further*, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible: *Provided further*, That any unobligated amounts remaining from funds appropriated under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be

used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recapitulated, for Continuum of Care renewals in fiscal year 2018: *Provided further*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program within 60 days of enactment of this Act: *Provided further*, That up to \$80,000,000 of the funds appropriated under this heading shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities, including at least eight communities with substantial rural populations, can dramatically reduce youth homelessness: *Provided further*, That of the amount made available under the previous proviso, up to \$5,000,000 shall be available to provide technical assistance on youth homelessness, and collection, analysis, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: *Provided further*, That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$11,115,000,000, to remain available until expended, shall be available on October 1, 2017 (in addition to the \$400,000,000 previously appropriated under this heading that became available October 1, 2017), and \$400,000,000, to remain available until expended, shall be available on October 1, 2018: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed \$285,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based

contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund”, may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD or a Housing Finance Agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: *Provided further*, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, \$678,000,000 to remain available until September 30, 2021, of which \$105,000,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That upon request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in ex-

cess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until September 30, 2021: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available, in addition to the amounts otherwise provided by this heading, for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for amendments and renewals notwithstanding the purposes for which such funds originally were appropriated.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended, and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$229,600,000, to remain available until September 30, 2021, of which \$82,600,000 shall be for capital advance and project rental assistance awards: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further*, That, in this fiscal year, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract and that upon termination of such contract are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to be available until September 30, 2021: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for amendments and renewals notwithstanding the purposes for which such funds originally were appropriated.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$55,000,000, to remain available until September 30, 2019, including up to \$4,500,000 for administrative contract services: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their

financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations.

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, noninsured rental housing projects, \$14,000,000, to remain available until expended: *Provided*, That such amount, together with unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under such sections of law, and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under this heading after fiscal year 2005, shall also be available for extensions of up to one year for expiring contracts under such sections of law.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$11,000,000, to remain available until expended, of which \$11,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2018 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2019: *Provided*, That during fiscal year 2018, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$5,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further*, That for admin-

istrative contract expenses of the Federal Housing Administration, \$130,000,000, to remain available until September 30, 2019: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2018, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000: *Provided further*, That during fiscal year 2018 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero: *Provided further*, That for fiscal years 2018 and 2019, the Secretary shall not take any action against a lender solely on the basis of compare ratios that have been adversely affected by defaults on mortgages secured by properties in areas where a major disaster was declared in 2017 or 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed \$30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2019: *Provided*, That during fiscal year 2018, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$5,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2019: *Provided*, That \$27,000,000 shall be available for necessary salaries and expenses of the Office of Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments exceed \$155,000,000,000 on or before April 1, 2018, an additional \$100 for necessary salaries and expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$3,000,000: *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, \$89,000,000, to remain available until September 30, 2019: *Provided*, That with re-

spect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, State or local governments and their agencies, or colleges or universities for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions: *Provided further*, That prior to obligation of technical assistance funding, the Secretary shall submit a plan, for approval, to the House and Senate Committees on Appropriations on how it will allocate funding for this activity: *Provided further*, That none of the funds provided under this heading may be available for the doctoral dissertation research grant program.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$65,300,000, to remain available until September 30, 2019: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, \$300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$230,000,000, to remain available until September 30, 2019, of which \$45,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*,

That not less than \$95,000,000 of the amounts made available under this heading for the award of grants pursuant to section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 shall be provided to areas with the highest lead-based paint abatement needs: *Provided further*, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

INFORMATION TECHNOLOGY FUND

For the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$267,000,000, of which \$250,000,000 shall remain available until September 30, 2019, and of which \$17,000,000 shall remain available until September 30, 2020: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated: *Provided further*, That not more than 10 percent of the funds made available under this heading for development, modernization and enhancement may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; and (B) demonstrates that each modernization project is: (i) compliant with the Department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the Department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$128,082,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF

HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSION)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects ap-

proved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2018 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 204. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1).

SEC. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 206. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2018 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 207. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 208. The President's formal budget request for fiscal year 2019, as well as the De-

partment of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 209. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 210. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2018 and 2019, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagee of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974, as amended) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or

(F) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzales National Affordable Housing Act;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

(e) RESEARCH REPORT.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and finan-

cial conditions, and long-term preservation of the affected properties.

SEC. 211. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 212. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 213. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2018, insure and enter into commitments to insure mortgages under such section 255.

SEC. 214. Notwithstanding any other provision of law, in fiscal year 2018, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other

rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 215. The commitment authority funded by fees as provided under the heading “Community Development Loan Guarantees Program Account” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 216. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 217. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 218. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD sub-office under the accounts “Executive Offices” and “Administrative Support Offices,” as well as each account receiving appropriations for “Program Office Salaries and Expenses”, “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account”, and “Office of Inspector General” within the Department of Housing and Urban Development.

SEC. 219. The Secretary of the Department of Housing and Urban Development shall, for fiscal year 2018, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively

awarded. Notwithstanding any other provision of law, for fiscal year 2018, the Secretary may make the NOFA available only on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

SEC. 220. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations. The annual budget submission for the program offices and the Office of General Counsel shall include any such projected litigation costs for attorney fees as a separate line item request. No funds provided in this title may be used to pay any such litigation costs for attorney fees until the Department submits for review a spending plan for such costs to the House and Senate Committees on Appropriations.

SEC. 221. The Secretary is authorized to transfer up to 10 percent or \$5,000,000, whichever is less, of funds appropriated for any office under the heading "Administrative Support Offices" or for any account under the general heading "Program Office Salaries and Expenses" to any other such office or account: *Provided*, That no appropriation for any such office or account shall be increased or decreased by more than 10 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide notification to such Committees three business days in advance of any such transfers under this section up to 10 percent or \$5,000,000, whichever is less.

SEC. 222. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary of Housing and Urban Development (in this section referred to as the "Secretary"), and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected. Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(c)(1) Within 15 days of the issuance of the REAC inspection, the Secretary must provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary must also provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of sup-

porting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

(d) The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA"); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

(e) The Secretary shall report quarterly on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

(1) the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identify properties that have such conditions multiple times;

(2) actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

This report shall be due to the Senate and House Committees on Appropriations no later than 30 days after the enactment of this Act, and on the first business day of each Federal fiscal year quarter thereafter while this section remains in effect.

SEC. 223. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance pro-

gram) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2018.

SEC. 224. Notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary of Housing and Urban Development may, until September 30, 2018, obligate any available unobligated balances made available under the heading "Choice Neighborhoods Initiative" in this Act or any prior Act.

SEC. 225. None of the funds in this Act provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

SEC. 226. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

SEC. 227. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Administration, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 228. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 229. Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research in the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and which are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 230. None of the funds provided in this Act or any other act may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development who has been subject to administrative discipline in fiscal years 2017 or 2018, including suspension from work.

SEC. 231. Funds made available in this title under the heading "Homeless Assistance Grants" may be used by the Secretary to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113-76, section 524 of division G of Public Law 113-235, section 525 of division H of Public Law 114-113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act

for fiscal year 2018: *Provided*, That such participation shall be limited to no more than 10 continuums of care and housing activities to improve outcomes for disconnected youth.

SEC. 232. With respect to grant amounts awarded under the heading “Homeless Assistance Grants” for fiscal years 2015, 2016, 2017, and 2018 for the continuum of care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient’s matching requirements, provided the costs are eligible CoC costs that supplement the recipient’s CoC program.

SEC. 233. (a) From amounts made available under this title under the heading “Homeless Assistance Grants”, the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

(b) No more than 50 percent of each transition grant may be used for costs of eligible activities of the program component originally funded.

(c) Transition grants made under this section are eligible for renewal in subsequent fiscal years for the eligible activities of the new program component.

(d) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the Continuum of Care and meet standards determined by the Secretary.

SEC. 234. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled “Affirmatively Furthering Fair Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled “Affirmatively Furthering Fair Housing Assessment Tool” (79 Fed. Reg. 57949 (September 26, 2014)).

SEC. 235. Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, 2019, or 2020 under that section.

SEC. 236. Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “October 1, 2017” each place it appears and inserting in lieu thereof “October 1, 2022”.

SEC. 237. The language under the heading “Rental Assistance Demonstration” in the Department of Housing and Urban Development Appropriations Act, 2012 (Public Law 112–55), as amended by Public Law 113–76, Public Law 113–235, Public Law 114–113, and Public Law 115–31, is amended—

(1) in the second proviso, by striking “September 30, 2020” and inserting “September 30, 2024”;

(2) in the matter preceding the first proviso, by inserting the following before the colon: “(herein the ‘First Component’)”;

(3) in the fourth proviso, by striking “\$225,000” and inserting “\$455,000”;

(4) in the fourteenth proviso, by—

(A) inserting “or nonprofit” before “entity, then a capable entity.”; and

(B) striking “preserves its interest” and inserting “or a nonprofit entity preserves an interest”;

(5) in the eighteenth proviso, by—

(A) inserting “or with a project rental assistance contract under section 202(c)(2) of the Housing Act of 1959,” after “section 8(o) of the Act.”;

(B) inserting “the subordination, restructuring, or both, of any capital advance docu-

mentation, including any note, mortgage, use agreement or other agreements, evidencing or securing a capital advance previously provided by the Secretary under section 202(c)(1) of the Housing Act of 1959 as necessary to facilitate the conversion of assistance while maintaining the affordability period and the designation of the property as serving elderly persons, and,” following “including but not limited to”;

(C) inserting “or assistance contracts” after “for such vouchers”;

(D) striking “of Housing and Urban Development” after “Secretary”; and

(E) inserting the following before the colon: “(herein the ‘Second Component’)”;

(6) by inserting the following provisos after the eighteenth proviso:

“*Provided further*, That contracts provided to properties converting assistance from section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act located in high-cost areas shall have initial rents set at comparable market rents for the market area: *Provided further*, That conversions of assistance under the Second Component may not be the basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration and such a family shall not be considered a new admission for any purpose, including compliance with income targeting.”;

(7) in the twenty-first proviso, as reordered above, by striking “the previous proviso” and all that follows through the end of the proviso and inserting “the Second Component, except for conversion of section 202 project rental assistance contracts, shall be available for project-based subsidy contracts entered into pursuant to the Second Component.”;

(8) in the twenty-second proviso, as reordered above, by striking “the previous two provisos” and inserting “the Second Component, except for conversion of section 202 project rental assistance contracts.”;

(9) in the twenty-third proviso, as reordered above, by striking “the three previous provisos” and inserting “the Second Component, except for conversion of section 202 project rental assistance contracts.”; and

(10) by inserting the following proviso before the final proviso:

“*Provided further*, That the Secretary may transfer amounts made available under the heading ‘Housing for the Elderly’ to the accounts under the headings ‘Project-Based Rental Assistance’ or ‘Tenant-Based Rental Assistance’ to facilitate any section 202 project rental assistance contract conversions under the Second Component, and any increase in cost for ‘Project-Based Rental Assistance’ or ‘Tenant-Based Rental Assistance’ associated with such conversion shall be equal to amounts so transferred.”.

SEC. 238. None of the funds made available under this Act may be used to interfere with State and local inspections of public housing dwelling units.

SEC. 239. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary of Housing and Urban Development in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.

SEC. 240. Section 153 of the Continuing Appropriations Act, 2018 (as added by section 2001(2) of Public Law 115–120) is repealed.

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2018”.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$8,190,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, \$27,490,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$23,274,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the Corporation: *Provided further*, That concurrent with the President’s budget request for fiscal year 2018, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2018 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), \$110,400,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION
PAYMENT TO THE NEIGHBORHOOD
REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$140,000,000, of which \$5,000,000 shall be for a multi-family rental housing program.

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$37,100,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2018, to result in a final appropriation from the general fund estimated at no more than \$35,850,000.

UNITED STATES INTERAGENCY COUNCIL ON
HOMELESSNESS
OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$3,600,000: *Provided*, That title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended by striking “October 1, 2018” in section 209 and inserting “October 1, 2020”.

TITLE IV
GENERAL PROVISIONS—THIS ACT
(INCLUDING RESCISSIONS)

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, 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 under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief

systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include—

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2018 from appropriations made available for salaries and expenses for fiscal year 2018 in this Act, shall remain available through September 30, 2019, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local

projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 410. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301–8305, popularly known as the “Buy American Act”).

SEC. 411. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 412. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.–E.U.–Iceland–Norway Air Transport Agreement where such approval would contravene United States law or Article 17 bis of the U.S.–E.U.–Iceland–Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.–E.U.–Iceland–Norway Air Transport Agreement and United States law.

SEC. 414. None of the funds made available in this Act may be used to send or otherwise

pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 415. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 416. None of the funds made available by this Act may be used by the Department of Transportation, the Department of Housing and Urban Development, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 417. (a) All unobligated balances, including recaptures and carryover, remaining from funds appropriated in division K of Public Law 115–31 for “Department of Transportation—Office of the Secretary—Salaries and Expenses”, “Department of Transportation—Office of the Secretary—Office of Civil Rights”, “Department of Transportation—Office of the Secretary—Small and Disadvantaged Business Utilization and Outreach”, “Department of Transportation—Federal Transit Administration—Administrative Expenses”, “Department of Transportation—Pipeline and Hazardous Materials Safety Administration—Operational Expenses”, “Access Board—Salaries and Expenses”, “Federal Maritime Commission—Salaries and Expenses”, “National Railroad Passenger Corporation—Office of Inspector General—Salaries and Expenses”, “National Transportation Safety Board—Salaries and Expenses”, and “United States Interagency Council on Homelessness—Operating Expenses” are rescinded.

(b) All unobligated balances, including recaptures and carryover, remaining from funds appropriated in division K of Public Law 115–31 for accounts under the headings “Department of Housing and Urban Development—Management and Administration” and “Department of Housing and Urban Development—Program Office Salaries and Expenses” are rescinded.

SEC. 418. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 419. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to

such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 420. (a) **TERMINAL AERODROME FORECAST.**—The Administrator shall permit an air carrier operation under part 121 of title 14, Code of Federal Regulations, to operate to a destination determined to be under visual flight rules without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if a current Area Forecast, supplemented by other local weather observations or reports, is available, and an alternate airport that has an available Terminal Aerodrome Forecast and weather report is specified. The air carrier shall have approved procedures for dispatch and enroute weather evaluation and shall operate under instrument flight rules enroute to the destination.

(b) **LIMITATION.**—Without a written finding of necessity, based on objective and historical evidence of imminent threat to safety, the Administrator shall not promulgate any operation specification, policy, or guidance document that is more restrictive than, or requires procedures that are not expressly stated in, the regulations.

SEC. 421. Section 149(m) of title 23, United States Code, is amended by adding “or on a State-Supported Amtrak route with a valid cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 and no current nonattainment areas under subsection (d),” after “2012.”

This division may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2018”.

DIVISION M—EXTENSIONS

TITLE I—AIRPORT AND AIRWAY EXTENSION ACT OF 2018

SECTION 1. SHORT TITLE.

This title may be cited as the “Airport and Airway Extension Act of 2018”.

Subtitle A—Federal Aviation Programs

SEC. 101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 48103(a) of title 49, United States Code, is amended by striking “2012” and all that follows through the period at the end and inserting “2012 through 2018.”

(b) **PROJECT GRANT AUTHORITY.**—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “March 31, 2018,” and inserting “September 30, 2018.”

SEC. 102. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 47107(r)(3) of title 49, United States Code, is amended by striking “April 1, 2018” and inserting “October 1, 2018”.

(b) Section 47115(j) of title 49, United States Code, is amended by striking “2017 and for the period beginning on October 1, 2017, and ending on March 31, 2018” and inserting “2018”.

(c) Section 47124(b)(3)(E) of title 49, United States Code, is amended by striking “2012” and all that follows through “2018,” and inserting “2012 through 2018”.

(d) Section 47141(f) of title 49, United States Code, is amended by striking “March 31, 2018” and inserting “September 30, 2018”.

(e) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “2017 and for the period beginning on October 1, 2017, and ending on March 31, 2018,” and inserting “2018”.

(f) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “March 31, 2018” and inserting “September 30, 2018”.

(g) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended by striking “March 31, 2018” and inserting “September 30, 2018”.

(h) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking “March 31, 2018” and inserting “September 30, 2018”.

(i) Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (130 Stat. 641) is amended by striking “April 1, 2018” and inserting “October 1, 2018”.

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (F) and inserting the following:

“(F) \$10,025,852,000 for fiscal year 2018.”;

and

(2) in paragraph (3) by striking “2017 and for the period beginning on October 1, 2017, and ending on March 31, 2018” and inserting “2018”.

SEC. 104. SMALL COMMUNITY AIR SERVICE.

(a) **ESSENTIAL AIR SERVICE AUTHORIZATION.**—Section 41742(a)(2) of title 49, United States Code, is amended by striking “2016” and all that follows through “2018,” and inserting “2016 and 2017, and \$150,000,000 for fiscal year 2018”.

(b) **AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.**—Section 41743(e)(2) of title 49, United States Code, is amended by striking “2012” and all that follows through “2018,” and inserting “2012 through 2017 and \$10,000,000 for fiscal year 2018”.

SEC. 105. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) in paragraph (5) by striking “2016 and 2017” and inserting “2016 through 2018”; and

(2) by striking paragraph (6).

SEC. 106. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(10) of title 49, United States Code, is amended to read as follows:

“(10) \$176,500,000 for fiscal year 2018.”.

SEC. 107. FUNDING FOR AVIATION PROGRAMS.

The budget authority authorized in this title, including the amendments made by this title, shall be deemed to satisfy the requirements of subsections (a)(1)(B) and (a)(2) of section 48114 of title 49, United States Code, for fiscal year 2018.

SEC. 108. CONTROLLER HIRING.

Section 44506(f) of title 49, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following:

“(C) **SPECIAL RULE.**—

“(i) **IN GENERAL.**—Notwithstanding subparagraph (B), after giving preferential consideration to applicants under subparagraph (A) and if, after consulting with the labor organization recognized as the exclusive representative of air traffic controllers under section 7111 of title 5, the Administrator determines there are unique circumstances affecting a covered facility that warrant a vacancy announcement with a limited area of

consideration, the Administrator may consider applicants for the position of air traffic controller who apply under a vacancy announcement recruiting from the local commuting area for that covered facility.

“(i) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment with respect to an applicant under this subparagraph who would otherwise qualify as a Pool 1 applicant under subparagraph (B)(ii).

“(iii) COVERED FACILITY DEFINED.—In this subparagraph the term ‘covered facility’ means a radar facility with at least 1,000,000 operations annually that is located in a metropolitan statistical area (as defined by the Office of Management and Budget) with a population estimate by the Bureau of the Census of more than 15,000,000 (as of July 1, 2016).”; and

(2) in paragraph (3)—

(A) by inserting “except for individuals covered by the program described in paragraph (4),” after “section 3307 of title 5,”; and

(B) by adding at the end the following:

“(4) RETIRED MILITARY CONTROLLERS.—The Administrator may establish a program to provide an original appointment to a position as an air traffic controller for individuals who—

“(A) are on terminal leave pending retirement from active duty military service or have retired from active duty military service within 5 years of applying for the appointment; and

“(B) have held either an air traffic certification or air traffic control facility rating according to Administration standards within 5 years of applying for the appointment.”.

Subtitle B—Aviation Revenue Provisions

SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A) by striking “April 1, 2018” and inserting “October 1, 2018”; and

(2) in subparagraph (A) by striking the semicolon at the end and inserting “or the Airport and Airway Extension Act of 2018;”.

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking “April 1, 2018” and inserting “October 1, 2018”.

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “March 31, 2018” and inserting “September 30, 2018”.

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking “March 31, 2018” and inserting “September 30, 2018”.

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking “March 31, 2018” and inserting “September 30, 2018”.

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) TREATMENT AS NONCOMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking “April 1, 2018” and inserting “October 1, 2018”.

(2) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking “March 31, 2018” and inserting “September 30, 2018”.

TITLE II—IMMIGRATION EXTENSIONS

SEC. 201. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting “September 30, 2018” for “September 30, 2015”.

SEC. 202. Subclauses 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)(II) and (III)) shall

be applied by substituting “September 30, 2018” for “September 30, 2015”.

SEC. 203. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting “September 30, 2018” for “September 30, 2015”.

SEC. 204. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting “September 30, 2018” for “September 30, 2015”.

SEC. 205. Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2018 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H-2B nonimmigrants who participated in the H-2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

TITLE III—NATIONAL FLOOD INSURANCE PROGRAM EXTENSION

SEC. 301. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting “July 31, 2018” for “September 30, 2017”.

TITLE IV—PESTICIDE REGISTRATION IMPROVEMENT ACT EXTENSION

SEC. 401. (a) The following sections of the Federal Insecticide, Fungicide, and Rodenticide Act shall continue in effect through September 30, 2018—

(1) subparagraphs (C) through (E) of section 4(i)(1) (7 U.S.C. 136a-1(i)(1)(C)–(E));

(2) section 4(k)(3) (7 U.S.C. 136a-1(k)(3));

(3) section 4(k)(4) (7 U.S.C. 136a-1(k)(4)); and

(4) section 33(c)(3)(B) (7 U.S.C. 136w-8(c)(3)(B)).

(b)(1) Section 4(i)(1)(I) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(1)(I)) shall be applied by substituting “September 30, 2018” for “September 30, 2017”.

(2) Notwithstanding section 33(m)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(m)(2)), section 33(m)(1) of such Act (7 U.S.C. 136w-8(m)(1)) shall be applied by substituting “September 30, 2018” for “September 30, 2017”.

(c) Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) shall be applied by substituting “September 30, 2018” for “September 30, 2017”.

TITLE V—GENERALIZED SYSTEM OF PREFERENCES

SEC. 501. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to articles entered on or after the 30th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or

any other provision of law and subject to subparagraph (B), any entry of a covered article to which duty-free treatment or other preferential treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) would have applied if the entry had been made on December 31, 2017, that was made—

(i) after December 31, 2017, and

(ii) before the effective date specified in paragraph (1),

shall be liquidated or reliquidated as though such entry occurred on the effective date specified in paragraph (1).

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a covered article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(3) DEFINITIONS.—In this subsection:

(A) COVERED ARTICLE.—The term “covered article” means an article from a country that is a beneficiary developing country under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) as of the effective date specified in paragraph (1).

(B) ENTER; ENTRY.—The terms “enter” and “entry” include a withdrawal from warehouse for consumption.

(c) ANNUAL REPORT ON ENFORCEMENT OF ELIGIBILITY CRITERIA.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter through December 31, 2020, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on efforts to ensure that countries designated as beneficiary developing countries under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) are meeting the eligibility criteria set forth in section 502(c) of such Act (19 U.S.C. 2462(c)).

SEC. 502. TECHNICAL MODIFICATION TO PROCEDURES FOR COMPETITIVE NEED LIMITATION AND WAIVERS.

Section 503 of the Trade Act of 1974 (19 U.S.C. 2463) is amended—

(1) in subsection (c)(2)—

(A) in the matter following subparagraph (A)(i)(II), by striking “July 1” and inserting “November 1”; and

(B) in subparagraph (E), by striking “on January 1, 1995” and inserting “in any of the preceding 3 calendar years”; and

(2) in subsection (d), by striking “July 1” each place it appears and inserting “November 1”.

SEC. 503. CUSTOMS USER FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking “February 24, 2027” and inserting “July 21, 2027”.

TITLE VI—JUDICIAL REDACTION AUTHORITY EXTENSION

SEC. 601. EXTENSION OF REDACTION AUTHORITY CONCERNING SENSITIVE SECURITY INFORMATION.

Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “2017” both places it appears and inserting “2027”.

TITLE VII—BUDGETARY EFFECTS

SEC. 701. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

DIVISION N—BUILD ACT

SECTION 1. SHORT TITLE.

This division may be cited as the “Brownfields Utilization, Investment, and Local Development Act of 2018” or the “BUILD Act”.

SEC. 2. REDEVELOPMENT CERTAINTY FOR GOVERNMENTAL ENTITIES.

Section 101(20)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)) is amended by striking “ownership or control” and all that follows through “by virtue” and inserting “ownership or control through seizure or otherwise in connection with law enforcement activity, or through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government acquires title by virtue”.

SEC. 3. ALASKA NATIVE VILLAGE AND NATIVE CORPORATION RELIEF.

Section 101(20) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)) is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively;

(2) by inserting after subparagraph (D) the following:

“(E) EXCLUSION OF CERTAIN ALASKA NATIVE VILLAGES AND NATIVE CORPORATIONS.—

“(i) IN GENERAL.—The term ‘owner or operator’ does not include, with respect to a facility conveyed to a Native village or Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act) under the Alaska Native Claims Settlement Act—

“(I) the Native village or Native Corporation that received the facility from the United States Government; or

“(II) a successor in interest to which the facility was conveyed under section 14(c) of such Act.

“(ii) LIMITATION.—The exclusion provided under this subparagraph shall not apply to any entity described in clause (i) that causes or contributes to a release or threatened release of a hazardous substance from the facility conveyed as described in such clause.”;

(3) in subparagraph (G) (as so redesignated), in the matter preceding clause (i), by striking “subparagraph (E)” and inserting “subparagraph (F)”;

(4) in clause (i)(II) of subparagraph (H) (as so redesignated), by striking “1813)” and inserting “1813))”.

SEC. 4. PETROLEUM BROWNFIELD ENHANCEMENT.

Section 101(39)(D)(ii)(II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)(D)(ii)(II)) is amended by amending item (bb) to read as follows:

“(bb) is a site for which there is no viable responsible party and that is determined by the Administrator or the State, as appropriate, to be a site that will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site under this Act or any other law pertaining to the cleanup of petroleum products; and”.

SEC. 5. PROSPECTIVE PURCHASERS AND LESSEES.

(a) BONA FIDE PROSPECTIVE PURCHASER.—Section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(40)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(B) in subclause (I) (as so redesignated), by striking “clauses (ii) and (iii)” and inserting “subclauses (II) and (III)”;

(C) in subclause (II) (as so redesignated), by striking “subparagraph” and inserting “clause”;

(D) in subclause (III) (as so redesignated), by striking “subparagraph” and inserting “clause”;

(2) in subparagraph (D), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(3) in subparagraph (F), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(4) in subparagraph (H)—

(A) in clause (i)—

(i) in subclause (II), by inserting “, by a tenancy, by the instruments by which a leasehold interest in the facility is created,” after “financed”; and

(ii) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately; and

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(5) by redesignating subparagraphs (B) through (H) as clauses (ii) through (viii), respectively, and indenting appropriately; and

(6) by striking the paragraph designation and heading and all that follows through “All disposal of” in subparagraph (A) and inserting the following:

“(40) BONA FIDE PROSPECTIVE PURCHASER.—

“(A) IN GENERAL.—The term ‘bona fide prospective purchaser’ means, with respect to a facility—

“(i) a person who—

“(I) acquires ownership of the facility after January 11, 2002; and

“(II) establishes by a preponderance of the evidence each of the criteria described in clauses (i) through (viii) of subparagraph (B); and

“(ii) a person—

“(I) who acquires a leasehold interest in the facility after January 11, 2002;

“(II) who establishes by a preponderance of the evidence that the leasehold interest is not designed to avoid liability under this Act by any person; and

“(III) with respect to whom any of the following conditions apply:

“(aa) The owner of the facility that is subject to the leasehold interest is a person described in clause (i).

“(bb)(AA) The owner of the facility that is subject to the leasehold interest was a person described in clause (i) at the time the leasehold interest was acquired, but can no

longer establish by a preponderance of the evidence each of the criteria described in clauses (i) through (viii) of subparagraph (B) due to circumstances unrelated to any action of the person who holds the leasehold interest; and

“(BB) the person who holds the leasehold interest establishes by a preponderance of the evidence each of the criteria described in clauses (i), (iii), (iv), (v), (vi), (vii), and (viii) of subparagraph (B).

“(cc) The person who holds the leasehold interest establishes by a preponderance of the evidence each of the criteria described in clauses (i) through (viii) of subparagraph (B).

“(B) CRITERIA.—The criteria described in this subparagraph are as follows:

“(i) DISPOSAL PRIOR TO ACQUISITION.—All disposal of”.

(b) LIMITATION ON LIABILITY.—Section 107(r)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(r)(1)) is amended by striking “purchaser’s” and inserting “bona fide prospective purchaser”.

SEC. 6. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANIZATIONS.

Section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)) is amended—

(1) in subparagraph (G), by striking “or” after the semicolon;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(I) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code;

“(J) a limited liability corporation in which all managing members are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I);

“(K) a limited partnership in which all general partners are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I); or

“(L) a qualified community development entity (as defined in section 45D(c)(1) of the Internal Revenue Code of 1986).”.

SEC. 7. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) in paragraph (2), by adding at the end the following:

“(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding paragraph (5)(B)(iii), an eligible entity described in any of subparagraphs (A) through (H) of paragraph (1) may receive a grant under this paragraph for property acquired by that eligible entity prior to January 11, 2002, even if the eligible entity does not qualify as a bona fide prospective purchaser, so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.”; and

(2) in paragraph (3), by adding at the end the following:

“(E) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding paragraph (5)(B)(iii), an eligible entity described in any of subparagraphs (A) through (H) of paragraph (1) may receive a grant or loan under this paragraph for property acquired by that eligible entity prior to January 11, 2002, even if the eligible entity does not qualify as a bona fide prospective purchaser, so long as the eligible entity has not

caused or contributed to a release or threatened release of a hazardous substance at the property.”.

SEC. 8. INCREASED FUNDING FOR REMEDIATION GRANTS.

Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking “\$200,000 for each site to be remediated” and inserting “\$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of \$650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site”.

SEC. 9. MULTIPURPOSE BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively;

(2) in paragraph (3)(A), in the matter preceding clause (i), by striking “Subject to paragraphs (4) and (5)” and inserting “Subject to paragraphs (5) and (6)”;

(3) by inserting after paragraph (3) the following:

“(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

“(A) IN GENERAL.—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the criteria under subparagraph (C) and the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more brownfield sites in an area proposed by the eligible entity.

“(B) GRANT AMOUNTS.—

“(i) INDIVIDUAL GRANT AMOUNTS.—Each grant awarded under this paragraph shall not exceed \$1,000,000.

“(ii) CUMULATIVE GRANT AMOUNTS.—The total amount of grants awarded for each fiscal year under this paragraph may not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

“(C) CRITERIA.—In awarding a grant under this paragraph, the Administrator shall consider the extent to which the eligible entity is able—

“(i) to provide an overall plan for revitalization of the 1 or more brownfield sites in the proposed area in which the multipurpose grant will be used;

“(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

“(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more brownfield sites in the proposed area.

“(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant by not later than the date that is 5 years after the date on which the grant is awarded to the eligible entity, unless the Administrator provides an extension.

“(E) OWNERSHIP.—An eligible entity that receives a grant under this paragraph may not expend any of the grant funds for the remediation of a brownfield site unless the eligible entity owns the brownfield site.”; and

(4) by striking “paragraph (2) or (3)” each place it appears and inserting “paragraph (2), (3), or (4)”.

SEC. 10. ALLOWING ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.

Paragraph (5) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended—

(1) by amending subparagraph (B) to read as follows:

“(B) PROHIBITION.—No part of a grant or loan under this subsection may be used for the payment of—

“(i) a penalty or fine;

“(ii) a Federal cost-share requirement;

“(iii) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

“(iv) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)), excluding the cost of compliance with laws applicable to the cleanup.”; and

(2) by adding at the end the following:

“(B) ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—An eligible entity may use up to 5 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

“(ii) RESTRICTION.—For purposes of clause (i), the term ‘administrative costs’ does not include—

“(I) investigation and identification of the extent of contamination of a brownfield site;

“(II) design and performance of a response action; or

“(III) monitoring of a natural resource.”.

SEC. 11. GRANT APPLICATIONS.

(a) WATERFRONT BROWNFIELDS GRANTS; CLEAN ENERGY ON BROWNFIELD SITES.—Paragraph (6)(C) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended by adding at the end the following:

“(xi) The extent to which a grant would address a site adjacent to a body of water or a federally designated flood plain.

“(xii) The extent to which a grant would facilitate—

“(I) the location at a brownfield site of a facility that generates renewable electricity from wind, solar, or geothermal energy; or

“(II) any energy efficiency improvement project at a brownfield site, including a project for a combined heat and power system or a district energy system.”.

(b) REPORT ON RANKING CRITERIA.—Paragraph (6) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended by adding at the end the following:

“(D) REPORT ON RANKING CRITERIA.—Not later than September 30, 2022, the Administrator shall submit to Congress a report regarding the Administrator’s use of the ranking criteria described in subparagraph (C) in awarding grants under this subsection.”.

SEC. 12. AUDITS.

Paragraph (8) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended by striking “3 years after the date of the enactment of this subsection” and inserting “September 30, 2022”.

SEC. 13. BROWNFIELDS FUNDING.

Paragraph (13) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended to read as follows:

“(13) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$200,000,000 for each of fiscal years 2019 through 2023.”.

SEC. 14. SMALL COMMUNITY TECHNICAL ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 128(a)(1)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(1)(B)) is amended—

(1) in clause (ii)—

(A) in subclause (I), by striking “; or” and inserting a semicolon;

(B) in subclause (II), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(III) assist small communities, Indian tribes, rural areas, or disadvantaged areas in carrying out activities described in section 104(k)(7)(A) with respect to brownfield sites.”; and

(2) by adding at the end the following:

“(iii) SMALL COMMUNITIES, INDIAN TRIBES, RURAL AREAS, AND DISADVANTAGED AREAS.—

“(I) IN GENERAL.—To make grants to States or Indian tribes under clause (ii)(III), the Administrator may use, in addition to amounts available to carry out this subsection, not more than \$1,500,000 of the amounts made available to carry out section 104(k)(7) in each fiscal year.

“(II) LIMITATION.—Each grant made under subclause (I) may be not more than \$20,000.

“(III) INCLUSION IN OTHER GRANTS.—The Administrator may, at the request of a State or Indian tribe, include a grant under this clause in any other grant to the State or Indian tribe made under this subsection.

“(iv) DEFINITIONS.—In this subparagraph:

“(I) DISADVANTAGED AREA.—The term ‘disadvantaged area’ means a community with an annual median household income that is less than 80 percent of the statewide annual median household income, as determined by the President based on the latest available decennial census.

“(II) SMALL COMMUNITY.—The term ‘small community’ means a community with a population of not more than 15,000 individuals, as determined by the President based on the latest available decennial census.”.

(b) CONFORMING AMENDMENT.—Section 104(g)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(g)(1)) is amended by inserting “or section 128(a)(1)(B)(ii)(III)” after “under this section”.

SEC. 15. STATE RESPONSE PROGRAM FUNDING.

Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended to read as follows:

“(3) FUNDING.—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2019 through 2023.”.

DIVISION O—WILDFIRE SUPPRESSION FUNDING AND FOREST MANAGEMENT ACTIVITIES ACT

SEC. 101. SHORT TITLE.

This division may be cited as the “Wildfire Suppression Funding and Forest Management Activities Act”.

TITLE I—WILDFIRE AND DISASTER FUNDING ADJUSTMENT

SEC. 102. WILDFIRE AND DISASTER FUNDING ADJUSTMENT.

(a) Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(1) in subparagraph (D)(i), by striking subclauses (I) and (II) and inserting the following—

“(I) the average over the previous 10 years (excluding the highest and lowest years) of the sum of the funding provided for disaster relief (as that term is defined on the date immediately before the date of enactment of the Wildfire Suppression Funding and Forest Management Activities Act);

“(II) notwithstanding clause (iv), starting in fiscal year 2018, five percent of the total appropriations provided after fiscal year 2011 or in the previous 10 years, whichever is less, net of any rescissions of budget authority

enacted in the same period, with respect to amounts provided for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and designated by the Congress and the President as an emergency pursuant to subparagraph (A)(i) of this paragraph; and

“(III) the cumulative net total of the unused carryover for fiscal year 2018 and all subsequent fiscal years, where the unused carryover for each fiscal year is calculated as the sum of the amounts in subclauses (I) and (II) less the enacted appropriations for that fiscal year that have been designated as being for disaster relief.”;

(2) in subparagraph (D)(ii), by striking “not later than 30 days after the date of enactment of the Budget Control Act of 2011” and inserting “not later than 30 days after the date of enactment of the Wildfire Suppression Funding and Forest Management Activities Act”; and

(3) by adding at the end the following:

“(F) WILDFIRE SUPPRESSION.—

“(i) ADDITIONAL NEW BUDGET AUTHORITY.—If, for fiscal years 2020 through 2027, a bill or joint resolution making appropriations for a fiscal year is enacted that provides an amount for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for wildfire suppression operations for that fiscal year, but shall not exceed—

“(I) for fiscal year 2020, \$2,250,000,000;

“(II) for fiscal year 2021, \$2,350,000,000;

“(III) for fiscal year 2022, \$2,450,000,000;

“(IV) for fiscal year 2023, \$2,550,000,000;

“(V) for fiscal year 2024, \$2,650,000,000;

“(VI) for fiscal year 2025, \$2,750,000,000;

“(VII) for fiscal year 2026, \$2,850,000,000; and

“(VIII) for fiscal year 2027, \$2,950,000,000.

“(ii) DEFINITIONS.—In this subparagraph:

“(I) ADDITIONAL NEW BUDGET AUTHORITY.—The term ‘additional new budget authority’ means the amount provided for a fiscal year in an appropriation Act that is in excess of the average costs for wildfire suppression operations as reported in the budget of the President submitted under section 1105(a) of title 31, United States Code, for fiscal year 2015 and are specified to pay for the costs of wildfire suppression operations in an amount not to exceed the amount specified for that fiscal year in clause (i).

“(II) WILDFIRE SUPPRESSION OPERATIONS.—The term ‘wildfire suppression operations’ means the emergency and unpredictable aspects of wildland firefighting, including—

“(aa) support, response, and emergency stabilization activities;

“(bb) other emergency management activities; and

“(cc) the funds necessary to repay any transfers needed for the costs of wildfire suppression operations.”.

(b) The amendment made by paragraph (1) of subsection (a) shall begin to apply in fiscal year 2019.

SEC. 103. REQUEST FOR ADDITIONAL WILDFIRE SUPPRESSION FUNDS.

If the amount provided for wildfire suppression operations for that fiscal year will be exhausted within 30 calendar days, the Secretary of the Interior or the Secretary of Agriculture (as applicable), in consultation with the Director of the Office of Management and Budget, shall promptly submit a request to Congress for supplemental appropriations.

SEC. 104. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of the fiscal year for which ad-

ditional new budget authority is used, pursuant to section 251(b)(2)(F)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(F)(i)), as added by section 102 of this division, the Secretary of the Interior or the Secretary of Agriculture (as applicable), in consultation with the Director of the Office of Management and Budget, shall—

(1) prepare an annual report with respect to the additional new budget authority;

(2) submit to the Committees on Appropriations, the Budget, and Natural Resources of the House of Representatives and the Committees on Appropriations, the Budget, and Energy and Natural Resources of the Senate the annual report prepared under paragraph (1); and

(3) make the report prepared under paragraph (1) available to the public.

(b) COMPONENTS.—The annual report prepared under subsection (a)(1) shall—

(1) document obligations and outlays of the additional new budget authority for wildfire suppression operations;

(2) identify risk-based factors that influenced management decisions with respect to wildfire suppression operations;

(3) analyze a statistically significant sample of large fires, including an analysis for each fire of—

(A) cost drivers;

(B) the effectiveness of risk management techniques and whether fire operations strategy tracked the risk assessment;

(C) any resulting ecological or other benefits to the landscape;

(D) the impact of investments in wildfire suppression operations preparedness;

(E) effectiveness of wildfire suppression operations, including an analysis of resources lost versus dollars invested;

(F) effectiveness of any fuel treatments on fire behavior and suppression expenditures;

(G) levels of exposure experienced by firefighters;

(H) suggested corrective actions; and

(I) any other factors the Secretary of the Interior or Secretary of Agriculture (as applicable) determines to be appropriate;

(4) include an accounting of overall fire management and spending by the Department of the Interior or the Department of Agriculture, which shall be analyzed by fire size, cost, regional location, and other factors;

(5) describe any lessons learned in the conduct of wildfire suppression operations; and

(6) include any other elements that the Secretary of the Interior or the Secretary of Agriculture (as applicable) determines to be necessary.

TITLE II—FOREST MANAGEMENT ACTIVITIES

SEC. 201. DEFINITIONS.

In this title:

(1) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) PUBLIC LAND.—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land.

SEC. 202. WILDFIRE RESILIENCE PROJECTS.

Insert at the end of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511) the following new section:

“SEC. 605. WILDFIRE RESILIENCE PROJECTS.

“(a) IN GENERAL.—Hazardous fuels reduction projects, as defined in the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(2)) may be—

“(1) carried out in accordance with subsections (b), (c), and (d) of section 102 and sections 104 and 105;

“(2) considered an action categorically excluded from the requirements of Public Law 91–190 (42 U.S.C. 4321 et seq.); and

“(3) exempt from the special administrative review process under section 105.

“(b) COLLABORATIVE RESTORATION PROJECT.—

“(1) IN GENERAL.—A project referred to in subsection (a) is a project to carry out forest restoration treatments that—

“(A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease, and reduce the risk or extent of, or increase the resilience to, wildfires;

“(B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

“(C) is developed and implemented through a collaborative process that—

“(i) includes multiple interested persons representing diverse interests; and

“(ii) (I) is transparent and nonexclusive; or

“(II) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

“(2) INCLUSION.—A project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

“(c) LIMITATIONS.—

“(1) PROJECT SIZE.—A project under this section may not exceed 3000 acres.

“(2) LOCATION.—A project under this section shall be—

“(A) Prioritized within the wildland-urban interface;

“(B) If located outside the wildland-urban interface, limited to areas within Condition Classes 2 or 3 in Fire Regime Groups I, II, or III that contain very high wildfire hazard potential; and

“(C) Limited to areas designated under section 602(b) as of the date of enactment of this Act.

“(3) ROADS.—

“(A) PERMANENT ROADS.—

“(i) PROHIBITION ON ESTABLISHMENT.—A project under this section shall not include the establishment of permanent roads.

“(ii) EXISTING ROADS.—The Secretary may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

“(B) TEMPORARY ROADS.—The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

“(4) EXTRAORDINARY CIRCUMSTANCES.—The Secretary shall apply the extraordinary circumstances procedures under section 220.6 of title 36, code of Federal regulations (or successor regulations), when using the categorical exclusion under this section.

“(d) EXCLUSIONS.—This section does not apply to—

“(1) a component of the National Wilderness Preservation System;

“(2) any Federal land on which, by Act of Congress or Presidential proclamation, the

removal of vegetation is restricted or prohibited;

“(3) a congressionally designated wilderness study area; or

“(4) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

“(e) **FOREST MANAGEMENT PLANS.**—All projects and activities carried out under this section shall be consistent with the land and resource management plan established under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for the unit of the National Forest System containing the projects and activities.

“(f) **PUBLIC NOTICE AND SCOPING.**—The Secretary shall conduct public notice and scoping for any project or action proposed in accordance with this section.

“(g) **ACCOUNTABILITY.**—

“(1) **IN GENERAL.**—The Secretary shall prepare an annual report on the use of categorical exclusions under this section that includes a description of all acres (or other appropriate unit) treated through projects carried out under this section.

“(2) **SUBMISSION.**—Not later than 1 year after the date of enactment of this section, and each year thereafter, the Secretary shall submit the reports required under paragraph (1) to—

“(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

“(B) the Committee on Environment and Public Works of the Senate;

“(C) the Committee on Agriculture of the House of Representatives;

“(D) the Committee on Natural Resources of the House of Representatives; and

“(E) the Government Accountability Office.”.

SEC. 203. INSTALLATION OF FUEL BREAKS AND FIREBREAKS FOR HAZARDOUS FUEL REDUCTION ON FEDERAL LAND.

Section 101(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(2)) is amended—

(1) by striking “The term” and inserting the following:

“(A) **IN GENERAL.**—The term”; and

(2) by adding at the end the following:

“(B) **INCLUSION.**—The term ‘authorized hazardous fuel reduction project’ includes, using the measures and methods described in subparagraph (A), the installation of—

“(i) a natural or manmade change in fuel characteristics that affects fire behavior such that a fire can be more readily controlled (commonly known as a ‘fuel break’); and

“(ii) a natural or constructed barrier used to stop or check a fire or to provide a control line from which to work to stop or check a fire (commonly known as a ‘firebreak’).”.

SEC. 204. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT CONTRACTING PROJECTS.

Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

“(h) **CANCELLATION CEILINGS.**—

“(1) **IN GENERAL.**—Notwithstanding section 3903(b)(1) of title 41, United States Code, the Chief and the Director may obligate funds in stages that are economically or programmatically viable to cover any potential cancellation or termination costs for an agreement or contract under subsection (b).

“(2) **ADVANCE NOTICE TO CONGRESS OF CANCELLATION CEILING IN EXCESS OF \$25,000,000.**—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling

in excess of \$25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to that cancellation ceiling, the Chief or the Director, as applicable, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

“(A) a description of the cancellation ceiling amounts proposed for each program year in the agreement or contract;

“(B) the reasons why the cancellation ceiling amounts described under subparagraph (A) were selected;

“(C) a description of the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

“(D) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.

“(3) **TRANSMITTAL OF NOTICE TO OMB.**—Not later than 14 days after the date on which written notice is provided under paragraph (2), the Chief or the Director, as appropriate, shall transmit a copy of the notice to the Director of the Office of Management and Budget.”.

SEC. 205. EXCESS OFFSET VALUE.

Section 604(g)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

“(B) if there are no outstanding liabilities described in subparagraph (A), apply the excess to other authorized stewardship projects.”.

SEC. 206. SUBMISSION OF EXISTING ANNUAL REPORT.

Subsection (j) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) (as redesignated by section 204 of this Act), is amended by striking “report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives” and inserting “submit to the congressional committees described in subsection (h)(2) a report”.

SEC. 207. 20-YEAR STEWARDSHIP CONTRACTING.

(a) **IN GENERAL.**—The Secretary of Agriculture and the Secretary of the Interior may award contracts or agreements under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511), for terms not to exceed 20 years on areas where the majority of Federal lands are in Fire Regime Groups I, II, or III.

(b) **PREFERENCE.**—In awarding a contract under this section, the Secretary concerned may, notwithstanding the Federal Acquisition Regulations, give a procurement preference to a contractor that would, as part of the contract, promote an innovative use of forest products, including cross-laminated timber.

SEC. 208. CONSULTATION UNDER FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.

(a) **CONSULTATION REGARDING LAND MANAGEMENT PLANS.**—Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)) is amended—

(1) by striking “(d) The Secretary” and inserting the following:

“(d) **PUBLIC PARTICIPATION AND CONSULTATION.**—

“(1) **IN GENERAL.**—The Secretary”; and

(2) by adding at the end the following:

“(2) **NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND MANAGEMENT PLANS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), notwithstanding any other provision of law, the Secretary shall not be required to engage in consultation under this section or any other provision of law (including section 7 of Public Law 93-205 (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)) with respect to—

“(i) the listing of a species as threatened or endangered, or a designation of critical habitat pursuant to Public Law 93-205 (16 U.S.C. 1531 et seq.), if a land management plan has been adopted by the Secretary as of the date of listing or designation; and

“(ii) any provision of a land management plan adopted as described in clause (i).

“(B) **EXCEPTION.**—Subparagraph (A) shall not apply if—

“(i) 15 years have passed since the date on which the Secretary adopted the land management plan described in clause (i) of that subparagraph; and

“(ii) 5 years have passed since the date of enactment of this section or the date of the listing of a species as threatened or endangered for a species known to occur on the unit or the designation of critical habitat within the unit as described in clause (i) of that subparagraph, whichever is later.

“(C) **EFFECT OF PARAGRAPH.**—Nothing in this paragraph affects any applicable requirement of the Secretary to consult with the head of any other Federal department or agency—

“(i) regarding any project carried out, or proposed to be carried out, to implement a land management plan pursuant to Public Law 93-205 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of cumulative impacts of completed, ongoing, and planned projects; or

“(ii) with respect to—

“(I) the development of a modification to a land management plan; or

“(II) an amendment or revision to a land management plan in accordance with paragraph (4) or (5) of subsection (f).”.

(b) **DEFINITION OF SECRETARY; CONFORMING AMENDMENTS.**—

(1) **DEFINITION OF SECRETARY.**—Section 3(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(a)) is amended, in the first sentence of the matter preceding paragraph (1), by inserting “(referred to in this Act as the ‘Secretary’)” after “Secretary of Agriculture”.

(2) **CONFORMING AMENDMENTS.**—The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) is amended, in sections 4 through 9, 12, 13, and 15, by striking “Secretary of Agriculture” each place it appears and inserting “Secretary”.

SEC. 209. OREGON AND CALIFORNIA RAILROAD REVESTED LANDS AND COOS BAY WAGON ROAD RECONVEYED LANDS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, with respect to the Oregon and California Railroad grant land revested in the United States by the Act of June 9, 1916 (39 Stat. 218, chapter 137), and the Coos Bay Wagon Road grant land reconveyed to the United States by the first section of the Act of February 26, 1919 (40 Stat. 1179, chapter 47), that is managed under the Act of August 28, 1937 (43 U.S.C. 2601 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall not be required to engage in consultation under any law (including section 7 of Public Law 93-205 (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)), with respect to—

(1) the listing of a species as threatened or endangered, or a designation of critical habitat, pursuant to Public Law 93-205 (16 U.S.C. 1531 et seq.), if a land use plan has been adopted by the Secretary of the Interior as of the date of listing or designation; and

(2) any provision of a land use plan adopted as described in paragraph (1).

(b) EFFECT OF SECTION.—Nothing in this section affects any applicable requirement of the Secretary of the Interior to consult with the head of any other Federal department or agency—

(1) regarding a project carried out, or proposed to be carried out, pursuant to Public Law 93-205 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of the cumulative impacts of completed, ongoing, and planned projects; or

(2) with respect to the development of a new land use plan or the revision of or other significant change to an existing land use plan.

SEC. 210. WILDFIRE HAZARD SEVERITY MAPPING FOR COMMUNITIES.

(a) MAP REQUIRED.—Not later than 2 years after the date of the enactment of this section, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(1) develop and publish a geospatial map appropriate for community-level use that depicts wildfire hazard severity to inform at-risk communities that are—

(A) adjacent to National Forest System lands; or

(B) affected by wildland fire, as determined by the Secretary; and

(2) disseminate the information under paragraph (1) in an appropriate, web-based format for use by such communities to—

(A) improve understanding of their risk profile;

(B) clarify thinking on the nature and effect of wildfire risks; and

(C) develop plans to manage and mitigate those risks.

(b) PURPOSES OF MAP.—The purposes of the map required under subsection (a) are as follows:

(1) To inform evaluations of wildfire risk.

(2) To prioritize fuels management needs.

(3) To depict the relative potential for wildfire that could be difficult for suppression resources to contain and that could cause ignitions to structures.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary of Agriculture and Chief of the Forest Service shall consult with—

(1) the Secretary of the Interior;

(2) the Administrator of the Federal Emergency Management Agency;

(3) other appropriate Federal agencies;

(4) States;

(5) relevant colleges, universities, and institutions of higher education with relevant expertise; and

(6) other entities, as appropriate.

(d) AT-RISK COMMUNITY DEFINED.—The term “at-risk community” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 211. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS OF WAY.

(a) IN GENERAL.—Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) is amended by adding at the end the following:

“SEC. 512. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS OF WAY.

“(a) DEFINITIONS.—In this section:

“(1) HAZARD TREE.—The term ‘hazard tree’ means any tree or part thereof (whether located inside or outside a right-of-way) that has been designated, prior to tree failure, by a certified or licensed arborist or forester under the supervision of the Secretary concerned or the owner or operator of a transmission or distribution facility to be—

“(A) dead, likely to die within the routine vegetation management cycle, or likely to fail within the routine vegetation management cycle; and

“(B) if the tree or part of the tree failed, likely to—

“(i) cause substantial damage or disruption to a transmission or distribution facility; or

“(ii) come within 10 feet of an electric power line.

“(2) OWNER; OPERATOR.—The terms ‘owner’ and ‘operator’ include contractors or other agents engaged by the owner or operator of an electric transmission or distribution facility.

“(3) PLAN.—The term ‘plan’ means a vegetation management, facility inspection, and operation and maintenance plan that—

“(A) is prepared by the owner or operator of 1 or more electric transmission or distribution facilities to cover 1 or more electric transmission and distribution rights-of-way; and

“(B) provides for the long-term, cost-effective, efficient, and timely management of facilities and vegetation within the width of the right-of-way and abutting Federal land, including hazard trees, to enhance electric reliability, promote public safety, and avoid fire hazards.

“(4) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary, with respect to public lands; and

“(B) the Secretary of Agriculture, with respect to National Forest System land.

“(b) GUIDANCE.—

“(1) IN GENERAL.—To enhance the reliability of the electric grid and reduce the threat of wildfire damage to, and wildfire caused by vegetation-related conditions within, electric transmission and distribution rights-of-way and abutting Federal land, including hazard trees, the Secretary concerned shall issue and periodically update guidance to ensure that provisions are appropriately developed and implemented for utility vegetation management, facility inspection, and operation and maintenance of rights-of-way, regardless of the means by which the rights-of-way are established (including by grant, special use authorization, and easement).

“(2) LIMITATION.—The guidance issued under paragraph (1) shall be compatible with mandatory reliability standards established by the Electric Reliability Organization.

“(3) CONSIDERATIONS.—The guidance issued under paragraph (1) shall take into account—

“(A) all applicable law, including fire safety and electric system reliability requirements (including reliability standards established by the Electric Reliability Organization under section 215 of the Federal Power Act (16 U.S.C. 824o)); and

“(B) the Memorandum of Understanding on Vegetation Management for Powerline Rights-of-Way between the Edison Electric Institute, Utility Arborist Association, the Department of the Interior, the Department of Agriculture, and the Environmental Protection Agency signed in 2016.

“(4) REQUIREMENTS.—The guidance issued under paragraph (1) shall—

“(A) be developed in consultation with the owners of transmission and distribution facilities that hold rights-of-way;

“(B) seek to minimize the need for case-by-case approvals for —

“(i) routine vegetation management, facility inspection, and operation and maintenance activities; and

“(ii) utility vegetation management activities that are necessary to control hazard trees; and

“(C) provide for prompt and timely review of requests to conduct vegetation management activities that require approval of the Secretary concerned, especially activities requiring expedited or immediate action.

“(c) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—

“(1) DEVELOPMENT AND SUBMISSION.—Consistent with subsection (b), the Secretary concerned shall provide owners and operators of electric transmission or distribution facilities located on public lands and National Forest System land, as applicable, with the option to develop and submit a plan.

“(2) ERO STANDARDS.—Owners and operators subject to mandatory reliability standards established by the Electric Reliability Organization (or superseding standards) may use those standards as part of the plan.

“(3) PLAN REQUIREMENTS.—A plan developed under paragraph (1) shall—

“(A) identify the applicable transmission or distribution facilities to be maintained;

“(B) take into account operations and maintenance plans for the applicable transmission or distribution line;

“(C) describe the vegetation management, inspection, and operation and maintenance methods that may be used to comply with all applicable law, including fire safety requirements and reliability standards established by the Electric Reliability Organization;

“(D) include schedules for—

“(i) the applicable owner or operator to notify the Secretary concerned about routine and major maintenance;

“(ii) the applicable owner or operator to request approval from the Secretary concerned about undertaking routine and major maintenance; and

“(iii) the Secretary concerned to respond to a request by an owner or operator under clause (ii); and

“(E) describe processes for—

“(i) identifying changes in conditions; and

“(ii) modifying the approved plan, if necessary.

“(4) REVIEW AND APPROVAL PROCESS.—

“(A) IN GENERAL.—The Secretary concerned shall jointly develop a consolidated and coordinated process for the review and approval of plans submitted under paragraph (1) that—

“(i) includes timelines and benchmarks for—

“(I) the submission of agency comments on the plans and schedules for final decision; and

“(II) the timely review of modifications of the plans in cases in which modifications are necessary;

“(ii) is consistent with applicable law; and

“(iii) includes a process for modifications to a plan in a prompt manner if changed conditions necessitate a modification to a plan; and

“(iv) ensures, to the maximum extent practicable, a prompt review and approval process not to exceed 120 days.

“(B) PLAN MODIFICATION.—Upon reasonable advance notice to an owner or operator of an electric transmission or distribution facility of any changed conditions that warrant a modification to a plan, the Secretary concerned shall—

“(i) provide an opportunity for the owner or operator to submit a proposed plan modification, consistent with the process described under subparagraph (A)(iii), to address the changed condition identified by the Secretary concerned;

“(ii) consider the proposed plan modification consistent with the process described under paragraph (4)(A); and

“(iii) allow the owner or operator to continue to implement any element of the approved plan that does not directly and adversely affect the condition precipitating the need for modification.

“(5) CATEGORIES OF ACTIONS NOT REQUIRING ENVIRONMENTAL ANALYSIS.—With respect to the development and approval of plans submitted under paragraph (1), as well as with respect to actions carried out under such plans, the Secretary concerned shall identify categories of actions for which neither an environmental impact statement nor an environmental assessment shall be required under section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation).

“(d) CERTAIN OWNERS AND OPERATORS.—

“(1) IN GENERAL.—The owner or operator of an electric transmission or distribution facility that is not subject to the mandatory reliability standards established by the Electric Reliability Organization or that sold less than or equal to 1,000,000 megawatt hours of electric energy for purposes other than resale during each of the 3 calendar years immediately preceding the date of enactment of this section may enter into an agreement with the Secretary concerned in lieu of a plan under subsection (c).

“(2) MINIMUM REQUIREMENTS.—The Secretary concerned shall ensure that the minimum requirements for an agreement under paragraph (1)—

“(A) reflect the relative financial resources of the applicable owner or operator compared to other owners or operators of an electric transmission or distribution facility;

“(B) include schedules as described in subsection (c)(3)(D);

“(C) are subject to modification requirements as described in subsection (c)(4)(B); and

“(D) comply with applicable law.

“(e) EMERGENCY CONDITIONS.—If vegetation or hazard trees have contacted or present an imminent danger of contacting an electric transmission or distribution line from within or adjacent to an electric transmission or distribution right-of-way, the owner or operator of the electric transmission or distribution lines—

“(1) may prune or remove the vegetation or hazard tree—

“(A) to avoid the disruption of electric service; and

“(B) to eliminate immediate fire and safety hazards; and

“(2) shall notify the appropriate local agent of the Secretary concerned not later than 1 day after the date of the response to emergency conditions.

“(f) ACTIVITIES THAT REQUIRE APPROVAL.—

“(1) IN GENERAL.—Except as provided under paragraph (3), the owner or operator of an electric transmission or distribution facility may conduct vegetation management activities that require approval of the Secretary concerned in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d) only with the approval of the Secretary concerned.

“(2) REQUIREMENT TO RESPOND.—The Secretary concerned shall respond to a request for approval to conduct vegetation management activities in accordance with the applicable schedules in a plan approved under subsection (c) or an agreement entered into under subsection (d).

“(3) AUTHORIZED ACTIVITIES.—The owner or operator of an electric transmission or distribution facility may conduct vegetation management activities that require approval of the Secretary concerned in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d) without the approval of the Secretary concerned if—

“(A) the owner or operator submitted a request to the Secretary concerned in accordance with the applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d);

“(B) the vegetation management activities, including the removal of hazard trees, proposed in the request under subparagraph (A) are in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d); and

“(C) the Secretary concerned fails to respond to the request under subparagraph (A) in accordance with the applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d).

“(g) LIABILITY.—

“(1) IN GENERAL.—The Secretary concerned shall not impose strict liability for damages or injury resulting from—

“(A) the Secretary concerned unreasonably withholding or delaying—

“(i) approval of a plan under subsection (c); or

“(ii) entrance into an agreement under subsection (d); or

“(B) the Secretary concerned unreasonably failing to adhere to an applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d).

“(2) DAMAGES.—For the period ending 10 years after the date of the enactment of this subsection, the Secretary concerned shall not impose strict liability in an amount greater than \$500,000 per incident for damages or injury resulting from activities conducted by an owner or operator in accordance with an approved agreement under subsection (d).

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to effect any liability imposed by the Secretary concerned under section 251.56(d) of title 36, Code of Federal Regulations (as in effect on the date of the enactment of this section) and section 2807.12 of title 43, Code of Federal Regulations (as in effect on the date of the enactment of this section), for activities conducted by an owner or operator in accordance with an approved plan under subsection (c).

“(h) REPORTING REQUIREMENT.—

“(1) ACTIVITIES THAT REQUIRE APPROVAL.—The Secretary concerned shall report requests and actions made under subsection (f) annually on the website of the Secretary concerned.

“(2) LIABILITY.—Not later than four years after the date of enactment of this subsection, the Secretary concerned shall prepare and submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that describes the effect on the Treasury of the strict liability limitation established by subsection (g)(2).

“(i) TRAINING AND GUIDANCE.—In consultation with the electric utility industry, the Secretary concerned is encouraged to develop a program to train personnel of the Department of the Interior and the Forest Service involved in vegetation management decisions relating to electric transmission and distribution facilities to ensure that the personnel—

“(1) understand electric system reliability requirements as the requirements relate to vegetation management of transmission and

distribution rights-of-way on Federal land, including reliability standards established by the Electric Reliability Organization and fire safety requirements;

“(2) assist owners and operators of electric transmission and distribution facilities in complying with applicable electric reliability and fire safety requirements;

“(3) encourage and assist willing owners and operators of electric transmission and distribution facilities to incorporate on a voluntary basis vegetation management practices to enhance habitats and forage for pollinators and for other wildlife if the practices are compatible with the integrated vegetation management practices necessary for reliability and safety; and

“(4) understand how existing and emerging unmanned technologies can help electric utilities, the Federal Government, State and local governments, and private landowners—

“(A) to more efficiently identify vegetation management needs;

“(B) to reduce the risk of wildfires; and

“(C) to lower ratepayer energy costs.

“(j) IMPLEMENTATION.—The Secretary concerned shall—

“(1) not later than 1 year after the date of enactment of this section, propose regulations, or amend existing regulations, to implement this section; and

“(2) not later than 2 years after the date of enactment of this section, finalize regulations, or amend existing regulations, to implement this section.

“(k) EXISTING VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—Nothing in this section requires an owner or operator to develop and submit a new plan under this section if a plan consistent with this section has already been approved by the Secretary concerned before the date of enactment of this section.”

(b) CLERICAL AMENDMENT.—The table of sections for the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), is amended by inserting after the item relating to section 511 the following new item:

“Sec. 512. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way.”

SEC. 212. GOOD NEIGHBOR AUTHORITY IMPROVEMENT.

Section 8206(a) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)) is amended—

(1) in paragraph (3)(B)(i), by striking “areas; or” and inserting the following: “areas, other than the reconstruction, repair, or restoration of a National Forest System road that is—

“(I) necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and

“(II) in the case of a National Forest System road that is determined to be unneeded in accordance with section 212.5(b)(2) of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Good Neighbor Authority Improvement Act), decommissioned in accordance with subparagraph (A)(iii)—

“(aa) in a manner that is consistent with the applicable travel management plan; and

“(bb) not later than 3 years after the date on which the applicable authorized restoration services project is completed; or”;

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

“(6) NATIONAL FOREST SYSTEM ROAD.—The term ‘National Forest System road’ has the meaning given the term in section 212.1 of

title 36, Code of Federal Regulations (as in effect on the date of enactment of the Good Neighbor Authority Improvement Act)."

TITLE III—FEDERAL LAND TRANSACTION FACILITATION REAUTHORIZATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Land Transaction Facilitation Act Reauthorization of 2018".

SEC. 302. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(1) (43 U.S.C. 2302(1)), by striking "cultural, or" and inserting "cultural, recreational access and use, or other";

(2) in section 203(2) (43 U.S.C. 2302(2))—

(A) in the matter preceding subparagraph (A), by striking "on the date of enactment of this Act was" and inserting "is";

(B) by amending subparagraph (A) to read as follows:

"(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, priority species and habitats designated in a land use plan in accordance with subpart E (entitled "Fish and Wildlife") of part I of Appendix C of Bureau of Land Management Land Use Planning Handbook H-1601-1 (Rel 1-1693), a special recreation management area, or a national natural landmark managed by the Bureau of Land Management;"; and

(C) by amending subparagraph (D) to read as follows:

"(D) a National Forest or National Grassland in the National Forest System; or";

(3) in section 203 (43 U.S.C. 2302), by inserting the following paragraph after section 203(2) and redesignating the following paragraphs accordingly:

"(3) INACCESSIBLE LANDS THAT ARE OPEN TO PUBLIC HUNTING, FISHING, RECREATIONAL SHOOTING, OR OTHER RECREATIONAL PURPOSES.—The term 'inaccessible lands that are open to public hunting, fishing, recreational shooting, or other recreational purposes' means public lands in Alaska and the eleven contiguous Western States (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) consisting of at least 640 contiguous acres on which the public is allowed under Federal or State law to hunt, fish, target shoot or use the land for other recreational purposes but—

"(A) to which there is no public access or egress; or

"(B) to which public access or egress to the land is significantly restricted, as determined by the Secretary."; and

(4) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking "section 206" and all that follows through the period and inserting the following: "section 206—

"(1) to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);

"(2) not later than 180 days after the date of the enactment of the Federal Land Transaction Facilitation Act Reauthorization of 2018, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and

"(3) to maintain the database referred to in paragraph (2)."; and

(B) by striking subsection (d);

(5) in section 206(c)(2) (43 U.S.C. 2305(c)(2))—

(A) in subparagraph(A)(i), by striking "inholdings; and" and inserting "inholdings;";

(B) in subparagraph (A)(ii), by striking "exceptional resources." and inserting "exceptional resources; or";

(C) in subparagraph (A), by inserting after clause (ii), "(iii) adjacent to inaccessible lands open to public hunting, fishing, recreational shooting, or other recreational purposes."; and

(D) by adding at the end the following:

"(E) Any funds made available under subparagraph (D) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange of land that generated the funds may be expended in any State.";

(6) in section 206(c)(3) (43 U.S.C. 2305(c)(3))—

(A) by inserting after subparagraph (A) the following:

"(B) the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities;"; and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D);

(7) by striking section 206(f) (43 U.S.C. 2305(f)); and

(8) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking "96-568" and inserting "96-566"; and

(ii) by striking "or" and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting "Public Law 105-263;" before "112 Stat."; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

"(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

"(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

"(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

"(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

"(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121)."

TITLE IV—EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

SEC. 401. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) FULL FUNDING AMOUNT.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act (16 U.S.C. 7102(11)) is amended—

(A) in subparagraph (B), by striking "and";

(B) in subparagraph (C)—

(i) by striking "and each fiscal year thereafter" and inserting "through fiscal year 2015"; and

(ii) by striking the period and inserting a semi-colon; and

(C) by adding at the end the following:

"(D) for fiscal year 2017, the amount that is equal to 95 percent of the full funding amount for fiscal year 2015; and

"(E) for fiscal year 2018 and each fiscal year thereafter, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year.".

(2) SECURE PAYMENTS.—

(A) IN GENERAL.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking "2015" each place it appears and inserting "2015, 2017, and 2018".

(B) SPECIAL RULE FOR FISCAL YEAR 2017 PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by adding at the end the following:

"(d) SPECIAL RULE FOR FISCAL YEAR 2017 PAYMENTS.—

"(1) STATE PAYMENT.—If an eligible county in a State that will receive a share of the State payment for fiscal year 2017 has already received, or will receive, a share of the 25-percent payment for fiscal year 2017 distributed to the State before the date of enactment of this subsection, the amount of the State payment shall be reduced by the amount of the share of the eligible county of the 25-percent payment.

"(2) COUNTY PAYMENT.—If an eligible county that will receive a county payment for fiscal year 2017 has already received a 50-percent payment for fiscal year 2017, the amount of the county payment shall be reduced by the amount of the 50-percent payment.

"(3) PROMPT PAYMENT.—Not later than 45 days after the date of enactment of this subsection, the Secretary of the Treasury shall make all payments under this title for fiscal year 2017.".

(3) PAYMENTS TO STATES AND COUNTIES.—

(A) ELECTION TO RECEIVE PAYMENT AMOUNT.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(i) in paragraph (1), by adding after subparagraph (C) the following:

"(D) PAYMENTS FOR FISCAL YEARS 2017 AND 2018.—The election otherwise required by subparagraph (A) shall not apply for fiscal years 2017 or 2018."; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting "and for fiscal years 2017 and 2018" after "2015"; and

(II) in subparagraph (B), by inserting "and for fiscal years 2017 and 2018" after "2015".

(B) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—Section 102(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)) is amended—

(i) in paragraph (1), by adding after subparagraph (E) the following:

"(F) PAYMENTS FOR FISCAL YEARS 2017 AND 2018.—The election made by an eligible county under subparagraph (B), (C), or (D) for fiscal year 2013, or deemed to be made by the county under paragraph (3)(B) for that fiscal year, shall be effective for fiscal years 2017 and 2018."; and

(ii) in paragraph (3)—

(I) in subparagraph (B)(ii), by striking "purpose described in section 202(b)" and inserting "purposes described in section 202(b), section 203(c), or section 204(a)(5)"; and

(II) by adding after subparagraph (C) the following:

"(D) PAYMENTS FOR FISCAL YEARS 2017 AND 2018.—This paragraph does not apply for fiscal years 2017 and 2018.".

(C) ELECTIONS AS TO ALLOCATION OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(i) in subparagraph (B)(ii), by striking "not more than 7 percent of the total share for the eligible county of the State payment or the county payment" and inserting "any portion of the balance"; and

(ii) by striking subparagraph (C) and inserting the following:

“(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which \$350,000 or more is distributed for any fiscal year pursuant to paragraph (1)(B) or (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

“(i) Reserve any portion of the balance for projects in accordance with title II.

“(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

“(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.”.

(D) TREATMENT AS SUPPLEMENTAL FUNDING.—Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) is amended by adding at the end the following:

“(f) TREATMENT AS SUPPLEMENTAL FUNDING.—

“(1) IN GENERAL.—None of the funds made available to an eligible county under this Act may be used in lieu of, or to otherwise offset, a State funding source for a local school, facility, or educational purpose.

“(2) CONTINUATION OF DIRECT PAYMENTS.—Payments to States made under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.) and 25-percent payments made to States and Territories under the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500), shall continue to be made as direct payments and not as Federal financial assistance.”.

(E) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “2015” and inserting “and for fiscal years 2017 and 2018”.

(b) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) REPEAL OF CONTRACTING PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(2) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking “2012” each place it appears and inserting “2018”.

(3) AVAILABILITY OF PROJECT FUNDS.—Section 207(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(d)(2)) is amended by striking “subparagraph (B)” and inserting “subparagraph (B)(i), (B)(ii).”.

(4) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking “2017” and inserting “2020”; and

(B) in subsection (b), by striking “2018” and inserting “2021”.

(c) TERMINATION OF AUTHORITY.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking “2017” and inserting “2020”; and

(2) in subsection (b), by striking “2018” and inserting “2021”.

SEC. 402. ADDITIONAL AUTHORIZED USE OF RESERVED FUNDS FOR TITLE III COUNTY PROJECTS.

Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (2)—

(A) by inserting “and law enforcement patrols” after “including firefighting”; and

(B) by striking “and” at the end;

(2) in paragraph (3), by inserting “and carry out” after “develop”; and

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and”.

TITLE V—STRATEGIC PETROLEUM RESERVE DRAWDOWN

SEC. 501. STRATEGIC PETROLEUM RESERVE DRAWDOWN.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell 10,000,000 barrels of crude oil from the Strategic Petroleum Reserve during the period of fiscal years 2020 through 2021.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary of Energy may not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) STRATEGIC PETROLEUM DRAWDOWN LIMITATIONS.—Section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)) is amended by striking “350,000,000” each place it appears and inserting “340,000,000”.

DIVISION P—RAY BAUM'S ACT OF 2018

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018” or the “RAY BAUM'S ACT of 2018”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Commission defined.

TITLE I—FCC REAUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Application and regulatory fees.

Sec. 103. Effective date.

TITLE II—APPLICATION OF ANTIDEFICIENCY ACT

Sec. 201. Application of Antideficiency Act to Universal Service Program.

TITLE III—SECURING ACCESS TO NETWORKS IN DISASTERS

Sec. 301. Study on network resiliency.

Sec. 302. Access to essential service providers during federally declared emergencies.

Sec. 303. Definitions.

TITLE IV—FCC CONSOLIDATED REPORTING

Sec. 401. Communications marketplace report.

Sec. 402. Consolidation of redundant reports; conforming amendments.

Sec. 403. Effect on authority.

Sec. 404. Other reports.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Independent Inspector General for FCC.

Sec. 502. Authority of Chief Information Officer.

Sec. 503. Spoofing prevention.

Sec. 504. Report on promoting broadband Internet access service for veterans.

Sec. 505. Methodology for collection of mobile service coverage data.

Sec. 506. Accuracy of dispatchable location for 9-1-1 calls.

Sec. 507. NTIA study on interagency process following cybersecurity incidents.

Sec. 508. Tribal digital access.

Sec. 509. Terms of office and vacancies.

Sec. 510. Joint board recommendation.

Sec. 511. Disclaimer for press releases regarding notices of apparent liability.

Sec. 512. Reports related to spectrum auctions.

TITLE VI—MOBILE NOW

Sec. 601. Short title.

Sec. 602. Definitions.

Sec. 603. Identifying 255 megahertz.

Sec. 604. Millimeter wave spectrum.

Sec. 605. 3 gigahertz spectrum.

Sec. 606. Communications facilities deployment on Federal property.

Sec. 607. Broadband infrastructure deployment.

Sec. 608. Communications facilities installation.

Sec. 609. Reallocation incentives.

Sec. 610. Bidirectional sharing study.

Sec. 611. Unlicensed services in guard bands.

Sec. 612. Pre-auction funding.

Sec. 613. Immediate transfer of funds.

Sec. 614. Amendments to the Spectrum Pipeline Act of 2015.

Sec. 615. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.

Sec. 616. Rulemaking related to partitioning or disaggregating licenses.

Sec. 617. Unlicensed spectrum policy.

Sec. 618. National plan for unlicensed spectrum.

Sec. 619. Spectrum challenge prize.

Sec. 620. Wireless telecommunications tax and fee collection fairness.

Sec. 621. Rules of construction.

Sec. 622. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.

Sec. 623. No additional funds authorized.

SEC. 2. COMMISSION DEFINED.

In this division, the term “Commission” means the Federal Communications Commission.

TITLE I—FCC REAUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION.—There are authorized to be appropriated to the Commission to carry out the functions of the Commission \$333,118,000 for fiscal year 2019 and \$339,610,000 for fiscal year 2020.

“(b) OFFSETTING COLLECTIONS.—The sum appropriated in any fiscal year to carry out the activities described in subsection (a), to the extent and in the amounts provided for in Appropriations Acts, shall be derived from fees authorized by section 9.”.

(b) DEPOSITS OF BIDDERS TO BE DEPOSITED IN TREASURY.—Section 309(j)(8)(C) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—

(1) in the first sentence, by striking “an interest bearing account” and all that follows and inserting “the Treasury.”;

(2) in clause (i)—

(A) by striking “paid to the Treasury” and inserting “deposited in the general fund of the Treasury (where such deposits shall be used for the sole purpose of deficit reduction)”; and

(B) by striking the semicolon and inserting “; and”;

(3) in clause (ii), by striking “; and” and inserting “, and payments representing the return of such deposits shall not be subject to administrative offset under section 3716(c) of title 31, United States Code.”; and

(4) by striking clause (iii).

(c) **ELIMINATION OF DUPLICATIVE AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 710 of the Telecommunications Act of 1996 (Public Law 104-104) is repealed.

(2) **CONFORMING AMENDMENT.**—The table of contents in section 2 of such Act is amended by striking the item relating to section 710.

(d) **TRANSFER OF FUNDS.**—On the effective date described in section 103 of this title, any amounts in the account providing appropriations to carry out the functions of the Commission that were collected in excess of the amounts provided for in Appropriations Acts in any fiscal year prior to such date shall be transferred to the general fund of the Treasury of the United States for the sole purpose of deficit reduction.

SEC. 102. APPLICATION AND REGULATORY FEES.

(a) **APPLICATION FEES.**—Section 8 of the Communications Act of 1934 (47 U.S.C. 158) is amended to read as follows:

“SEC. 8. APPLICATION FEES.

“(a) **GENERAL AUTHORITY; ESTABLISHMENT OF SCHEDULE.**—The Commission shall assess and collect application fees at such rates as the Commission shall establish in a schedule of application fees to recover the costs of the Commission to process applications.

“(b) **ADJUSTMENT OF SCHEDULE.**—

“(1) **IN GENERAL.**—In every even-numbered year, the Commission shall review the schedule of application fees established under this section and, except as provided in paragraph (2), set a new amount for each fee in the schedule that is equal to the amount of the fee on the date when the fee was established or the date when the fee was last amended under subsection (c), whichever is later—

“(A) increased or decreased by the percentage change in the Consumer Price Index during the period beginning on such date and ending on the date of the review; and

“(B) rounded to the nearest \$5 increment.

“(2) **THRESHOLD FOR ADJUSTMENT.**—The Commission may not adjust a fee under paragraph (1) if—

“(A) in the case of a fee the current amount of which is less than \$200, the adjustment would result in a change in the current amount of less than \$10; or

“(B) in the case of a fee the current amount of which is \$200 or more, the adjustment would result in a change in the current amount of less than 5 percent.

“(3) **CURRENT AMOUNT DEFINED.**—In paragraph (2), the term ‘current amount’ means, with respect to a fee, the amount of the fee on the date when the fee was established, the date when the fee was last adjusted under paragraph (1), or the date when the fee was last amended under subsection (c), whichever is latest.

“(c) **AMENDMENTS TO SCHEDULE.**—In addition to the adjustments required by subsection (b), the Commission shall by rule amend the schedule of application fees established under this section if the Commission determines that the schedule requires amendment—

“(1) so that such fees reflect increases or decreases in the costs of processing applications at the Commission; or

“(2) so that such schedule reflects the consolidation or addition of new categories of applications.

“(d) **EXCEPTIONS.**—

“(1) **PARTIES TO WHICH FEES ARE NOT APPLICABLE.**—The application fees established under this section shall not be applicable to—

“(A) a governmental entity;

“(B) a nonprofit entity licensed in the Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, Public Safety, or Special Emergency Radio radio services; or

“(C) a noncommercial radio station or non-commercial television station.

“(2) **COST OF COLLECTION.**—If, in the judgment of the Commission, the cost of collecting an application fee established under this section would exceed the amount collected, the Commission may by rule eliminate such fee.

“(e) **DEPOSIT OF COLLECTIONS.**—Moneys received from application fees established under this section shall be deposited in the general fund of the Treasury.”

(b) **REGULATORY FEES.**—Section 9 of the Communications Act of 1934 (47 U.S.C. 159) is amended to read as follows:

“SEC. 9. REGULATORY FEES.

“(a) **GENERAL AUTHORITY.**—The Commission shall assess and collect regulatory fees to recover the costs of carrying out the activities described in section 6(a) only to the extent, and in the total amounts, provided for in Appropriations Acts.

“(b) **ESTABLISHMENT OF SCHEDULE.**—The Commission shall assess and collect regulatory fees at such rates as the Commission shall establish in a schedule of regulatory fees that will result in the collection, in each fiscal year, of an amount that can reasonably be expected to equal the amounts described in subsection (a) with respect to such fiscal year.

“(c) **ADJUSTMENT OF SCHEDULE.**—

“(1) **IN GENERAL.**—For each fiscal year, the Commission shall by rule adjust the schedule of regulatory fees established under this section to—

“(A) reflect unexpected increases or decreases in the number of units subject to the payment of such fees; and

“(B) result in the collection of the amount required by subsection (b).

“(2) **ROUNDING.**—In making adjustments under this subsection, the Commission may round fees to the nearest \$5 increment.

“(d) **AMENDMENTS TO SCHEDULE.**—In addition to the adjustments required by subsection (c), the Commission shall by rule amend the schedule of regulatory fees established under this section if the Commission determines that the schedule requires amendment so that such fees reflect the full-time equivalent number of employees within the bureaus and offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities. In making an amendment under this subsection, the Commission may not change the total amount of regulatory fees required by subsection (b) to be collected in a fiscal year.

“(e) **EXCEPTIONS.**—

“(1) **PARTIES TO WHICH FEES ARE NOT APPLICABLE.**—The regulatory fees established under this section shall not be applicable to—

“(A) a governmental entity or nonprofit entity;

“(B) an amateur radio operator licensee under part 97 of the Commission's rules (47 CFR part 97); or

“(C) a noncommercial radio station or non-commercial television station.

“(2) **COST OF COLLECTION.**—If, in the judgment of the Commission, the cost of collecting a regulatory fee established under this section from a party would exceed the amount collected from such party, the Commission may exempt such party from paying such fee.

“(f) **DEPOSIT OF COLLECTIONS.**—

“(1) **IN GENERAL.**—Amounts received from fees authorized by this section shall be deposited as an offsetting collection in, and credited to, the account through which funds are made available to carry out the activities described in section 6(a).

“(2) **DEPOSIT OF EXCESS COLLECTIONS.**—Any regulatory fees collected in excess of the total amount of fees provided for in Appropriations Acts for a fiscal year shall be deposited in the general fund of the Treasury of the United States for the sole purpose of deficit reduction.”

(c) **PROVISIONS APPLICABLE TO APPLICATION AND REGULATORY FEES.**—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 9 the following:

“SEC. 9A. PROVISIONS APPLICABLE TO APPLICATION AND REGULATORY FEES.

“(a) **JUDICIAL REVIEW PROHIBITED.**—Any adjustment or amendment to a schedule of fees under subsection (b) or (c) of section 9 is not subject to judicial review.

“(b) **NOTICE TO CONGRESS.**—The Commission shall transmit to Congress notification—

“(1) of any adjustment under section 8(b) or 9(c) immediately upon the adoption of such adjustment; and

“(2) of any amendment under section 8(c) or 9(d) not later than 90 days before the effective date of such amendment.

“(c) **ENFORCEMENT.**—

“(1) **PENALTIES FOR LATE PAYMENT.**—The Commission shall by rule prescribe an additional penalty for late payment of fees under section 8 or 9. Such additional penalty shall be 25 percent of the amount of the fee that was not paid in a timely manner.

“(2) **INTEREST ON UNPAID FEES AND PENALTIES.**—The Commission shall charge interest, at a rate determined under section 3717 of title 31, United States Code, on a fee under section 8 or 9 or an additional penalty under this subsection that is not paid in a timely manner. Such section 3717 shall not otherwise apply with respect to such a fee or penalty.

“(3) **DISMISSAL OF APPLICATIONS OR FILINGS.**—The Commission may dismiss any application or other filing for failure to pay in a timely manner any fee under section 8 or 9 or any interest or additional penalty under this subsection.

“(4) **REVOCATIONS.**—

“(A) **IN GENERAL.**—In addition to or in lieu of the penalties and dismissals authorized by this subsection, the Commission may revoke any instrument of authorization held by any licensee that has not paid in a timely manner a regulatory fee assessed under section 9 or any related interest or penalty.

“(B) **NOTICE.**—Revocation action may be taken by the Commission under this paragraph after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice shall provide the licensee at least 30 days to either pay the fee, interest, and any penalty or show cause why the fee, interest, or penalty does not apply to the licensee or should otherwise be waived or payment deferred.

“(C) **HEARING.**—

“(i) **GENERALLY NOT REQUIRED.**—A hearing is not required under this paragraph unless the licensee's response presents a substantial and material question of fact.

“(ii) **EVIDENCE AND BURDENS.**—In any case where a hearing is conducted under this paragraph, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee.

“(iii) COSTS.—Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing.

“(D) OPPORTUNITY TO PAY PRIOR TO REVOCATION.—Any Commission order adopted under this paragraph shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked.

“(E) FINALITY.—No order of revocation under this paragraph shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5).

“(d) WAIVER, REDUCTION, AND DEFERMENT.—The Commission may waive, reduce, or defer payment of a fee under section 8 or 9 or an interest charge or penalty under this section in any specific instance for good cause shown, where such action would promote the public interest.

“(e) PAYMENT RULES.—The Commission shall by rule permit payment—

“(1) in the case of fees under section 8 or 9 in large amounts, by installments; and

“(2) in the case of fees under section 8 or 9 in small amounts, in advance for a number of years not to exceed the term of the license held by the payor.

“(f) ACCOUNTING SYSTEM.—The Commission shall develop accounting systems necessary to make the amendments authorized by sections 8(c) and 9(d).”.

(d) TRANSITIONAL RULES.—

(1) APPLICATION FEES.—An application fee established under section 8 of the Communications Act of 1934, as such section is in effect on the day before the effective date described in section 103 of this title, shall remain in effect under section 8 of the Communications Act of 1934, as amended by subsection (a) of this section, until such time as the Commission adjusts or amends such fee under subsection (b) or (c) of such section 8, as so amended.

(2) REGULATORY FEES.—A regulatory fee established under section 9 of the Communications Act of 1934, as such section is in effect on the day before the effective date described in section 103 of this title, shall remain in effect under section 9 of the Communications Act of 1934, as amended by subsection (b) of this section, until such time as the Commission adjusts or amends such fee under subsection (c) or (d) of such section 9, as so amended.

(e) RULEMAKING TO AMEND SCHEDULE OF REGULATORY FEES.—

(1) IN GENERAL.—Not later than 1 year after the effective date described in section 103 of this title, the Commission shall complete a rulemaking proceeding under subsection (d) of section 9 of the Communications Act of 1934, as amended by subsection (b) of this section.

(2) REPORT TO CONGRESS.—If the Commission has not completed the rulemaking proceeding required by paragraph (1) by the date that is 6 months after the effective date described in section 103 of this title, the Commission shall submit to Congress a report on the progress of such rulemaking proceeding.

SEC. 103. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on October 1, 2018.

TITLE II—APPLICATION OF ANTIDEFICIENCY ACT

SEC. 201. APPLICATION OF ANTIDEFICIENCY ACT TO UNIVERSAL SERVICE PROGRAM.

Section 302 of Public Law 108–494 (118 Stat. 3998) is amended by striking “December 31, 2018” each place it appears and inserting “December 31, 2019”.

TITLE III—SECURING ACCESS TO NETWORKS IN DISASTERS

SEC. 301. STUDY ON NETWORK RESILIENCY.

Not later than 36 months after the date of enactment of this Act, the Commission shall submit to Congress, and make publicly available on the Commission’s website, a study on the public safety benefits and technical feasibility and cost of—

(1) making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9–1–1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable;

(2) the provision by non-telecommunications service provider-owned WiFi access points of public access to 9–1–1 services during times of emergency when mobile service is unavailable; and

(3) other alternative means of providing the public with access to 9–1–1 services during times of emergency when mobile service is unavailable.

SEC. 302. ACCESS TO ESSENTIAL SERVICE PROVIDERS DURING FEDERALLY DECLARED EMERGENCIES.

Section 427(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189e(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “telecommunications service” and inserting “wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service”;

(B) in subparagraph (E), by striking the semicolon and inserting “; or”;

(C) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively; and

(D) by adding at the end of the following:

“(B) is a tower owner or operator;”;

(2) by striking “(1) provides” and inserting “(1)(A) provides”.

SEC. 303. DEFINITIONS.

As used in this title—

(1) the term “mobile service” means commercial mobile service (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)) or commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401));

(2) the term “WiFi access point” means wireless Internet access using the standard designated as 802.11 or any variant thereof; and

(3) the term “times of emergency” means either an emergency as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), or an emergency as declared by the governor of a State or territory of the United States.

TITLE IV—FCC CONSOLIDATED REPORTING

SEC. 401. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.

“(a) IN GENERAL.—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

“(b) CONTENTS.—Each report required by subsection (a) shall—

“(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

“(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment;

“(3) assess whether laws, regulations, regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or foreign governments), or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services;

“(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3); and

“(5) describe the actions that the Commission has taken in pursuit of the agenda described pursuant to paragraph (4) in the previous report submitted under this section.

“(c) EXTENSION.—If the President designates a Commissioner as Chairman of the Commission during the last quarter of an even-numbered year, the portion of the report required by subsection (b)(4) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as an addendum during the first quarter of the following odd-numbered year.

“(d) SPECIAL REQUIREMENTS.—

“(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

“(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability.

“(3) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and regulatory barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).”.

SEC. 402. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat. 57) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109–34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Section 103(b)(1) of the Broadband Data Improvement Act (47 U.S.C. 1303(b)(1))

is amended by striking “the assessment and report” and all that follows through “Federal Communications Commission” and inserting “its report under section 13 of the Communications Act of 1934, the Federal Communications Commission”.

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—Section 623(k) of the Communications Act of 1934 (47 U.S.C. 543(k)) is amended—

(1) in paragraph (1), by striking “annually publish” and inserting “publish with its report under section 13”; and

(2) in the heading of paragraph (2), by striking “ANNUAL”.

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

(h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (1) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENT.—Section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) is amended by striking the last sentence.

(i) ADDITIONAL OUTDATED REPORTS.—The Communications Act of 1934 is further amended—

(1) in section 4—

(A) in subsection (b)(2)(B)(ii), by striking “and shall furnish notice of such action” and all that follows through “subject of the waiver”; and

(B) in subsection (g), by striking paragraph (2);

(2) in section 215—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(3) in section 227(e), by striking paragraph (4);

(4) in section 309(j)—

(A) by striking paragraph (12); and

(B) in paragraph (15)(C), by striking clause (iv);

(5) in section 331(b), by striking the last sentence;

(6) in section 336(e), by amending paragraph (4) to read as follows:

“(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.”;

(7) in section 339(c), by striking paragraph (1);

(8) in section 396—

(A) by striking subsection (i);

(B) in subsection (k)—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (3)(B)(iii), by striking subclause (V);

(C) in subsection (1)(1)(B), by striking “shall be included” and all that follows through “The audit report”; and

(D) by striking subsection (m);

(9) in section 398(b)(4), by striking the third sentence;

(10) in section 624A(b)(1)—

(A) by striking “REPORT; REGULATIONS” and inserting “REGULATIONS”;

(B) by striking “Within 1 year after” and all that follows through “on means of assuring” and inserting “The Commission shall issue such regulations as are necessary to assure”; and

(C) by striking “Within 180 days after” and all that follows through “to assure such compatibility.”; and

(11) in section 713, by striking subsection (a).

SEC. 403. EFFECT ON AUTHORITY.

Nothing in this title or the amendments made by this title shall be construed to expand or contract the authority of the Commission.

SEC. 404. OTHER REPORTS.

Nothing in this title or the amendments made by this title shall be construed to prohibit or otherwise prevent the Commission from producing any additional reports otherwise within the authority of the Commission.

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. INDEPENDENT INSPECTOR GENERAL FOR FCC.

(a) AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2), by striking “the Federal Communications Commission.”; and

(2) in section 12—

(A) in paragraph (1), by inserting “, the Federal Communications Commission,” after “the Chairman of the Nuclear Regulatory Commission”; and

(B) in paragraph (2), by inserting “the Federal Communications Commission,” after “the Environmental Protection Agency.”.

(b) TRANSITION RULE.—An individual serving as Inspector General of the Commission on the date of the enactment of this Act pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(1) may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Commission consistent with the amendments made by subsection (a); and

(2) shall, while serving under paragraph (1), remain subject to the provisions of section 8G of such Act which, immediately before the date of the enactment of this Act, applied with respect to the Inspector General of the Commission and suffer no reduction in pay.

SEC. 502. AUTHORITY OF CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—The Commission shall ensure that the Chief Information Officer of the Commission has a significant role in—

(1) the decision-making process for annual and multi-year planning, programming, budgeting, and execution decisions, related reporting requirements, and reports related to information technology;

(2) the management, governance, and oversight processes related to information technology; and

(3) the hiring of personnel with information technology responsibilities.

(b) CIO APPROVAL.—The Chief Information Officer of the Commission, in consultation with the Chief Financial Officer of the Commission and budget officials, shall specify and approve the allocation of amounts appropriated to the Commission for information technology, consistent with the provisions of appropriations Acts, budget guidelines, and recommendations from the Director of the Office of Management and Budget.

SEC. 503. SPOOFING PREVENTION.

(a) EXPANDING AND CLARIFYING PROHIBITION ON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in connection with any telecommunications service or IP-enabled voice service” and inserting “or any person outside the United States if the recipient is within the United States, in connection with any voice service or text messaging service”.

(2) COVERAGE OF TEXT MESSAGES AND VOICE SERVICES.—Section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

(A) in subparagraph (A), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”;

(B) in the first sentence of subparagraph (B), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”; and

(C) by striking subparagraph (C) and inserting the following:

“(C) TEXT MESSAGE.—The term ‘text message’—

“(i) means a message consisting of text, images, sounds, or other information that is transmitted to or from a device that is identified as the receiving or transmitting device by means of a 10-digit telephone number or N11 service code;

“(ii) includes a short message service (commonly referred to as ‘SMS’) message and a multimedia message service (commonly referred to as ‘MMS’) message; and

“(iii) does not include—

“(I) a real-time, two-way voice or video communication; or

“(II) a message sent over an IP-enabled messaging service to another user of the same messaging service, except a message described in clause (ii).

“(D) TEXT MESSAGING SERVICE.—The term ‘text messaging service’ means a service that enables the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

“(E) VOICE SERVICE.—The term ‘voice service’—

“(i) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1); and

“(ii) includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.”.

(3) TECHNICAL AMENDMENT.—Section 227(e) of the Communications Act of 1934 (47 U.S.C. 227(e)) is amended in the heading by inserting “MISLEADING OR” before “INACCURATE”.

(4) REGULATIONS.—

(A) IN GENERAL.—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) is amended by striking “Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission” and inserting “The Commission”.

(B) DEADLINE.—The Commission shall prescribe regulations to implement the amendments made by this subsection not later than 18 months after the date of enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date on

which the Commission prescribes regulations under paragraph (4).

(b) **CONSUMER EDUCATION MATERIALS ON HOW TO AVOID SCAMS THAT RELY UPON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.**—

(1) **DEVELOPMENT OF MATERIALS.**—Not later than 1 year after the date of enactment of this Act, the Commission, in coordination with the Federal Trade Commission, shall develop consumer education materials that provide information about—

(A) ways for consumers to identify scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information; and

(B) existing technologies, if any, that a consumer can use to protect against such scams and other fraudulent activity.

(2) **CONTENTS.**—In developing the consumer education materials under paragraph (1), the Commission shall—

(A) identify existing technologies, if any, that can help consumers guard themselves against scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information, including—

(i) descriptions of how a consumer can use the technologies to protect against such scams and other fraudulent activity; and

(ii) details on how consumers can access and use the technologies; and

(B) provide other information that may help consumers identify and avoid scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information.

(3) **UPDATES.**—The Commission shall ensure that the consumer education materials required under paragraph (1) are updated on a regular basis.

(4) **WEBSITE.**—The Commission shall include the consumer education materials developed under paragraph (1) on its website.

(c) **GAO REPORT ON COMBATING THE FRAUDULENT PROVISION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the actions the Commission and the Federal Trade Commission have taken to combat the fraudulent provision of misleading or inaccurate caller identification information, and the additional measures that could be taken to combat such activity.

(2) **REQUIRED CONSIDERATIONS.**—In conducting the study under paragraph (1), the Comptroller General shall examine—

(A) trends in the types of scams that rely on misleading or inaccurate caller identification information;

(B) previous and current enforcement actions by the Commission and the Federal Trade Commission to combat the practices prohibited by section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1));

(C) current efforts by industry groups and other entities to develop technical standards to deter or prevent the fraudulent provision of misleading or inaccurate caller identification information, and how such standards may help combat the current and future provision of misleading or inaccurate caller identification information; and

(D) whether there are additional actions the Commission, the Federal Trade Commission, and Congress should take to combat the fraudulent provision of misleading or inaccurate caller identification information.

(3) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the

study under paragraph (1), including any recommendations regarding combating the fraudulent provision of misleading or inaccurate caller identification information.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section, or the amendments made by this section, shall be construed to modify, limit, or otherwise affect any rule or order adopted by the Commission in connection with—

(1) the Telephone Consumer Protection Act of 1991 (Public Law 102-243; 105 Stat. 2394) or the amendments made by that Act; or

(2) the CAN-SPAM Act of 2003 (15 U.S.C. 7701 et seq.).

SEC. 504. REPORT ON PROMOTING BROADBAND INTERNET ACCESS SERVICE FOR VETERANS.

(a) **VETERAN DEFINED.**—In this section, the term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(b) **REPORT REQUIRED.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on promoting broadband Internet access service for veterans, in particular low-income veterans and veterans residing in rural areas. In such report, the Commission shall—

(1) examine such access and how to promote such access; and

(2) provide findings and recommendations for Congress with respect to such access and how to promote such access.

(c) **PUBLIC NOTICE AND OPPORTUNITY TO COMMENT.**—In preparing the report required by subsection (b), the Commission shall provide the public with notice and an opportunity to comment on broadband Internet access service for veterans, in particular low-income veterans and veterans residing in rural areas, and how to promote such access.

SEC. 505. METHODOLOGY FOR COLLECTION OF MOBILE SERVICE COVERAGE DATA.

(a) **DEFINITIONS.**—In this section—

(1) the term “commercial mobile data service” has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401);

(2) the term “commercial mobile service” has the meaning given the term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d));

(3) the term “coverage data” means, if commercial mobile service or commercial mobile data service is available, general information about the service, which may include available speed tiers, radio frequency signal levels, and network and performance characteristics; and

(4) the term “Universal Service program” means the universal service support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) and the regulations issued under that section.

(b) **METHODOLOGY ESTABLISHED.**—Not later than 180 days after the conclusion of the Mobility Fund Phase II Auction, the Commission shall promulgate regulations to establish a methodology that shall apply to the collection of coverage data by the Commission for the purposes of—

(1) the Universal Service program; or

(2) any other similar program.

(c) **REQUIREMENTS.**—The methodology established under subsection (b) shall—

(1) contain standard definitions for different available technologies such as 2G, 3G, 4G, and 4G LTE;

(2) enhance the consistency and robustness of how the data are collected by different parties;

(3) improve the validity and reliability of coverage data; and

(4) increase the efficiency of coverage data collection.

SEC. 506. ACCURACY OF DISPATCHABLE LOCATION FOR 9-1-1 CALLS.

(a) **PROCEEDING REQUIRED.**—Not later than 18 months after the date of the enactment of this Act, the Commission shall conclude a proceeding to consider adopting rules to ensure that the dispatchable location is conveyed with a 9-1-1 call, regardless of the technological platform used and including with calls from multi-line telephone systems (as defined in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471)).

(b) **RELATIONSHIP TO OTHER PROCEEDINGS.**—In conducting the proceeding required by subsection (a), the Commission may consider information and conclusions from other Commission proceedings regarding the accuracy of the dispatchable location for a 9-1-1 call, but nothing in this section shall be construed to require the Commission to reconsider any information or conclusion from a proceeding regarding the accuracy of the dispatchable location for a 9-1-1 call in which the Commission has adopted rules or issued an order before the date of the enactment of this Act.

(c) **DEFINITIONS.**—In this section:

(1) **9-1-1 CALL.**—The term “9-1-1 call” means a voice call that is placed, or a message that is sent by other means of communication, to a public safety answering point (as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222)) for the purpose of requesting emergency services.

(2) **DISPATCHABLE LOCATION.**—The term “dispatchable location” means the street address of the calling party, and additional information such as room number, floor number, or similar information necessary to adequately identify the location of the calling party.

SEC. 507. NTIA STUDY ON INTERAGENCY PROCESS FOLLOWING CYBERSECURITY INCIDENTS.

(a) **IN GENERAL.**—The Assistant Secretary of Commerce for Communications and Information shall complete a study on how the National Telecommunications and Information Administration can best coordinate the interagency process following cybersecurity incidents.

(b) **REPORT TO CONGRESS.**—Not later than 18 months after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the findings and recommendations of the study conducted under subsection (a).

SEC. 508. TRIBAL DIGITAL ACCESS.

(a) **TRIBAL BROADBAND DATA REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating broadband coverage in Indian country (as defined in section 1151 of title 18, United States Code) and on land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act.

(2) **REQUIRED ASSESSMENTS.**—The report required by paragraph (1) shall include the following:

(A) An assessment of areas of Indian country (as so defined) and land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act that have adequate broadband coverage.

(B) An assessment of unserved areas of Indian country (as so defined) and land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act.

(b) **TRIBAL BROADBAND PROCEEDING.**—Not later than 30 months after the date of the enactment of this Act, the Commission shall

complete a proceeding to address the unserved areas identified in the report under subsection (a).

SEC. 509. TERMS OF OFFICE AND VACANCIES.

Section 4(c) of the Communications Act of 1934 (47 U.S.C. 154(c)) is amended to read as follows:

“(c)(1) A commissioner—

“(A) shall be appointed for a term of 5 years;

“(B) except as provided in subparagraph (C), may continue to serve after the expiration of the fixed term of office of the commissioner until a successor is appointed and has been confirmed and taken the oath of office; and

“(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner.

“(2) Any person chosen to fill a vacancy in the Commission—

“(A) shall be appointed for the unexpired term of the commissioner that the person succeeds;

“(B) except as provided in subparagraph (C), may continue to serve after the expiration of the fixed term of office of the commissioner that the person succeeds until a successor is appointed and has been confirmed and taken the oath of office; and

“(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner that the person succeeds.

“(3) No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.”.

SEC. 510. JOINT BOARD RECOMMENDATION.

The Commission may not modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004, recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

SEC. 511. DISCLAIMER FOR PRESS RELEASES REGARDING NOTICES OF APPARENT LIABILITY.

The Commission shall include in any press release regarding the issuance of a notice of apparent liability under section 503(b)(4) of the Communications Act of 1934 (47 U.S.C. 503(b)(4)) a disclaimer informing consumers that—

(1) the issuance of a notice of apparent liability should be treated only as allegations; and

(2) the amount of any forfeiture penalty proposed in a notice of apparent liability represents the maximum penalty that the Commission may impose for the violations alleged in the notice of apparent liability.

SEC. 512. REPORTS RELATED TO SPECTRUM AUCTIONS.

(a) **ESTIMATE OF UPCOMING AUCTIONS.**—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following:

“(18) **ESTIMATE OF UPCOMING AUCTIONS.**—

“(A) Not later than September 30, 2018, and annually thereafter, the Commission shall make publicly available an estimate of what systems of competitive bidding authorized under this subsection may be initiated during the upcoming 12-month period.

“(B) The estimate under subparagraph (A) shall, to the extent possible, identify the bands of frequencies the Commission expects to be included in each such system of competitive bidding.”.

(b) **AUCTION EXPENDITURE JUSTIFICATION REPORT.**—Not later than April 1, 2019, and annually thereafter, the Commission shall

provide to the appropriate committees of Congress a report containing a detailed justification for the use of proceeds retained by the Commission under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) for the costs of developing and implementing the program required by section 309(j) of that Act.

(c) **DEFINITION.**—For purposes of this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

TITLE VI—MOBILE NOW

SEC. 601. SHORT TITLE.

This title may be cited as the “Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act” or the “MOBILE NOW Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) each committee of the Senate or of the House of Representatives with jurisdiction over a Federal entity affected by the applicable section in which the term appears.

(2) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(3) **FEDERAL ENTITY.**—The term “Federal entity” has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(4) **NTIA.**—The term “NTIA” means the National Telecommunications and Information Administration of the Department of Commerce.

(5) **OMB.**—The term “OMB” means the Office of Management and Budget.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

SEC. 603. IDENTIFYING 255 MEGAHERTZ.

(a) **REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than December 31, 2022, the Secretary, working through the NTIA, and the Commission shall identify a total of at least 255 megahertz of Federal and non-Federal spectrum for mobile and fixed wireless broadband use.

(2) **UNLICENSED AND LICENSED USE.**—Of the spectrum identified under paragraph (1), not less than—

(A) 100 megahertz below the frequency of 8000 megahertz shall be identified for use on an unlicensed basis;

(B) 100 megahertz below the frequency of 6000 megahertz shall be identified for use on an exclusive, licensed basis for commercial mobile use, pursuant to the Commission’s authority to implement such licensing in a flexible manner, and subject to potential continued use of such spectrum by incumbent Federal entities in designated geographic areas indefinitely or for such length of time stipulated in transition plans approved by the Technical Panel under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) for those incumbent entities to be relocated to alternate spectrum; and

(C) 55 megahertz below the frequency of 8000 megahertz shall be identified for use on

either a licensed or unlicensed basis, or a combination of licensed and unlicensed.

(3) **NON-ELIGIBLE SPECTRUM.**—For purposes of satisfying the requirement under paragraph (1), the following spectrum shall not be counted:

(A) The frequencies between 1695 and 1710 megahertz.

(B) The frequencies between 1755 and 1780 megahertz.

(C) The frequencies between 2155 and 2180 megahertz.

(D) The frequencies between 3550 and 3700 megahertz.

(E) Spectrum that the Commission determines had more than de minimis mobile or fixed wireless broadband operations within the band on the day before the date of enactment of this Act.

(4) **TREATMENT OF CERTAIN OTHER SPECTRUM.**—Spectrum identified pursuant to this section may include eligible spectrum, if any, identified after the date of enactment of this Act pursuant to title X of the Bipartisan Budget Act of 2015 (Public Law 114-74).

(5) **SPECTRUM MADE AVAILABLE ON AND AFTER FEBRUARY 11, 2016.**—Any spectrum that has been made available for licensed or unlicensed use on and after February 11, 2016, and that otherwise satisfies the requirements of this section may be counted towards the requirements of this subsection.

(6) **RELOCATION PRIORITIZED OVER SHARING.**—This section shall be carried out in accordance with section 113(j) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(j)).

(7) **CONSIDERATIONS.**—In identifying spectrum for use under this section, the Secretary, working through the NTIA, and Commission shall consider—

(A) the need to preserve critical existing and planned Federal Government capabilities;

(B) the impact on existing State, local, and tribal government capabilities;

(C) the international implications;

(D) the need for appropriate enforcement mechanisms and authorities; and

(E) the importance of the deployment of wireless broadband services in rural areas of the United States.

(b) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals;

(2) to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security; or

(3) to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000, or any other relevant statutory requirement applicable to the reallocation of Federal spectrum.

SEC. 604. MILLIMETER WAVE SPECTRUM.

(a) **FCC PROCEEDING.**—Not later than 2 years after the date of enactment of this Act, the Commission shall publish a notice of proposed rulemaking to consider service rules to authorize mobile or fixed terrestrial wireless operations, including for advanced mobile service operations, in the radio frequency band between 42000 and 42500 megahertz.

(b) **CONSIDERATIONS.**—In conducting a rulemaking under subsection (a), the Commission shall—

(1) consider how the band described in subsection (a) may be used to provide commercial wireless broadband service, including whether—

(A) such spectrum may be best used for licensed or unlicensed services, or some combination thereof; and

(B) to permit additional licensed operations in such band on a shared basis; and

(2) include technical characteristics under which the band described in subsection (a) may be employed for mobile or fixed terrestrial wireless operations, including any appropriate coexistence requirements.

(C) SPECTRUM MADE AVAILABLE ON AND AFTER FEBRUARY 11, 2016.—Any spectrum that has been made available for licensed or unlicensed use on or after February 11, 2016, and that otherwise satisfies the requirements of section 603 of this title may be counted towards the requirements of section 603(a) of this title.

SEC. 605. 3 GIGAHERTZ SPECTRUM.

(a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGAHERTZ.—Not later than 24 months after the date of enactment of this Act, and in consultation with the Commission and the head of each affected Federal agency (or a designee thereof), the Secretary, working through the NTIA, shall submit to the Commission and the appropriate committees of Congress a report evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to share use of the frequencies between 3100 megahertz and 3550 megahertz.

(b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGAHERTZ.—Not later than 18 months after the date of enactment of this Act, after notice and an opportunity for public comment, and in consultation with the Secretary, working through the NTIA, and the head of each affected Federal agency (or a designee thereof), the Commission shall submit to the Secretary and the appropriate committees of Congress a report evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to use or share use of the frequencies between 3700 megahertz and 4200 megahertz.

(c) REQUIREMENTS.—A report under subsection (a) or (b) shall include the following:

(1) An assessment of the operations of Federal entities that operate Federal Government stations authorized to use the frequencies described in that subsection.

(2) An assessment of the possible impacts of such sharing on Federal and non-Federal users already operating on the frequencies described in that subsection.

(3) The criteria that may be necessary to ensure shared licensed or unlicensed services would not cause harmful interference to Federal or non-Federal users already operating in the frequencies described in that subsection.

(4) If such sharing is feasible, an identification of which of the frequencies described in that subsection are most suitable for sharing with commercial wireless services through the assignment of new licenses by competitive bidding, for sharing with unlicensed operations, or through a combination of licensing and unlicensed operations.

(d) COMMISSION ACTION.—The Commission, in consultation with the NTIA, shall seek public comment on the reports required under subsections (a) and (b), including regarding the bands identified in such report as feasible pursuant to subsection (c)(4).

SEC. 606. COMMUNICATIONS FACILITIES DEPLOYMENT ON FEDERAL PROPERTY.

(a) IN GENERAL.—Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) is amended by striking subsections (b), (c), and (d) and inserting the following:

“(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND LEASES.—

“(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement, right-of-way, or lease to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a communications facility installation, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, subject to paragraph (3), an easement, right-of-way, or lease to perform such installation, construction, modification, or maintenance.

“(2) APPLICATION.—

“(A) IN GENERAL.—The Administrator of General Services shall develop a common form for applications for easements, rights-of-way, and leases under paragraph (1) for all executive agencies that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings or other property of each such agency.

“(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form developed by the Administrator of General Services shall not apply to an executive agency if the head of an executive agency notifies the Administrator that the executive agency uses a substantially similar application.

“(3) TIMELY CONSIDERATION OF APPLICATIONS.—

“(A) IN GENERAL.—Not later than 270 days after the date on which an executive agency receives a duly filed application for an easement, right-of-way, or lease under this subsection, the executive agency shall—

“(i) grant or deny, on behalf of the Federal Government, the application; and

“(ii) notify the applicant of the grant or denial.

“(B) EXPLANATION OF DENIAL.—If an executive agency denies an application under subparagraph (A), the executive agency shall notify the applicant in writing, including a clear statement of the reasons for the denial.

“(C) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in this paragraph shall be construed to relieve an executive agency of the requirements of division A of subtitle III of title 54, United States Code, or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(D) POINT OF CONTACT.—Upon receiving an application under subparagraph (A), an executive agency shall designate one or more appropriate individuals within the executive agency to act as a point of contact with the applicant.

“(c) MASTER CONTRACTS FOR COMMUNICATIONS FACILITY INSTALLATION SITINGS.—

“(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 151) or any other provision of law, the Administrator of General Services shall—

“(A) develop one or more master contracts that shall govern the placement of communications facility installations on buildings and other property owned by the Federal Government; and

“(B) in developing the master contract or contracts, standardize the treatment of the placement of communications facility installations on building rooftops or facades, the placement of communications facility installations on rooftops or inside buildings, the technology used in connection with communications facility installations placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

“(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a communications facility installation on a specific building or other property warrant nonstandard treatment of such building or other property.

“(3) APPLICATION.—

“(A) IN GENERAL.—The Administrator of General Services shall develop a common form or set of forms for communications facility installation siting applications that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings and other property of each such agency.

“(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form or set of forms developed by the Administrator of General Services shall not apply to an executive agency if the head of the executive agency notifies the Administrator that the executive agency uses a substantially similar application.

“(d) DEFINITIONS.—In this section:

“(1) COMMUNICATIONS FACILITY INSTALLATION.—The term ‘communications facility installation’ includes—

“(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds; and

“(B) any antenna or apparatus that—

“(i) is designed for the purpose of emitting radio frequency;

“(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission or is using duly authorized devices that do not require individual licenses; and

“(iii) is added to a tower, building, or other structure.

“(2) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given such term in section 102 of title 40, United States Code.”.

(b) SAVINGS PROVISION.—An application for an easement, right-of-way, or lease that was made or granted under section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) before the date of enactment of this Act shall continue, subject to that section as in effect on the day before such date of enactment.

(c) STREAMLINING BROADBAND FACILITY APPLICATIONS.—

(1) DEFINITION OF COMMUNICATIONS FACILITY INSTALLATION.—In this subsection, the term “communications facility installation” has the meaning given the term in section 6409(d) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(d)), as amended by subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the NTIA, in coordination with the Department of the Interior, the Department of Agriculture, the Department of Defense, the Department of Transportation, OMB, and the General Services Administration, shall develop recommendations to streamline the process for considering applications by those agencies under section 6409(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)), as amended by subsection (a).

(B) REQUIREMENTS FOR RECOMMENDATIONS.—The recommendations developed under subparagraph (A) shall include—

(i) procedures for the tracking of applications described in subparagraph (A);

(ii) methods by which to reduce the amount of time between the receipt of an application and the issuance of a final decision on an application;

(iii) policies to expedite renewals of an easement, license, or other authorization to locate communications facility installations on land managed by the agencies described in subparagraph (A); and

(iv) policies that would prioritize or streamline a permit for construction in a previously-disturbed right-of-way.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date on which the recommendations required under subparagraph (A) are developed, the NTIA shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Oversight and Government Reform of the House of Representatives a report that describes—

(i) the status of the implementation of the recommendations developed under subparagraph (A); and

(ii) any improvements to the process for considering applications described in subparagraph (A) that have resulted from those recommendations, including in particular the speed at which such applications are reviewed and a final determination is issued.

(d) ADDITIONAL SAVINGS PROVISIONS.—

(1) REAL PROPERTY AUTHORITIES.—Nothing in this section, or the amendments made by this section, shall be construed as providing any executive agency with any new leasing or other real property authorities not existing prior to the date of enactment of this Act.

(2) EFFECT ON OTHER LAWS.—Nothing in this section, or the amendments made by this section, and no actions taken pursuant to this section, or the amendments made by this section, shall impact a decision or determination by any executive agency to sell, dispose of, declare excess or surplus, lease, reuse, or redevelop any Federal real property pursuant to title 40, United States Code, the Federal Assets Sale and Transfer Act of 2016 (Public Law 114-287), or any other law governing real property activities of the Federal Government. No agreement entered into pursuant to this section, or the amendments made by this section, may obligate the Federal Government to hold, control, or otherwise retain or use real property that may otherwise be deemed as excess, surplus, or that could be otherwise sold, leased, or redeveloped.

SEC. 607. BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE STATE AGENCY.—The term “appropriate State agency” means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and carry out projects relating to the proper and effective installation and operation of broadband infrastructure.

(2) BROADBAND INFRASTRUCTURE.—The term “broadband infrastructure” means any buried, underground, or aerial facility, and any wireless or wireline connection, that enables users to send and receive voice, video, data, graphics, or any combination thereof.

(3) BROADBAND INFRASTRUCTURE ENTITY.—The term “broadband infrastructure entity” means any entity that—

(A) installs, owns, or operates broadband infrastructure; and

(B) provides broadband services in a manner consistent with the public interest, convenience, and necessity, as determined by the State.

(4) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(b) BROADBAND INFRASTRUCTURE DEPLOYMENT.—To facilitate the installation of broadband infrastructure, the Secretary of Transportation shall promulgate regulations to ensure that each State that receives funds under chapter 1 of title 23, United States Code, meets the following requirements:

(1) BROADBAND CONSULTATION.—The State department of transportation, in consultation with appropriate State agencies, shall—

(A) identify a broadband utility coordinator, that may have additional responsibilities, whether in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State;

(B) establish a process for the registration of broadband infrastructure entities that seek to be included in those broadband infrastructure right-of-way facilitation efforts within the State;

(C) establish a process to electronically notify broadband infrastructure entities identified under subparagraph (B) of the State transportation improvement program on an annual basis and provide additional notifications as necessary to achieve the goals of this section; and

(D) coordinate initiatives carried out under this section with other statewide telecommunication and broadband plans and State and local transportation and land use plans, including strategies to minimize repeated excavations that involve the installation of broadband infrastructure in a right-of-way.

(2) PRIORITY.—If a State chooses to provide for the installation of broadband infrastructure in the right-of-way of an applicable Federal-aid highway project under this subsection, the State department of transportation shall carry out any appropriate measures to ensure that any existing broadband infrastructure entities are not disadvantaged, as compared to other broadband infrastructure entities, with respect to the program under this subsection.

(c) EFFECT OF SECTION.—This section applies only to activities for which Federal obligations or expenditures are initially approved on or after the date regulations under subsection (b) become effective. Nothing in this section establishes a mandate or requirement that a State install or allow the installation of broadband infrastructure in a highway right-of-way. Nothing in this section authorizes the Secretary of Transportation to withhold or reserve funds or approval of a project under title 23, United States Code.

SEC. 608. COMMUNICATIONS FACILITIES INSTALLATION.

(a) IN GENERAL.—Section 21 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note) is amended—

(1) in subsection (b), by adding at the end the following:

“(8) The ability of the Federal real property to support a communications facility installation.”; and

(2) by adding at the end the following:

“(f) DEFINITION OF COMMUNICATIONS FACILITY INSTALLATION.—In this section, the term

“communications facility installation” means—

“(1) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of any kind; and

“(2) any antenna or apparatus that—

“(A) is designed for the purpose of emitting radio frequency;

“(B) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission or is using duly authorized devices that do not require individual licenses; and

“(C) is added to a tower, building, or other structure.”.

(b) PUBLIC COMMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of General Services shall issue a notice for public comment regarding the inclusion of a communications facility installation under section 21 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note), as amended by subsection (a) of this section.

(2) CONTENTS.—In seeking public comment under paragraph (1), the Administrator shall include a request for recommendations on—

(A) the criteria that make Federal real property capable of supporting communications facility installations;

(B) the types of information related to the Federal real property that should be included in the database; and

(C) other matters that the Administrator determines necessary.

(c) PROVISION OF INFORMATION.—

(1) IN GENERAL.—Not later than 90 days after the period for public comment under subsection (b)(1) ends, the Administrator of General Services shall notify the head of each Executive agency of the manner and format for submitting such information as the Administrator determines appropriate to the database established under section 21 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note), as amended by subsection (a) of this section.

(2) SUBMISSION.—Not later than 90 days after the date of the notification under paragraph (1), the head of an Executive agency shall submit the information required under paragraph (1).

(d) STATE AND LOCAL GOVERNMENTS.—

(1) IN GENERAL.—The Administrator of General Services, in consultation with the Chairman of the Commission, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, and the Director of OMB, shall study—

(A) how to incentivize State and local governments to provide the Administrator with information, similar to the information required under subsection (c)(1), for inclusion in the database described in that subsection; and

(B) the feasibility of establishing or operating a database to which State and local governments can voluntarily submit such information.

(2) REPORT ON INCENTIVIZING PARTICIPATION BY STATE AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of General Services, in consultation with the Chairman of the Commission, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, and the Director of OMB,

shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on Oversight and Government Reform of the House of Representatives a report on the findings of the study under paragraph (1), including recommendations, if any, consistent with this section.

(B) **CONSIDERATIONS.**—The Administrator of General Services, in preparing the report under subparagraph (A), shall—

(i) consult with State and local governments, or their representatives, to identify for inclusion in the report the most cost-effective options for State and local governments to collect and provide the information described in paragraph (1), including utilizing and leveraging State broadband initiatives and programs; and

(ii) make recommendations on ways the Federal Government can assist State and local governments in collecting and providing the information described in paragraph (1).

(e) **SAVINGS PROVISIONS.**—

(1) **REAL PROPERTY AUTHORITIES.**—Nothing in this section, or an amendment made by this section, shall be construed as providing any Executive agency with any new leasing or other real property authority that did not exist prior to the date of enactment of this Act.

(2) **EFFECT ON OTHER LAWS.**—Nothing in this section, or an amendment made by this section, and no information submitted pursuant to this section, or pursuant to an amendment made by this section, shall be used to prevent or otherwise restrict a decision or determination by any Executive agency to sell, dispose of, declare excess or surplus, lease, reuse or redevelop any Federal real property pursuant to—

(A) title 40 of the United States Code;

(B) the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note); or

(C) any other law governing real property activities of the Federal Government.

SEC. 609. REALLOCATION INCENTIVES.

(a) **IN GENERAL.**—Not later than 24 months after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information, in consultation with the Commission, the Director of OMB, and the head of each affected Federal agency (or a designee thereof), after notice and an opportunity for public comment, shall submit to the appropriate committees of Congress a report that includes legislative or regulatory recommendations to incentivize a Federal entity to relinquish, or share with Federal or non-Federal users, Federal spectrum for the purpose of allowing commercial wireless broadband services to operate on that Federal spectrum.

(b) **POST-AUCTION PAYMENTS.**—

(1) **REPORT.**—In preparing the report under subsection (a), the Assistant Secretary of Commerce for Communications and Information shall—

(A) consider whether permitting eligible Federal entities that are implementing a transition plan submitted under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) to accept payments could result in access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use sooner than would otherwise occur without such payments; and

(B) include the findings under subparagraph (A), including the analysis under paragraph (2) and any recommendations for legislation, in the report.

(2) **ANALYSIS.**—In considering payments under paragraph (1)(A), the Assistant Secretary of Commerce for Communications and Information shall conduct an analysis of whether and how such payments would affect—

(A) bidding in auctions conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of such eligible frequencies; and

(B) receipts collected from the auctions described in subparagraph (A).

(3) **DEFINITIONS.**—In this subsection:

(A) **PAYMENT.**—The term “payment” means a payment in cash or in-kind by any auction winner, or any person affiliated with an auction winner, of eligible frequencies during the period after eligible frequencies have been reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but prior to the completion of relocation or sharing transition plans approved by the Technical Panel.

(B) **ELIGIBLE FREQUENCIES.**—The term “eligible frequencies” has the meaning given the term in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)).

SEC. 610. BIDIRECTIONAL SHARING STUDY.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, including an opportunity for public comment, the Commission, in collaboration with the NTIA, shall—

(1) conduct a bidirectional sharing study to determine the best means of providing Federal entities flexible access to non-Federal spectrum on a shared basis across a range of short-, mid-, and long-range timeframes, including for intermittent purposes like emergency use; and

(2) submit to Congress a report on the study under paragraph (1), including any recommendations for legislation or proposed regulations.

(b) **CONSIDERATIONS.**—In conducting the study under subsection (a), the Commission shall—

(1) consider the regulatory certainty that commercial spectrum users and Federal entities need to make longer-term investment decisions for shared access to be viable; and

(2) evaluate any barriers to voluntary commercial arrangements in which non-Federal users could provide access to Federal entities.

SEC. 611. UNLICENSED SERVICES IN GUARD BANDS.

(a) **IN GENERAL.**—After public notice and comment, and in consultation with the Assistant Secretary of Commerce for Communications and Information and the head of each affected Federal agency (or a designee thereof), with respect to frequencies allocated for Federal use, the Commission shall adopt rules that permit unlicensed services where feasible to use any frequencies that are designated as guard bands to protect frequencies allocated after the date of enactment of this Act by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), including spectrum that acts as a duplex gap between transmit and receive frequencies.

(b) **LIMITATION.**—The Commission may not permit any use of a guard band under this section that would cause harmful interference to a licensed service or a Federal service.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as limiting the Commission or the Assistant Secretary of Commerce for Communications and Information from otherwise making spectrum available for licensed or unlicensed use in

any frequency band in addition to guard bands, including under section 603 of this title, consistent with their statutory jurisdictions.

SEC. 612. PRE-AUCTION FUNDING.

Section 118(d)(3)(B)(i)(II) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by striking “5 years” and inserting “8 years”.

SEC. 613. IMMEDIATE TRANSFER OF FUNDS.

Section 118(e)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)(1)) is amended by adding at the end the following:

“(D) At the request of an eligible Federal entity, the Director of the Office of Management and Budget (in this subsection referred to as ‘OMB’) may transfer the amount under subparagraph (A) immediately—

“(i) after the frequencies are reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

“(ii) in the case of an incumbent Federal entity that is incurring relocation or sharing costs to accommodate sharing spectrum frequencies with another Federal entity, after the frequencies from which the other eligible Federal entity is relocating are reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), without regard to the availability of such sums in the Fund.

“(E) Prior to the deposit of proceeds into the Fund from an auction, the Director of OMB may borrow from the Treasury the amount under subparagraph (A) for a transfer under subparagraph (D). The Treasury shall immediately be reimbursed, without interest, from funds deposited into the Fund.”.

SEC. 614. AMENDMENTS TO THE SPECTRUM PIPELINE ACT OF 2015.

Section 1008 of the Spectrum Pipeline Act of 2015 (Public Law 114-74; 129 Stat. 584) is amended in the matter preceding paragraph (1) by inserting “, after notice and an opportunity for public comment,” after “the Commission”.

SEC. 615. GAO ASSESSMENT OF UNLICENSED SPECTRUM AND WI-FI USE IN LOW-INCOME NEIGHBORHOODS.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study to evaluate the availability of broadband Internet access using unlicensed spectrum and wireless networks in low-income neighborhoods.

(2) **REQUIREMENTS.**—In conducting the study under paragraph (1), the Comptroller General shall consider and evaluate—

(A) the availability of wireless Internet hot spots and access to unlicensed spectrum in low-income neighborhoods, particularly for elementary and secondary school-aged children in such neighborhoods;

(B) any barriers preventing or limiting the deployment and use of wireless networks in low-income neighborhoods;

(C) how to overcome any barriers described in subparagraph (B), including through incentives, policies, or requirements that would increase the availability of unlicensed spectrum and related technologies in low-income neighborhoods; and

(D) how to encourage home broadband adoption by households with elementary and secondary school-age children that are in low-income neighborhoods.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on

Energy and Commerce of the House of Representatives a report that—

- (1) summarizes the findings of the study conducted under subsection (a); and
- (2) makes recommendations with respect to potential incentives, policies, and requirements that could help achieve the goals described in subparagraphs (C) and (D) of subsection (a)(2).

SEC. 616. RULEMAKING RELATED TO PARTITIONING OR DISAGGREGATING LICENSES.

(a) **DEFINITIONS.**—In this section:

(1) **COVERED SMALL CARRIER.**—The term “covered small carrier” means a carrier (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that—

(A) has not more than 1,500 employees (as determined under section 121.106 of title 13, Code of Federal Regulations, or any successor thereto); and

(B) offers services using the facilities of the carrier.

(2) **RURAL AREA.**—The term “rural area” means any area other than—

(A) a city, town, or incorporated area that has a population of more than 20,000 inhabitants; or

(B) an urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants.

(b) **RULEMAKING.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to assess whether to establish a program, or modify existing programs, under which a licensee that receives a license for the exclusive use of spectrum in a specific geographic area under section 301 of the Communications Act of 1934 (47 U.S.C. 301) may partition or disaggregate the license by sale or long-term lease—

(A) in order to—

(i) provide services consistent with the license; and

(ii) make unused spectrum available to—

(I) an unaffiliated covered small carrier; or

(II) an unaffiliated carrier to serve a rural area; and

(B) if the Commission finds that such a program would promote—

(i) the availability of advanced telecommunications services in rural areas; or

(ii) spectrum availability for covered small carriers.

(2) **CONSIDERATIONS.**—In conducting the rulemaking proceeding under paragraph (1), the Commission shall consider, with respect to the program proposed to be established under that paragraph—

(A) whether reduced performance requirements with respect to spectrum obtained through the program would facilitate deployment of advanced telecommunications services in the areas covered by the program;

(B) what conditions may be needed on transfers of spectrum under the program to allow covered small carriers that obtain spectrum under the program to build out the spectrum in a reasonable period of time;

(C) what incentives may be appropriate to encourage licensees to lease or sell spectrum, including—

(i) extending the term of a license granted under section 301 of the Communications Act of 1934 (47 U.S.C. 301); or

(ii) modifying performance requirements of the license relating to the leased or sold spectrum; and

(D) the administrative feasibility of—

(i) the incentives described in subparagraph (C); and

(ii) other incentives considered by the Commission that further the goals of this section.

(3) **FORFEITURE OF SPECTRUM.**—If a party fails to meet any build out requirements set

by the Commission for any spectrum sold or leased under this section, the right to the spectrum shall be forfeited to the Commission unless the Commission finds that there is good cause for the failure of the party.

(4) **REQUIREMENT.**—The Commission may offer a licensee incentives or reduced performance requirements under this section only if the Commission finds that doing so would likely result in increased availability of advanced telecommunications services in a rural area.

SEC. 617. UNLICENSED SPECTRUM POLICY.

(a) **STATEMENT OF POLICY.**—It is the policy of the United States—

(1) to maximize the benefit to the people of the United States of the spectrum resources of the United States;

(2) to advance innovation and investment in wireless broadband services; and

(3) to promote spectrum policy that makes available on an unlicensed basis radio frequency bands to address consumer demand for unlicensed wireless broadband operations.

(b) **COMMISSION RESPONSIBILITIES.**—The Commission shall ensure that the efforts of the Commission related to spectrum allocation and assignment made available on an unlicensed basis radio frequency bands to address demand for unlicensed wireless broadband operations if doing so is, after taking into account the future needs of homeland security, national security, and other spectrum users—

(1) reasonable; and

(2) in the public interest.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section confers any additional rights on unlicensed users or users licensed by rule under part 96 of title 47, Code of Federal Regulations, to protection from harmful interference.

SEC. 618. NATIONAL PLAN FOR UNLICENSED SPECTRUM.

(a) **DEFINITIONS.**—In this section:

(1) **SPECTRUM RELOCATION FUND.**—The term “Spectrum Relocation Fund” means the Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(2) **UNLICENSED OR LICENSED BY RULE OPERATIONS.**—The term “unlicensed or licensed by rule operations” means the use of spectrum on a non-exclusive basis under—

(A) part 15 of title 47, Code of Federal Regulations; or

(B) licensing by rule under part 96 of title 47, Code of Federal Regulations.

(b) **NATIONAL PLAN.**—Not later than 18 months after the date of enactment of this Act, the Commission, in consultation with the NTIA, shall develop a national plan for making additional radio frequency bands available for unlicensed or licensed by rule operations.

(c) **REQUIREMENTS.**—The plan developed under this section shall—

(1) identify an approach that ensures that consumers have access to additional spectrum to conduct unlicensed or licensed by rule operations in a range of radio frequencies to meet consumer demand;

(2) recommend specific actions by the Commission and the NTIA to permit unlicensed or licensed by rule operations in additional radio frequency ranges that the Commission finds—

(A) are consistent with the statement of policy under section 617(a) of this title;

(B) will—

(i) expand opportunities for unlicensed or licensed by rule operations in a spectrum band; or

(ii) otherwise improve spectrum utilization and intensity of use of bands where unli-

censed or licensed by rule operations are already permitted;

(C) will not cause harmful interference to Federal or non-Federal users of such bands; and

(D) will not significantly impact homeland security or national security communications systems; and

(3) examine additional ways, with respect to existing and planned databases or spectrum access systems designed to promote spectrum sharing and access to spectrum for unlicensed or licensed by rule operations—

(A) to improve accuracy and efficacy;

(B) to reduce burdens on consumers, manufacturers, and service providers; and

(C) to protect sensitive Government information.

(d) **SPECTRUM RELOCATION FUND.**—To be included as an appendix as part of the plan developed under this section, the NTIA, in consultation with the Director of the Office of Management and Budget, shall share with the Commission recommendations about how to reform the Spectrum Relocation Fund—

(1) to address costs incurred by Federal entities related to sharing radio frequency bands with radio technologies conducting unlicensed or licensed by rule operations; and

(2) to ensure the Spectrum Relocation Fund has sufficient funds to cover—

(A) the costs described in paragraph (1); and

(B) other expenditures allowed of the Spectrum Relocation Fund under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(e) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report that describes the plan developed under this section, including any recommendations for legislative change.

(2) **PUBLICATION ON COMMISSION WEBSITE.**—Not later than the date on which the Commission submits the report under paragraph (1), the Commission shall make the report publicly available on the website of the Commission.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section confers any additional rights on unlicensed users or users licensed by rule under part 96 of title 47, Code of Federal Regulations, to protection from harmful interference.

SEC. 619. SPECTRUM CHALLENGE PRIZE.

(a) **SHORT TITLE.**—This section may be cited as the “Spectrum Challenge Prize Act”.

(b) **DEFINITION OF PRIZE COMPETITION.**—In this section, the term “prize competition” means a prize competition conducted by the Secretary under subsection (c)(1).

(c) **SPECTRUM CHALLENGE PRIZE.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information and the Under Secretary of Commerce for Standards and Technology, shall, subject to the availability of funds for prize competitions under this section—

(A) conduct prize competitions to dramatically accelerate the development and commercialization of technology that improves spectrum efficiency and is capable of cost-effective deployment; and

(B) define a measurable set of performance goals for participants in the prize competitions to demonstrate their solutions on a level playing field while making a significant advancement over the current state of the art.

(2) **AUTHORITY OF SECRETARY.**—In carrying out paragraph (1), the Secretary may—

(A) enter into a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or nonprofit entity to administer the prize competitions;

(B) invite the Defense Advanced Research Projects Agency, the Commission, the National Aeronautics and Space Administration, the National Science Foundation, or any other Federal agency to provide advice and assistance in the design or administration of the prize competitions; and

(C) award not more than \$5,000,000, in the aggregate, to the winner or winners of the prize competitions.

(d) **CRITERIA.**—Not later than 180 days after the date on which funds for prize competitions are made available pursuant to this section, the Commission shall publish a technical paper on spectrum efficiency providing criteria that may be used for the design of the prize competitions.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 620. WIRELESS TELECOMMUNICATIONS TAX AND FEE COLLECTION FAIRNESS.

(a) **SHORT TITLE.**—This section may be cited as the “Wireless Telecommunications Tax and Fee Collection Fairness Act”.

(b) **DEFINITIONS.**—In this section:

(1) **FINANCIAL TRANSACTION.**—The term “financial transaction” means a transaction in which the purchaser or user of a wireless telecommunications service upon whom a tax, fee, or surcharge is imposed gives cash, credit, or any other exchange of monetary value or consideration to the person who is required to collect or remit the tax, fee, or surcharge.

(2) **LOCAL JURISDICTION.**—The term “local jurisdiction” means a political subdivision of a State.

(3) **STATE.**—The term “State” means any of the several States, the District of Columbia, and any territory or possession of the United States.

(4) **STATE OR LOCAL JURISDICTION.**—The term “State or local jurisdiction” includes any governmental entity or person acting on behalf of a State or local jurisdiction that has the authority to assess, impose, levy, or collect taxes or fees.

(5) **WIRELESS TELECOMMUNICATIONS SERVICE.**—The term “wireless telecommunications service” means a commercial mobile radio service, as defined in section 20.3 of title 47, Code of Federal Regulations, or any successor thereto.

(c) **FINANCIAL TRANSACTION REQUIREMENT.**—

(1) **IN GENERAL.**—A State, or a local jurisdiction of a State, may not require a person who is neither a resident of such State or local jurisdiction nor an entity having its principal place of business in such State or local jurisdiction to collect from, or remit on behalf of, any other person a State or local tax, fee, or surcharge imposed on a purchaser or user with respect to the purchase or use of any wireless telecommunications service within the State unless the collection or remittance is in connection with a financial transaction.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to affect the right of a State or local jurisdiction to require the collection of any tax, fee, or surcharge in connection with a financial transaction.

(d) **ENFORCEMENT.**—

(1) **PRIVATE RIGHT OF ACTION.**—Any person aggrieved by a violation of subsection (c) may bring a civil action in an appropriate district court of the United States for equi-

table relief in accordance with paragraph (2) of this subsection.

(2) **JURISDICTION OF DISTRICT COURTS.**—Notwithstanding section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to the amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of subsection (c).

SEC. 621. RULES OF CONSTRUCTION.

(a) **RANGES OF FREQUENCIES.**—Each range of frequencies described in this title shall be construed to be inclusive of the upper and lower frequencies in the range.

(b) **ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.**—Nothing in this title shall be construed to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000.

SEC. 622. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.

Nothing in this title shall be construed to limit, restrict, or circumvent in any way the implementation of the nationwide public safety broadband network defined in section 6001 of title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401) or any rules implementing that network under title VI of that Act (47 U.S.C. 1401 et seq.).

SEC. 623. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this title, or the amendments made by this title, and the amendments made by this title, shall be carried out using amounts otherwise authorized.

DIVISION Q—KEVIN AND AVONTE'S LAW

SECTION 1. SHORT TITLE.

This division may be cited as the “Kevin and Avonte’s Law of 2018”.

TITLE I—MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM REAUTHORIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the “Missing Americans Alert Program Act of 2018”.

SEC. 102. REAUTHORIZATION OF THE MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) **AMENDMENTS.**—Section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621) is amended—

(1) in the section header, by striking “**ALZHEIMER'S DISEASE PATIENT**” and inserting “**AMERICANS**”;

(2) by striking subsection (a) and inserting the following:

“(a) **GRANT PROGRAM TO REDUCE INJURY AND DEATH OF MISSING AMERICANS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES.**—Subject to the availability of appropriations to carry out this section, the Attorney General, through the Bureau of Justice Assistance and in consultation with the Secretary of Health and Human Services—

“(1) shall award competitive grants to health care agencies, State and local law enforcement agencies, or public safety agencies and nonprofit organizations to assist such entities in planning, designing, establishing, or operating locally based, proactive programs to prevent wandering and locate missing individuals with forms of dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism, who, due to

their condition, wander from safe environments, including programs that—

“(A) provide prevention and response information, including online training resources, and referrals to families or guardians of such individuals who, due to their condition, wander from a safe environment;

“(B) provide education and training, including online training resources, to first responders, school personnel, clinicians, and the public in order to—

“(i) increase the safety and reduce the incidence of wandering of persons, who, due to their dementia or developmental disabilities, may wander from safe environments;

“(ii) facilitate the rescue and recovery of individuals who, due to their dementia or developmental disabilities, wander from safe environments; and

“(iii) recognize and respond to and appropriately interact with endangered missing individuals with dementia or developmental disabilities who, due to their condition, wander from safe environments;

“(C) provide prevention and response training and emergency protocols for school administrators, staff, and families or guardians of individuals with dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism, to help reduce the risk of wandering by such individuals; and

“(D) develop, operate, or enhance a notification or communications systems for alerts, advisories, or dissemination of other information for the recovery of missing individuals with forms of dementia, such as Alzheimer’s Disease, or with developmental disabilities, such as autism; and

“(2) shall award grants to health care agencies, State and local law enforcement agencies, or public safety agencies to assist such agencies in designing, establishing, and operating locative tracking technology programs for individuals with forms of dementia, such as Alzheimer’s Disease, or children with developmental disabilities, such as autism, who have wandered from safe environments.”;

(3) in subsection (b)—

(A) by inserting “competitive” after “to receive a”;

(B) by inserting “agency or” before “organization” each place it appears; and

(C) by adding at the end the following: “The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.”; and

(4) by striking subsections (c) and (d) and inserting the following:

“(c) **PREFERENCE.**—In awarding grants under subsection (a)(1), the Attorney General shall give preference to law enforcement or public safety agencies that partner with nonprofit organizations that appropriately use person-centered plans minimizing restrictive interventions and that have a direct link to individuals, and families of individuals, with forms of dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2018 through 2022.

“(e) **GRANT ACCOUNTABILITY.**—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

“(1) **AUDIT REQUIREMENT.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise

unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION OF NONPROFIT ORGANIZATION.—For purposes of this paragraph and the grant programs under this section, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Attorney General may not award a grant under this section to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include

a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

“(f) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded by the Attorney General to determine if grant awards are or have been awarded for a similar purpose.

“(2) REPORT.—If the Attorney General awards grants to the same applicant for a similar purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

“(A) a list of all such grants awarded, including the total dollar amount of any such grants awarded; and

“(B) the reason the Attorney General awarded multiple grants to the same applicant for a similar purpose.”.

(b) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and every year thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the Missing Americans Alert Program, as amended by subsection (a), which shall address—

(1) the number of individuals who benefited from the Missing Americans Alert Program, including information such as the number of individuals with reduced unsafe wandering, the number of people who were trained through the program, and the estimated number of people who were impacted by the program;

(2) the number of State, local, and tribal law enforcement or public safety agencies that applied for funding under the Missing Americans Alert Program;

(3) the number of State, local, and tribal law enforcement or public safety agencies that received funding under the Missing Americans Alert Program, including—

(A) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for training; and

(B) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for designing, establishing, or operating locative tracking technology;

(4) the companies, including the location (city and State) of the headquarters and local offices of each company, for which their locative tracking technology was used by State, local, and tribal law enforcement or public safety agencies;

(5) the nonprofit organizations, including the location (city and State) of the headquarters and local offices of each organization, that State, local, and tribal law enforcement or public safety agencies partnered with and the result of each partnership;

(6) the number of missing children with autism or another developmental disability with wandering tendencies or adults with Alzheimer's being served by the program who went missing and the result of the search for each such individual; and

(7) any recommendations for improving the Missing Americans Alert Program.

(c) TABLE OF CONTENTS.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the item relating to section 240001 and inserting the following:

“Sec. 240001. Missing Americans Alert Program.”.

TITLE II—EDUCATION AND OUTREACH

SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 404(b)(1)(H) of the Missing Children's Assistance Act (34 U.S.C. 11293(b)(1)(H)) is amended by inserting “, including cases involving children with developmental disabilities such as autism” before the semicolon.

TITLE III—PRIVACY PROTECTIONS

SEC. 301. DEFINITIONS.

In this title:

(1) CHILD.—The term “child” means an individual who is less than 18 years of age.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(3) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means an agency of a State, unit of local government, or Indian tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(4) NON-INVASIVE AND NON-PERMANENT.—The term “non-invasive and non-permanent” means, with regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device, such as a microchip, or other trackable items.

(5) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(6) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF NON-INVASIVE AND NON-PERMANENT TRACKING DEVICES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services and leading research, advocacy, self-advocacy, and service organizations, shall establish standards and best practices relating to the use of non-invasive and non-permanent tracking technology, where a guardian or parent has determined that a non-invasive

and non-permanent tracking device is the least restrictive alternative, to locate individuals as described in subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act.

(2) REQUIREMENTS.—In establishing the standards and best practices required under paragraph (1), the Attorney General shall—

(A) determine—

(i) the criteria used to determine which individuals would benefit from the use of a tracking device;

(ii) the criteria used to determine who should have direct access to the tracking system; and

(iii) which non-invasive and non-permanent types of tracking devices can be used in compliance with the standards and best practices; and

(B) establish standards and best practices the Attorney General determines are necessary to the administration of a tracking system, including procedures to—

(i) safeguard the privacy of the data used by the tracking device such that—

(I) access to the data is restricted to law enforcement and health agencies determined necessary by the Attorney General; and

(II) collection, use, and retention of the data is solely for the purpose of preventing injury to or death of the individual wearing the tracking device;

(ii) establish criteria to determine whether use of the tracking device is the least restrictive alternative in order to prevent risk of injury or death before issuing the tracking device, including the previous consideration of less restrictive alternatives;

(iii) provide training for law enforcement agencies to recognize signs of abuse during interactions with applicants for tracking devices;

(iv) protect the civil rights and liberties of the individuals who use tracking devices, including their rights under the Fourth Amendment to the Constitution of the United States and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(v) establish a complaint and investigation process to address—

(I) incidents of noncompliance by recipients of grants under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, with the best practices established by the Attorney General or other applicable law; and

(II) use of a tracking device over the objection of an individual; and

(vi) determine the role that State agencies should have in the administration of a tracking system.

(3) EFFECTIVE DATE.—The standards and best practices established pursuant to paragraph (1) shall take effect 90 days after publication of such standards and practices by the Attorney General.

(b) REQUIRED COMPLIANCE.—

(1) IN GENERAL.—Each entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, shall comply with any standards and best practices relating to the use of tracking devices established by the Attorney General in accordance with subsection (a).

(2) DETERMINATION OF COMPLIANCE.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall determine whether an entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, acts in compliance with the standards and best practices described in paragraph (1).

(c) APPLICABILITY OF STANDARDS AND BEST PRACTICES.—The standards and best practices established by the Attorney General under subsection (a) shall apply only to the grant programs authorized under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act.

(d) LIMITATIONS ON PROGRAM.—

(1) DATA STORAGE.—Any tracking data provided by tracking devices issued under this program may not be used by a Federal entity to create a database.

(2) VOLUNTARY PARTICIPATION.—Nothing in this Act may be construed to require that a parent or guardian use a tracking device to monitor the location of a child or adult under that parent or guardian's supervision if the parent or guardian does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

DIVISION R—TARGET ACT

SECTION 1. SHORT TITLES.

This division may be cited as the “Targeted Rewards for the Global Eradication of Human Trafficking” or the “TARGET Act”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Trafficking in persons is a major transnational crime, as recognized by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.; division A of Public Law 106-386).

(2) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises.

(3) Combating trafficking in persons requires a global approach to identifying and apprehending the world's worst human trafficking rings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State's rewards program is a powerful tool in combating sophisticated international crime and that the Department of State and Federal law enforcement should work in concert to offer rewards that target human traffickers who prey on the most vulnerable people around the world.

SEC. 3. REWARDS FOR JUSTICE.

Section 36(k)(5) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)(5)) is amended—

(1) in the matter preceding subparagraph (A), by striking “means”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as redesignated, 2 ems to the right;

(3) by inserting before clause (i), as redesignated, the following:

“(A) means—”;

(4) in clause (ii), as redesignated, by striking the period at the end and inserting “; and”;

(5) by adding at the end following:

“(B) includes severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) involving at least 1 jurisdiction outside of the United States.”.

DIVISION S—OTHER MATTER

TITLE I—CHILD PROTECTION IMPROVEMENTS ACT

SEC. 101. NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.

(a) IN GENERAL.—The National Child Protection Act of 1993 (34 U.S.C. 40101 et seq.) is amended—

(1) in section 3 (34 U.S.C. 40102)—

(A) by striking “provider” each place it appears and inserting “covered individual”;

(B) by striking “provider’s” each place it appears and inserting “covered individual’s”;

(C) by amending subsection (a)(3) to read as follows:

“(3)(A) The Attorney General shall establish a program, in accordance with this section, to provide qualified entities located in States that do not have in effect procedures described in paragraph (1), or qualified entities located in States that do not prohibit the use of the program established under this paragraph, with access to national criminal history background checks on, and criminal history reviews of, covered individuals. In any case where the use of a Federal national criminal history background check program is required pursuant to Federal law as of the effective date of this subparagraph, the program under this subparagraph may not be used.

“(B) A qualified entity described in subparagraph (A) may submit to the appropriate designated entity a request for a national criminal history background check on, and a criminal history review of, a covered individual. Qualified entities making a request under this paragraph shall comply with the guidelines set forth in subsection (b), and with any additional applicable procedures set forth by the Attorney General or by the State in which the entity is located.”;

(D) in subsection (b)—

(i) in paragraph (1)(E), by striking “unsupervised”;

(ii) by amending paragraph (2) to read as follows:

“(2) that the State, or in a State that does not have in effect procedures described in subsection (a)(1), the designated entity, ensures that—

“(A) each covered individual who is the subject of a background check under subsection (a) is entitled to obtain a copy of any background check report;

“(B) each covered individual who is the subject of a background check under subsection (a) is provided a process by which the covered individual may appeal the results of the background check to challenge the accuracy or completeness of the information contained in the background report of the covered individual and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency;

“(C)(i) each covered individual described in subparagraph (B) is given notice of the opportunity to appeal;

“(ii) each covered individual described in subparagraph (B) will receive instructions on how to complete the appeals process if the covered individual wishes to challenge the accuracy or completeness of the information contained in the background report of the covered individual; and

“(iii) the appeals process is completed in a timely manner for each covered individual described in subparagraph (B);

“(iv) the appeals process is consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

“(D) an authorized agency, upon receipt of a background check report lacking disposition data, shall conduct research in whatever State and local recordkeeping systems are available in order to obtain complete data.”;

(iii) in paragraph (3), by inserting “or designated entity, as applicable,” after “authorized agency”;

(iv) in paragraph (4), by inserting “or designated entity, as applicable,” after “authorized agency”;

(E) in subsection (d), by inserting “, nor shall any designated entity nor any officer or employee thereof,” after “officer or employee thereof,”;

(F) by amending subsection (e) to read as follows:

“(e) FEES.—

“(1) STATE PROGRAM.—In the case of a background check conducted pursuant to a State requirement adopted after December 20, 1993, conducted with fingerprints on a covered individual, the fees collected by authorized State agencies and the Federal Bureau of Investigation may not exceed the actual cost of the background check conducted with fingerprints.

“(2) FEDERAL PROGRAM.—In the case of a national criminal history background check and criminal history review conducted pursuant to the procedures established pursuant to subsection (a)(3), the fees collected by a designated entity shall be set at a level that will ensure the recovery of the full costs of providing all such services. The designated entity shall remit the appropriate portion of such fee to the Attorney General, which amount is in accordance with the amount published in the Federal Register to be collected for the provision of a criminal history background check by the Federal Bureau of Investigation.

“(3) ENSURING FEES DO NOT DISCOURAGE VOLUNTEERS.—A fee system under this subsection shall be established in a manner that ensures that fees to qualified entities for background checks do not discourage volunteers from participating in programs to care for children, the elderly, or individuals with disabilities. A fee charged to a qualified entity that is not organized under section 501(c)(3) of the Internal Revenue Code of 1986 may not be less than the total sum of the costs of the Federal Bureau of Investigation and the designated entity.”; and

(G) by inserting after subsection (e) the following:

“(f) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.—

“(1) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK.—Upon a designated entity receiving notice of a request submitted by a qualified entity pursuant to subsection (a)(3), the designated entity shall forward the request to the Attorney General, who shall, acting through the Director of the Federal Bureau of Investigation, complete a fingerprint-based check of the national criminal history background check system, and provide the information received in response to such national criminal history background check to the appropriate designated entity. The designated entity may, upon request from a qualified entity, complete a check of a State criminal history database.

“(2) CRIMINAL HISTORY REVIEW.—

“(A) DESIGNATED ENTITIES.—The Attorney General shall designate, and enter into an agreement with, one or more entities to make determinations described in subparagraph (B). The Attorney General may not designate and enter into an agreement with a Federal agency under this subparagraph.

“(B) DETERMINATIONS.—A designated entity shall, upon the receipt of the information described in paragraph (1), make a determination of fitness described in subsection (b)(4), using the criteria described in subparagraph (C).

“(C) CRIMINAL HISTORY REVIEW CRITERIA.—The Attorney General shall, by rule, establish the criteria for use by designated entities in making a determination of fitness described in subsection (b)(4). Such criteria shall be based on the criteria established pursuant to section 108(a)(3)(G)(i) of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (34 U.S.C. 40102 note) and section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f); and

(2) in section 5 (34 U.S.C. 40104)—

(A) by amending paragraph (9) to read as follows:

“(9) the term ‘covered individual’ means an individual—

“(A) who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity; and

“(B) who—

“(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a qualified entity; or

“(ii) owns or operates, or seeks to own or operate, a qualified entity.”;

(B) in paragraph (10), by striking “and” at the end;

(C) in paragraph (11), by striking the period at the end and inserting “; and”; and

(D) by inserting after paragraph (11) the following:

“(12) the term ‘designated entity’ means an entity designated by the Attorney General under section 3(f)(2)(A).”.

(b) IMPLEMENTATION.—The Attorney General shall ensure that this section and the amendments made by this section are fully implemented not later than 1 year after the date of enactment of this section.

TITLE II—SAVE AMERICA'S PASTIME ACT

SEC. 201. APPLICATION OF THE FAIR LABOR STANDARDS ACT OF 1938 TO MINOR LEAGUE BASEBALL PLAYERS.

(a) IN GENERAL.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

(1) in paragraph (18), by striking the period and inserting “; or”; and

(2) by adding at the end the following:

“(19) any employee employed to play baseball who is compensated pursuant to a contract that provides for a weekly salary for services performed during the league's championship season (but not spring training or the off season) at a rate that is not less than a weekly salary equal to the minimum wage under section 6(a) for a workweek of 40 hours, irrespective of the number of hours the employee devotes to baseball related activities.”.

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

TITLE III—KEEP YOUNG ATHLETES SAFE ACT

SEC. 301. SHORT TITLE.

This title may be cited as the “Keep Young Athletes Safe Act of 2018”.

SEC. 302. GRANT TO PROTECT YOUNG ATHLETES FROM ABUSE.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

“SUBCHAPTER III—GRANT TO KEEP YOUNG ATHLETES SAFE

“§ 220531. Grant to protect young athletes from abuse

“(a) AUTHORITY.—The Attorney General may award a grant to an eligible nonprofit nongovernmental entity in order to support oversight of the United States Olympic Committee, each national governing body, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports.

“(b) APPLICATIONS.—To be eligible to receive a grant under this section, a nonprofit nongovernmental entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including information that demonstrates that the entity has—

“(1) nationally recognized expertise in preventing and investigating emotional, physical, and sexual abuse in the athletic programs of the United States Olympic Committee, each national governing body, and each paralympic sports organization; and

“(2) the capacity to oversee regular and random audits to ensure that the policies and procedures used by the United States Olympic Committee, each national governing body, and each paralympic sports organization to prevent and identify the abuse of an amateur athlete are followed correctly.

“(c) USE OF GRANT AMOUNT.—An entity that receives a grant under this section may use such funds—

“(1) to develop and test new training materials for emotional, physical, and sexual abuse prevention and identification education in youth athletic programs;

“(2) for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to the United States Olympic Committee, each national governing body, each paralympic sports organization, and other amateur sports organizations information about safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports; and

“(3) to oversee the administration of the procedures described in subsection (b)(2).

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$2,500,000 for each of the fiscal years 2018 through 2022.

“(2) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2205 of title 36, United States Code, is amended by inserting after the item related to section 220529 the following:

“SUBCHAPTER III—GRANT TO KEEP YOUNG ATHLETES SAFE

“220531. Grant to protect young athletes from abuse.”.

TITLE IV—CONSENT OF CONGRESS TO AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ARIZONA

SEC. 401. CONSENT OF CONGRESS TO AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ARIZONA.

Congress consents to the amendments to the Constitution of the State of Arizona proposed by House Concurrent Resolution 2001 of the 52nd Legislature of the State of Arizona, First Special Session, 2015, entitled “A Concurrent Resolution Proposing an Amendment to the Constitution of Arizona; Amending Article X, Section 7, Constitution of Arizona; Amending Article XI, Constitution of Arizona, by Adding Section 11; Relating to Education Finance”, approved by the voters of the State of Arizona at the special election held on May 17, 2016.

TITLE V—STOP SCHOOL VIOLENCE ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “Student, Teachers, and Officers Preventing School Violence Act of 2018” or the “STOP School Violence Act of 2018”.

SEC. 502. GRANT PROGRAM FOR SCHOOL SECURITY.

Part AA of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10551 et seq.) is amended—

(1) in section 2701 (34 U.S.C. 10551)—

(A) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) COPS GRANTS.—The Director of the Office of Community Oriented Policing Services (referred to in this part as the ‘COPS Director’) is authorized to make grants to States, units of local government, and Indian tribes for the purposes described in paragraphs (5) through (9) of subsection (b).

“(2) BJA GRANTS.—The Director of the Bureau of Justice Assistance (referred to in this

part as the ‘BJA Director’) is authorized to make grants to States, units of local government, and Indian tribes for the purposes described in paragraphs (1) through (4) of subsection (b).’;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting “evidence-based school safety programs that may include” after “through”; and

(ii) by striking paragraphs (1) through (6) and inserting the following:

“(1) Training school personnel and students to prevent student violence against others and self.

“(2) The development and operation of anonymous reporting systems for threats of school violence, including mobile telephone applications, hotlines, and Internet websites.

“(3) The development and operation of—

“(A) school threat assessment and intervention teams that may include coordination with law enforcement agencies and school personnel; and

“(B) specialized training for school officials in responding to mental health crises.

“(4) Any other measure that, in the determination of the BJA Director, may provide a significant improvement in training, threat assessments and reporting, and violence prevention.

“(5) Coordination with local law enforcement.

“(6) Training for local law enforcement officers to prevent student violence against others and self.

“(7) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

“(8) Acquisition and installation of technology for expedited notification of local law enforcement during an emergency.

“(9) Any other measure that, in the determination of the COPS Director, may provide a significant improvement in security.”;

(C) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively;

(D) by inserting after subsection (b) the following:

“(c) **CONTRACTS AND SUBAWARDS.**—A State, unit of local government, or Indian tribe may, in using a grant under this part for purposes authorized under subsection (b), use the grant to contract with or make 1 or more subawards to 1 or more—

“(1) local educational agencies;

“(2) nonprofit organizations, excluding schools; or

“(3) units of local government or tribal organizations.

“(d) **SERVICES AND BENEFITS FOR SCHOOLS.**—An entity that receives a subaward or contract under subsection (c) may use such funds to provide services or benefits described under subsection (b) to 1 or more schools.”;

(E) in subsection (e), as so redesignated—

(i) by striking “Director” and inserting “COPS Director and the BJA Director”;

(ii) by striking “and has” and inserting “has”; and

(iii) by inserting before the period at the end the following: “, and will use evidence-based strategies and programs, such as those identified by the Comprehensive School Safety Initiative of the Department of Justice”;

(F) in subsection (f), as so redesignated—

(i) in paragraph (1), by striking “50 percent” and inserting “75 percent”; and

(ii) in paragraph (3), by striking “Director may” and inserting “COPS Director and the BJA Director may each”;

(G) in subsection (g), as so redesignated, by striking “Director shall” and inserting “COPS Director and the BJA shall each”; and

(H) in subsection (h), as so redesignated, by striking “Director may” and inserting “COPS Director and the BJA Director may each”;

(2) in section 2702 (34 U.S.C. 10552)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “the Director” the first place it appears and inserting “the COPS Director or the BJA Director, as the case may be,”; and

(II) by striking “the Director may” and inserting “the COPS Director or the BJA Director may”;

(ii) in paragraph (1)(B), by striking “and” at the end;

(iii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “child psychologists” and inserting “licensed mental health professionals”; and

(II) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(3) include an assurance that the applicant shall maintain and report such data, records, and information (programmatic and financial) as the COPS Director or the BJA Director may reasonably require;

“(4) include a certification, made in a form acceptable to the COPS Director or the BJA Director, as the case may be, that—

“(A) the programs to be funded by the grant meet all the requirements of this part;

“(B) all the information contained in the application is correct; and

“(C) the applicant will comply with all provisions of this part and all other applicable Federal laws.”; and

(B) in subsection (b)—

(i) by striking “this part” and inserting “the STOP School Violence Act of 2018”; and

(ii) by striking “Director shall” and inserting “COPS Director and the BJA Director shall each”;

(3) in section 2703 (34 U.S.C. 10553)—

(A) in the section heading, by inserting after “CONGRESS” the following: “; **GRANT ACCOUNTABILITY**”;

(B) by striking “Not later” and inserting the following:

“(a) **ANNUAL REPORT.**—Not later”;

(C) by striking “Director shall” and inserting “COPS Director and the BJA Director shall each”; and

(D) by adding at the end the following:

“(b) **GRANT ACCOUNTABILITY.**—Section 3026 (relating to grant accountability) shall apply to grants awarded by the COPS Director and the BJA Director under this part. For purposes of the preceding sentence, any references in section 3026 to the Attorney General shall be considered references to the COPS Director or the BJA Director, as appropriate, and any references in that section to part LL shall be considered references to part AA.”;

(4) in section 2704 (34 U.S.C. 10554)—

(A) in paragraph (1)—

(i) by striking “a public” and inserting “an”; and

(ii) by inserting “, including a Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021))” after “secondary school”;

(B) in paragraph (2), by striking “and” at the end;

(C) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(4) the term ‘evidence-based’ means a program, practice, technology, or equipment that—

“(A) demonstrates a statistically significant effect on relevant outcomes based on—

“(i) strong evidence from not less than 1 well-designed and well-implemented experimental study;

“(ii) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; or

“(iii) promising evidence from not less than 1 well-designed and well-implemented correlational study with statistical controls for selection bias;

“(B) demonstrates a rationale based on high-quality research findings or positive evaluation that such program, practice, technology, or equipment is likely to improve relevant outcomes, and includes ongoing efforts to examine the effects of the program, practice, technology, or equipment; or

“(C) in the case of technology or equipment, demonstrates that use of the technology or equipment is—

“(i) consistent with best practices for school security, including—

“(I) applicable standards for school security established by a Federal or State government agency; and

“(II) findings and recommendations of public commissions and task forces established to make recommendations or set standards for school security; and

“(ii) compliant with all applicable codes, including building and life safety codes; and

“(5) the term ‘tribal organization’ has the same meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(1)).”;

(5) by striking section 2705 and inserting the following:

“SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There are authorized to be appropriated—

“(1) \$75,000,000 for fiscal year 2018, of which—

“(A) \$50,000,000 shall be made available to the BJA Director to carry out this part; and

“(B) \$25,000,000 shall be made available to the COPS Director to carry out this part; and

“(2) \$100,000,000 for each of fiscal years 2019 through 2028, of which, for each fiscal year—

“(A) \$67,000,000 shall be made available to the BJA Director to carry out this part; and

“(B) \$33,000,000 shall be made available to the COPS Director to carry out this part.

“(b) **OFFSET.**—Any funds appropriated for the Comprehensive School Safety Initiative of the National Institute of Justice in fiscal year 2018 shall instead be used for the purposes in subsection (a).”; and

(6) by adding at the end the following:

“SEC. 2706. RULES OF CONSTRUCTION.

“(a) **NO FUNDS TO PROVIDE FIREARMS OR TRAINING.**—No amounts provided as a grant under this part may be used for the provision to any person of a firearm or training in the use of a firearm.

“(b) **NO EFFECT ON OTHER LAWS.**—Nothing in this part may be construed to preclude or contradict any other provision of law authorizing the provision of firearms or training in the use of firearms.”.

TITLE VI—FIX NICS ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Fix NICS Act of 2018”.

SEC. 602. ACCOUNTABILITY FOR FEDERAL DEPARTMENTS AND AGENCIES.

Section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) is amended—

(1) in subsection (e)(1), by adding at the end the following:

“(F) **SEMIANNUAL CERTIFICATION AND REPORTING.**—

“(i) **IN GENERAL.**—The head of each Federal department or agency shall submit a semi-annual written certification to the Attorney General indicating whether the department

or agency is in compliance with the record submission requirements under subparagraph (C).

“(ii) **SUBMISSION DATES.**—The head of a Federal department or agency shall submit a certification to the Attorney General under clause (i)—

“(I) not later than July 31 of each year, which shall address all relevant records, including those that have not been transmitted to the Attorney General, in possession of the department or agency during the period beginning on January 1 of the year and ending on June 30 of the year; and

“(II) not later than January 31 of each year, which shall address all relevant records, including those that have not been transmitted to the Attorney General, in possession of the department or agency during the period beginning on July 1 of the previous year and ending on December 31 of the previous year.

“(iii) **CONTENTS.**—A certification required under clause (i) shall state, for the applicable period—

“(I) the total number of records of the Federal department or agency demonstrating that a person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code;

“(II) for each category of records described in subclause (I), the total number of records of the Federal department or agency that have been provided to the Attorney General; and

“(III) the efforts of the Federal department or agency to ensure complete and accurate reporting of relevant records, including efforts to monitor compliance and correct any reporting failures or inaccuracies.

“(G) **IMPLEMENTATION PLAN.**—

“(i) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subparagraph, the head of each Federal department or agency, in coordination with the Attorney General, shall establish a plan to ensure maximum coordination and automated reporting or making available of records to the Attorney General as required under subparagraph (C), and the verification of the accuracy of those records, including the pre-validation of those records, where appropriate, during a 4-year period specified in the plan. The records shall be limited to those of an individual described in subsection (g) or (n) of section 922 of title 18, United States Code.

“(ii) **BENCHMARK REQUIREMENTS.**—Each plan established under clause (i) shall include annual benchmarks to enable the Attorney General to assess implementation of the plan, including—

“(I) qualitative goals and quantitative measures;

“(II) measures to monitor internal compliance, including any reporting failures and inaccuracies;

“(III) a needs assessment, including estimated compliance costs; and

“(IV) an estimated date by which the Federal department or agency will fully comply with record submission requirements under subparagraph (C).

“(iii) **COMPLIANCE DETERMINATION.**—Not later than the end of each fiscal year beginning after the date of the establishment of a plan under clause (i), the Attorney General shall determine whether the applicable Federal department or agency has achieved substantial compliance with the benchmarks included in the plan.

“(H) **ACCOUNTABILITY.**—The Attorney General shall publish, including on the website of the Department of Justice, and submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House

of Representatives a semiannual report that discloses—

“(i) the name of each Federal department or agency that has failed to submit a required certification under subparagraph (F);

“(ii) the name of each Federal department or agency that has submitted a required certification under subparagraph (F), but failed to certify compliance with the record submission requirements under subparagraph (C);

“(iii) the name of each Federal department or agency that has failed to submit an implementation plan under subparagraph (G);

“(iv) the name of each Federal department or agency that is not in substantial compliance with an implementation plan under subparagraph (G);

“(v) a detailed summary of the data, broken down by department or agency, contained in the certifications submitted under subparagraph (F);

“(vi) a detailed summary of the contents and status, broken down by department or agency, of the implementation plans established under subparagraph (G); and

“(vii) the reasons for which the Attorney General has determined that a Federal department or agency is not in substantial compliance with an implementation plan established under subparagraph (G).

“(I) **NONCOMPLIANCE PENALTIES.**—For each of fiscal years 2019 through 2022, each political appointee of a Federal department or agency that has failed to certify compliance with the record submission requirements under subparagraph (C), and is not in substantial compliance with an implementation plan established under subparagraph (G), shall not be eligible for the receipt of bonus pay, excluding overtime pay, until the department or agency—

“(i) certifies compliance with the record submission requirements under subparagraph (C); or

“(ii) achieves substantial compliance with an implementation plan established under subparagraph (G).

“(J) **TECHNICAL ASSISTANCE.**—The Attorney General may use funds made available for the national instant criminal background check system established under subsection (b) to provide technical assistance to a Federal department or agency, at the request of the department or agency, in order to help the department or agency comply with the record submission requirements under subparagraph (C).

“(K) **APPLICATION TO FEDERAL COURTS.**—For purposes of this paragraph—

“(i) the terms ‘department or agency of the United States’ and ‘Federal department or agency’ include a Federal court; and

“(ii) the Director of the Administrative Office of the United States Courts shall perform, for a Federal court, the functions assigned to the head of a department or agency.”; and

(2) in subsection (g), by adding at the end the following: “For purposes of the preceding sentence, not later than 60 days after the date on which the Attorney General receives such information, the Attorney General shall determine whether or not the prospective transferee is the subject of an erroneous record and remove any records that are determined to be erroneous. In addition to any funds made available under subsection (k), the Attorney General may use such sums as are necessary and otherwise available for the salaries and expenses of the Federal Bureau of Investigation to comply with this subsection.”.

SEC. 603. REAUTHORIZATION OF NICS ACT RECORD IMPROVEMENT PROGRAM.

(a) **REQUIREMENTS TO OBTAIN WAIVER.**—Section 102 of the NICS Improvement

Amendments Act of 2007 (34 U.S.C. 40912) is amended—

(1) in subsection (a), in the first sentence—
(A) by striking “the Crime Identification Technology Act of 1988 (42 U.S.C. 14601)” and inserting “section 102 of the Crime Identification Technology Act of 1998 (34 U.S.C. 40301)”;

(B) by inserting “is in compliance with an implementation plan established under subsection (b) or” before “provides at least 90 percent of the information described in subsection (c)”; and

(2) in subsection (b)(1)(B), by inserting “or has established an implementation plan under section 107” after “the Attorney General”.

(b) **IMPLEMENTATION ASSISTANCE TO STATES.**—Section 103 of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40913) is amended—

(1) in subsection (b)(3), by inserting before the semicolon at the end the following: “, including through increased efforts to pre-validate the contents of those records to expedite eligibility determinations”;

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “and”; and

(ii) by inserting before the period at the end the following: “, and \$125,000,000 for each of fiscal years 2018 through 2022”; and

(B) by striking paragraph (2) and inserting the following—

“(2) **DOMESTIC ABUSE AND VIOLENCE PREVENTION INITIATIVE.**—

“(A) **ESTABLISHMENT.**—For each of fiscal years 2018 through 2022, the Attorney General shall create a priority area under the NICS Act Record Improvement Program (commonly known as ‘NARIP’) for a Domestic Abuse and Violence Prevention Initiative that emphasizes the need for grantees to identify and upload all felony conviction records and domestic violence records.

“(B) **FUNDING.**—The Attorney General—

(i) may use not more than 50 percent of the amounts made available under this subsection for each of fiscal years 2018 through 2022 to carry out the initiative described in subparagraph (A); and

(ii) shall give a funding preference under NARIP to States that—

“(I) have established an implementation plan under section 107; and

“(II) will use amounts made available under this subparagraph to improve efforts to identify and upload all felony conviction records and domestic violence records described in clauses (i), (v), and (vi) of section 102(b)(1)(C) by not later than September 30, 2022.”; and

(3) by adding at the end the following:

“(g) **TECHNICAL ASSISTANCE.**—The Attorney General shall direct the Office of Justice Programs, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Federal Bureau of Investigation to—

“(1) assist States that are not currently eligible for grants under this section to achieve compliance with all eligibility requirements; and

“(2) provide technical assistance and training services to grantees under this section.”.

SEC. 604. REAUTHORIZATION OF THE NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM.

(a) **STATE GRANT PROGRAM FOR CRIMINAL JUSTICE IDENTIFICATION, INFORMATION, AND COMMUNICATION.**—Section 102 of the Crime Identification Technology Act of 1998 (34 U.S.C. 40301) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following:

“(C) identification of all individuals who have been convicted of a crime punishable by imprisonment for a term exceeding 1 year”;

(2) in subsection (b)(6)—

(A) by striking “(18 U.S.C. 922 note)” and inserting “(34 U.S.C. 40901(b))”; and

(B) by inserting before the semicolon at the end the following: “, including through increased efforts to pre-validate the contents of felony conviction records and domestic violence records to expedite eligibility determinations, and measures and resources necessary to establish and achieve compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007”;

(3) in subsection (d), by inserting after “unless” the following: “the State has achieved compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007 or”; and

(4) in subsection (e)(1), by striking “2002 through 2007” and inserting “2018 through 2022”.

(b) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—Section 106(b)(1) of the Brady Handgun Violence Prevention Act (34 U.S.C. 40302(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “as of the date of enactment of this Act” and inserting “, as of the date of enactment of the Fix NICS Act of 2018,”; and

(B) by striking “files,” and inserting the following: “files and that will utilize funding under this subsection to prioritize the identification and transmittal of felony conviction records and domestic violence records.”;

(2) in subparagraph (B), by striking “and” at the end;

(3) in subparagraph (C)—

(A) by striking “upon establishment of the national system.”; and

(B) by striking the period at the end and inserting “; and”;

(4) by adding at the end the following—

“(D) to establish and achieve compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007.”.

SEC. 605. IMPROVING INFORMATION SHARING WITH THE STATES.

(a) IN GENERAL.—Title I of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40911 et seq.) is amended by adding at the end the following:

“SEC. 107. IMPLEMENTATION PLAN.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Fix NICS Act of 2018, the Attorney General, in coordination with the States and Indian tribal governments, shall establish, for each State or Indian tribal government, a plan to ensure maximum coordination and automation of the reporting or making available of appropriate records to the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) and the verification of the accuracy of those records during a 4-year period specified in the plan. The records shall be limited to those of an individual described in subsection (g) or (n) of section 922 of title 18, United States Code

“(b) BENCHMARK REQUIREMENTS.—Each plan established under this section shall include annual benchmarks to enable the Attorney General to assess the implementation of the plan, including—

“(1) qualitative goals and quantitative measures; and

“(2) a needs assessment, including estimated compliance costs.

“(c) COMPLIANCE DETERMINATION.—Not later than the end of each fiscal year begin-

ning after the date of the establishment of an implementation plan under this section, the Attorney General shall determine whether each State or Indian tribal government has achieved substantial compliance with the benchmarks included in the plan.

“(d) ACCOUNTABILITY.—The Attorney General—

“(1) shall disclose and publish, including on the website of the Department of Justice—

“(A) the name of each State or Indian tribal government that received a determination of failure to achieve substantial compliance with an implementation plan under subsection (c) for the preceding fiscal year; and

“(B) a description of the reasons for which the Attorney General has determined that the State or Indian tribal government is not in substantial compliance with the implementation plan, including, to the greatest extent possible, a description of the types and amounts of records that have not been submitted; and

“(2) if a State or Indian tribal government described in paragraph (1) subsequently receives a determination of substantial compliance, shall—

“(A) immediately correct the applicable record; and

“(B) not later than 3 days after the determination, remove the record from the website of the Department of Justice and any other location where the record was published.

“(e) INCENTIVES.—For each of fiscal years 2018 through 2022, the Attorney General shall give affirmative preference to all Bureau of Justice Assistance discretionary grant applications of a State or Indian tribal government that received a determination of substantial compliance under subsection (c) for the fiscal year in which the grant was solicited.”.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the NICS Improvement Amendments Act of 2007 (Public Law 110-180; 121 Stat. 2559) is amended by inserting after the item relating to section 106 the following:

“Sec. 107. Implementation plan.”.

TITLE VII—STATE SEXUAL RISK AVOIDANCE EDUCATION PROGRAM

SEC. 701. FULL PAYMENT BY SECRETARY FOR STATE SEXUAL RISK AVOIDANCE EDUCATION PROGRAM.

(a) IN GENERAL.—Paragraph (1) of section 510(d) of the Social Security Act (42 U.S.C. 710(d)) is amended by inserting before the period at the end the following: “, except that section 503(a) shall be applied by substituting ‘the total of the sums’ for ‘four-sevenths of the total of the sums’”.

(b) TECHNICAL CORRECTIONS.—Section 510(a)(1)(A) of the Social Security Act (42 U.S.C. 710(a)(1)(A)) is amended—

(1) by striking “subsection (e)(1)” and inserting “subsection (f)(1)”; and

(2) by striking “subsection (e)(2)” and inserting “subsection (f)(2)”.

TITLE VIII—SMALL BUSINESS CREDIT AVAILABILITY ACT

SEC. 801. SHORT TITLE.

This title may be cited as the “Small Business Credit Availability Act”.

SEC. 802. EXPANDING ACCESS TO CAPITAL FOR BUSINESS DEVELOPMENT COMPANIES.

(a) IN GENERAL.—Section 61(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-60(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by striking paragraph (1) and inserting the following:

“(1) Except as provided in paragraph (2), the asset coverage requirements of subpara-

graphs (A) and (B) of section 18(a)(1) (and any related rule promulgated under this Act) applicable to business development companies shall be 200 percent.

“(2) The asset coverage requirements of subparagraphs (A) and (B) of section 18(a)(1) and of subparagraphs (A) and (B) of section 18(a)(2) (and any related rule promulgated under this Act) applicable to a business development company shall be 150 percent if—

“(A) not later than 5 business days after the date on which those asset coverage requirements are approved under subparagraph (D) of this paragraph, the business development company discloses that the requirements were approved, and the effective date of the approval, in—

“(i) any filing submitted to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a); 78o(d)); and

“(ii) a notice on the website of the business development company;

“(B) the business development company discloses, in each periodic filing required under section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a))—

“(i) the aggregate outstanding principal amount or liquidation preference, as applicable, of the senior securities issued by the business development company and the asset coverage percentage as of the date of the business development company’s most recent financial statements included in that filing;

“(ii) that the business development company, under subparagraph (D), has approved the asset coverage requirements under this paragraph; and

“(iii) the effective date of the approval described in clause (ii);

“(C) with respect to a business development company that is an issuer of common equity securities, each periodic filing of the company required under section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)) includes disclosures that are reasonably designed to ensure that shareholders are informed of—

“(i) the amount of senior securities (and the associated asset coverage ratios) of the company, determined as of the date of the most recent financial statements of the company included in that filing; and

“(ii) the principal risk factors associated with the senior securities described in clause (i), to the extent that risk is incurred by the company; and

“(D) the company—

“(i)(I) through a vote of the required majority (as defined in section 57(o)), approves the application of this paragraph to the company, to become effective on the date that is 1 year after the date of the approval; or

“(II) obtains, at a special or annual meeting of shareholders or partners at which a quorum is present, the approval of more than 50 percent of the votes cast for the application of this paragraph to the company, to become effective on the first day after the date of the approval; and

“(ii) if the company is not an issuer of common equity securities that are listed on a national securities exchange, extends, to each person that is a shareholder as of the date of an approval described in subclause (I) or (II) of clause (i), as applicable, the opportunity (which may include a tender offer) to sell the securities held by that shareholder as of that applicable approval date, with 25 percent of those securities to be repurchased in each of the 4 calendar quarters following the calendar quarter in which that applicable approval date takes place.”.

(b) CONFORMING AMENDMENTS.—

(1) INVESTMENT ADVISERS ACT OF 1940.—Section 205(b)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-5(b)(3)) is amended—

(A) by striking “section 61(a)(3)(B)(iii)” and inserting “section 61(a)(4)(B)(iii)”; and

(B) by striking “section 61(a)(3)(B)” and inserting “section 61(a)(4)(B)”.

(2) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(A) in section 57 (15 U.S.C. 80a-56)—

(i) in subsection (j)(1), by striking “section 61(a)(3)(B)” and inserting “section 61(a)(4)(B)”; and

(ii) in subsection (n)(2), by striking “section 61(a)(3)(B)” and inserting “section 61(a)(4)(B)”; and

(B) in section 63(3) (15 U.S.C. 80a-62(3)), by striking “section 61(a)(3)” and inserting “section 61(a)(4)”.

SEC. 803. PARITY FOR BUSINESS DEVELOPMENT COMPANIES REGARDING OFFERING AND PROXY RULES.

(a) DEFINITIONS.—In this section—

(1) the term “business development company” has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a));

(2) the term “Commission” means the Securities and Exchange Commission;

(3) the term “Form N-2” means the form described in section 239.14 of title 17, Code of Federal Regulations;

(4) the term “Form S-3” means the form described in section 239.13 of title 17, Code of Federal Regulations; and

(5) the term “Schedule 14A” means the information required under section 240.14a-101 of title 17, Code of Federal Regulations.

(b) REVISION TO RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall make the revisions described in paragraph (2) to allow a business development company that has filed an election under section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53) to use the securities offering and proxy rules that are available to other issuers that are required to file reports under section 13(a) or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a); 78o(d)).

(2) REQUIRED REVISIONS.—The revisions described in this paragraph are revisions to—

(A) section 230.405 of title 17, Code of Federal Regulations—

(i) to remove the exclusion of a business development company from the definition of the term “well-known seasoned issuer” under that section; and

(ii) to add a registration statement filed on Form N-2 to the definition of the term “automatic shelf registration statement” under that section;

(B) sections 230.168 and 230.169 of title 17, Code of Federal Regulations, to remove the exclusion of a business development company from an issuer that is eligible for the exemptions under those sections;

(C) section 230.163 of title 17, Code of Federal Regulations, to remove a business development company from the list of issuers that are ineligible for the exemption under that section;

(D) section 230.163A of title 17, Code of Federal Regulations, to remove the communications made by a business development company from the list of communications that are ineligible for the exemption under that section;

(E) section 230.134 of title 17, Code of Federal Regulations, to remove the exclusion of a communication relating to a business development company from the application of that section;

(F) sections 230.138 and 230.139 of title 17, Code of Federal Regulations, to specifically include a business development company as an issuer to which those sections apply;

(G) section 230.156 of title 17, Code of Federal Regulations, to provide that nothing in

that section may be construed to prevent a business development company from qualifying for an exemption under section 230.168 or 230.169 of title 17, Code of Federal Regulations, as amended by the Commission in accordance with the requirements of this section;

(H) section 230.164 of title 17, Code of Federal Regulations, to remove a business development company from the list of issuers that are excluded under that section;

(I) section 230.433 of title 17, Code of Federal Regulations, to specifically include a business development company that is a well-known seasoned issuer as an issuer to which that section applies;

(J) section 230.415 of title 17, Code of Federal Regulations to state that the registration for securities under section 230.415(a)(1)(x) of title 17, Code of Federal Regulations, includes securities registered on Form N-2 by a business development company that would otherwise meet the eligibility requirements of Form S-3;

(K) section 230.497 of title 17, Code of Federal Regulations, to include a process for a business development company to file a form of prospectus in the same manner as the process for filing a form of prospectus under section 230.424(b) of title 17, Code of Federal Regulations;

(L) sections 230.172 and 230.173 of title 17, Code of Federal Regulations, to remove the exclusion of an offering of a business development company from the application of those sections;

(M) section 230.418 of title 17, Code of Federal Regulations, to provide that a business development company that would otherwise meet the eligibility requirements of Form S-3 shall be exempt from paragraph (a)(3) of that section;

(N) Schedule 14A to revise item 13(b)(1) of that Schedule to include a business development company that would otherwise meet the requirements of note E of that Schedule as an issuer to which that item applies;

(O) section 243.103 of title 17, Code of Federal Regulations, to provide that paragraph (a) of that section applies for the purposes of Form N-2; and

(P) item 34 on Form N-2 to require a business development company to provide undertakings that are no more restrictive than the undertakings that are required of a registrant under section 229.512 of title 17, Code of Federal Regulations.

(c) REVISION TO FORM N-2.—Not later than 1 year after the date of enactment of this Act, the Commission shall revise Form N-2—

(1) to include an item or instruction that is similar to item 12 on Form S-3 to provide that a business development company that would otherwise meet the requirements of Form S-3 shall incorporate by reference the reports and documents filed by the business development company under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) into the registration statement of the business development company filed on Form N-2; and

(2) to include an item or instruction that is similar to the instruction regarding automatic shelf offerings by well-known seasoned issuers on Form S-3 to provide that a business development company that is a well-known seasoned issuer may file automatic shelf offerings on Form N-2.

(d) TREATMENT IF REVISIONS NOT COMPLETED IN TIMELY MANNER.—If the Commission fails to complete the revisions required under subsections (b) and (c) by the dates described in those subsections, a business development company, during the period beginning on the date that is 1 day after 1 year after the date of enactment of this Act and ending on the date that the Commission completes those revisions, may deem those

revisions to have been completed in accordance with the actions required to be taken by the Commission under those subsections.

(e) RULES OF CONSTRUCTION.—

(1) TREATMENT OF SUCCESSOR REGULATIONS AND FORMS.—Any reference in this section to a regulation or form shall be construed as a reference to—

(A) that regulation or form, as in effect on the day before the date of enactment of this Act; or

(B) any successor to that regulation or form.

(2) DISTRIBUTION OF SALES MATERIAL.—Nothing in this section, or in the amendments made pursuant to the requirements of this section, may be construed to prevent a business development company from distributing sales material under section 230.482 of title 17, Code of Federal Regulations.

TITLE IX—SMALL BUSINESS ACCESS TO CAPITAL AFTER A NATURAL DISASTER ACT

SEC. 901. SHORT TITLE.

This title may be cited as the “Small Business Access to Capital After a Natural Disaster Act”.

SEC. 902. EXPANDING ACCESS TO CAPITAL FOR SMALL BUSINESSES IMPACTED BY A NATURAL DISASTER.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended—

(1) in subsection (j)(4)(C), by striking “minority-owned and women-owned small businesses” and inserting “minority-owned small businesses, women-owned small businesses, and small businesses affected by hurricanes or other natural disasters”; and

(2) in subsection (j)(6)(B)(iii), by striking “minority-owned and women-owned small businesses” and inserting “minority-owned small businesses, women-owned small businesses, and small businesses affected by hurricanes or other natural disasters”.

TITLE X—TAYLOR FORCE ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the “Taylor Force Act”.

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) The Palestinian Authority’s practice of paying salaries to terrorists serving in Israeli prisons, as well as to the families of deceased terrorists, is an incentive to commit acts of terror.

(2) The United States does not provide direct budgetary support to the Palestinian Authority. The United States does pay certain debts held by the Palestinian Authority and funds programs for which the Palestinian Authority would otherwise be responsible.

(3) The United States Government supports community-based programs in the West Bank and Gaza that provide for basic human needs, such as food, water, health, shelter, protection, education, and livelihoods, and that promote peace and development.

(4) Since fiscal year 2015, annual appropriations legislation has mandated the reduction of Economic Support Fund aid for the Palestinian Authority as a result of their payments for acts of terrorism including, in fiscal year 2017, a reduction “by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year”.

SEC. 1003. SENSE OF CONGRESS.

Congress—

(1) calls on the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations to stop payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism and to repeal the laws authorizing such payments;

(2) calls on all donor countries providing budgetary assistance to the Palestinian Authority to cease direct budgetary support until the Palestinian Authority stops all payments incentivizing terror;

(3) urges the Palestinian Authority to develop programs to provide essential public services and support to any individual in need within its jurisdictional control, rather than to provide payments contingent on perpetrating acts of violence;

(4) urges the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to highlight the issue of Palestinian Authority payments for acts of terrorism and to urge other Member States to apply pressure upon the Palestinian Authority to immediately cease such payments; and

(5) urges the Department of State to use its bilateral and multilateral engagements with all governments and organizations committed to the cause of peace between Israel and the Palestinians to highlight the issue of Palestinian Authority payments for acts of terrorism and to urge such governments and organizations to join the United States in calling on the Palestinian Authority to immediately cease such payments.

SEC. 1004. LIMITATION ON ASSISTANCE TO THE WEST BANK AND GAZA.

(a) LIMITATION.—

(1) IN GENERAL.—Funds authorized to be appropriated or otherwise made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) and available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority may only be made available for such purpose if, except as provided in subsection (d), not later than 30 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State certifies in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations—

(A) are taking credible steps to end acts of violence against Israeli citizens and United States citizens that are perpetrated or materially assisted by individuals under their jurisdictional control, such as the March 2016 attack that killed former United States Army officer Taylor Force, a veteran of the wars in Iraq and Afghanistan;

(B) have terminated payments for acts of terrorism against Israeli citizens and United States citizens to any individual, after being fairly tried, who has been imprisoned for such acts of terrorism and to any individual who died committing such acts of terrorism, including to a family member of such individuals;

(C) have revoked any law, decree, regulation, or document authorizing or implementing a system of compensation for imprisoned individuals that uses the sentence or period of incarceration of an individual imprisoned for an act of terrorism to determine the level of compensation paid, or have taken comparable action that has the effect of invalidating any such law, decree, regulation, or document; and

(D) are publicly condemning such acts of violence and are taking steps to investigate

or are cooperating in investigations of such acts to bring the perpetrators to justice.

(2) ADDITIONAL CERTIFICATION REQUIREMENT.—The Secretary of State shall include in the certification required under paragraph (1) the definition of “acts of terrorism” that the Secretary used for purposes of making the determination in subparagraph (B) of such paragraph.

(b) EXCEPTION.—

(1) IN GENERAL.—Subject to paragraph (2), the limitation on assistance under subsection (a) shall not apply to—

(A) payments made to the East Jerusalem Hospital Network;

(B) assistance for wastewater projects not exceeding \$5,000,000 in any one fiscal year; and

(C) assistance for any other program, project, or activity that provides vaccinations to children not exceeding \$500,000 in any one fiscal year.

(2) NOTIFICATION.—The Secretary of State shall notify in writing the appropriate congressional committees not later than 15 days prior to making funds available for assistance under subparagraph (A), (B), or (C) of paragraph (1).

(c) RULE OF CONSTRUCTION.—Funds withheld pursuant to this section—

(1) shall be deemed to satisfy any similar withholding or reduction required under any other provision of law relating to the Palestinian Authority’s payments for acts of terrorism; and

(2) shall be in an amount that is not less than the total amount required by such other provision of law.

(d) INITIAL USE AND DISPOSITION OF WITHHELD FUNDS.—

(1) PERIOD OF AVAILABILITY.—Funds withheld pursuant to this section are authorized to remain available for an additional 2 years from the date on which the availability of such funds would otherwise have expired.

(2) USE OF FUNDS.—Funds withheld pursuant to this section may be made available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority upon a certification by the Secretary of State that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions set forth in subsection (a). Except as provided in paragraph (3), such funds may not be made available for any purpose other than for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority.

(3) DISPOSITION OF UNUSED FUNDS.—Beginning on the date that is 180 days after the last day on which the initial availability of funds withheld pursuant to this section would otherwise have expired, such funds are authorized to be made available to the Department of State for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) in the following manner—

(A) 50 percent for purposes of assistance other than that deemed benefiting the Palestinian Authority; and

(B) 50 percent for purposes other than assistance for the West Bank and Gaza.

(e) REPORT.—

(1) IN GENERAL.—If the Secretary of State is unable to certify in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions described in subsection (a), the Secretary shall, not later than 15 days after the date on which the Secretary is unable to make such certification, submit to the appropriate congressional committees a report that contains the following:

(A) The reasons why the Secretary was unable to certify in writing that such organizations have met such requirements.

(B) The definition of “acts of terrorism” that the Secretary used for purposes of making the determination in subparagraph (B) of subsection (a)(1).

(C) The total amount of funds to be withheld.

(2) FORM.—The report required by this subsection shall be submitted in unclassified form but may include a classified annex.

(f) LIST OF CRITERIA.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a list of the criteria that the Secretary uses to determine whether assistance for the West Bank and Gaza is assistance that directly benefits the Palestinian Authority for purposes of carrying out this section.

(2) UPDATE.—The Secretary of State shall submit to the appropriate congressional committees an updated list under paragraph (1) not later than 15 days after the date on which the Secretary makes any modification to the list.

SEC. 1005. INITIAL REPORT.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing those programs, projects, and activities funded by the United States Government that have been or will be suspended by reason of withholding of funds under section 1004.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 1006. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 6 years, the Secretary of State shall submit to the appropriate congressional committees a report including at a minimum the following elements:

(1) An estimate of the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations during the previous calendar year as payments for acts of terrorism by individuals who are imprisoned for such acts.

(2) An estimate of the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations during the previous calendar year as payments to the families of deceased individuals who committed an act of terrorism.

(3) An overview of Palestinian laws, decrees, regulations, or documents in effect the previous calendar year that authorize or implement any payments reported under paragraphs (1) and (2).

(4) A description of United States Government policy, efforts, and engagement with the Palestinian Authority in order to confirm the revocation of any law, decree, regulation, or document in effect the previous calendar year that authorizes or implements any payments reported under paragraphs (1) and (2).

(5) A description of United States Government policy, efforts, and engagement with other governments, and at the United Nations, to highlight the issue of Palestinian payments for acts of terrorism and to urge other nations to join the United States in calling on the Palestinian Authority to immediately cease such payments.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 1007. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

TITLE XI—FARM ACT**SEC. 1101. SHORT TITLE.**

This title may be cited as the “Fair Agricultural Reporting Method Act” or the “FARM Act”.

SEC. 1102. EXEMPTIONS FROM CERTAIN NOTICE REQUIREMENTS AND PENALTIES.

Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603) is amended by striking subsection (e) and inserting the following:

“(e) **APPLICABILITY TO REGISTERED PESTICIDE PRODUCTS AND AIR EMISSIONS FROM ANIMAL WASTE AT FARMS.**—

“(1) **IN GENERAL.**—This section shall not apply to—

“(A) the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) or the handling and storage of such a pesticide product by an agricultural producer; or

“(B) air emissions from animal waste (including decomposing animal waste) at a farm.

“(2) **DEFINITIONS.**—In this subsection:

“(A) **ANIMAL WASTE.**—

“(i) **IN GENERAL.**—The term ‘animal waste’ means feces, urine, or other excrement, digestive emission, urea, or similar substances emitted by animals (including any form of livestock, poultry, or fish).

“(ii) **INCLUSIONS.**—The term ‘animal waste’ includes animal waste that is mixed or commingled with bedding, compost, feed, soil, or any other material typically found with such waste.

“(B) **FARM.**—The term ‘farm’ means a site or area (including associated structures) that—

“(i) is used for—

“(I) the production of a crop; or

“(II) the raising or selling of animals (including any form of livestock, poultry, or fish); and

“(ii) under normal conditions, produces during a farm year any agricultural products with a total value equal to not less than \$1,000.”.

SEC. 1103. APPLICATION.

Nothing in this title or an amendment made by this title affects, or supersedes or modifies the responsibility or authority of any Federal official or employee to comply with or enforce, any requirement under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), other than the hazardous substance notification requirements under section 103 of that Act (42 U.S.C. 9603) with respect to air emissions from animal waste at farms.

TITLE XII—TIPPED EMPLOYEES**SEC. 1201. TIPPED EMPLOYEES.**

(a) **PROHIBITION ON KEEPING TIPS.**—Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) by redesignating paragraphs (1) and (2) as clauses (i) and (ii), respectively;

(2) by inserting “(1)” after “(m)”;

(3) by striking “any employee. In determining” and inserting the following: “any employee.

“(2)(A) In determining”;

(4) in clause (ii) of paragraph (2)(A) (as so redesignated), by striking “paragraph (1)” and inserting “clause (i)”;

(5) by adding at the end the following:

“(B) An employer may not keep tips received by its employees for any purposes, including allowing managers or supervisors to keep any portion of employees’ tips, regardless of whether or not the employer takes a tip credit.”.

(b) **PENALTIES.**—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b)—

(A) by inserting after the second sentence the following: “Any employer who violates section 3(m)(2)(B) shall be liable to the employee or employees affected in the amount of the sum of any tip credit taken by the employer and all such tips unlawfully kept by the employer, and in an additional equal amount as liquidated damages.”; and

(B) by striking “either of”;

(2) in subsection (c), by adding at the end the following: “The authority and requirements described in this subsection shall apply with respect to a violation of section 3(m)(2)(B), as appropriate, and the employer shall be liable for the amount of the sum of any tip credit taken by the employer and all such tips unlawfully kept by the employer, and an additional equal amount as liquidated damages.”; and

(3) in subsection (e)(2), by adding at the end the following: “Any person who violates section 3(m)(2)(B) shall be subject to a civil penalty not to exceed \$1,100 for each such violation, as the Secretary determines appropriate, in addition to being liable to the employee or employees affected for all tips unlawfully kept, and an additional equal amount as liquidated damages, as described in subsection (b).”.

(c) **EFFECT ON REGULATIONS.**—The portions of the final rule promulgated by the Department of Labor entitled “Updating Regulations Issued Under the Fair Labor Standards Act” (76 Fed. Reg. 18832 (April 5, 2011)) that revised sections 531.52, 531.54, and 531.59 of title 29, Code of Federal Regulations (76 Fed. Reg. 18854–18856) and that are not addressed by section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) (as such section was in effect on April 5, 2011), shall have no further force or effect until any future action taken by the Administrator of the Wage and Hour Division of the Department of Labor.

TITLE XIII—REVISIONS TO PASS-THROUGH PERIOD AND PAYMENT RULES
SEC. 1301. REVISIONS TO PASS-THROUGH PERIOD AND PAYMENT RULES UNDER OPDS FOR CERTAIN NEW DRUGS AND BIOLOGICALS.

(a) **REVISIONS TO PASS-THROUGH PERIOD AND PAYMENT RULES.**—

(1) **IN GENERAL.**—Section 1833(t)(6) of the Social Security Act (42 U.S.C. 1395l(t)(6)) is amended—

(A) in subparagraph (C)(i), in the matter preceding subclause (I), by striking “The payment” and inserting “Subject to subparagraph (G), the payment”;

(B) in subparagraph (D)(i), by inserting “subject to subparagraph (H),” before “in the case”;

(C) by adding at the end the following new subparagraphs:

“(G) **PASS-THROUGH EXTENSION FOR CERTAIN DRUGS AND BIOLOGICALS.**—In the case of a drug or biological whose period of pass-through status under this paragraph ended on December 31, 2017, and for which payment under this subsection was packaged into a payment for a covered OPD service (or group of services) furnished beginning January 1, 2018, such pass-through status shall be extended for a 2-year period beginning on October 1, 2018.

“(H) **TEMPORARY PAYMENT RULE FOR CERTAIN DRUGS AND BIOLOGICALS.**—In the case of

a drug or biological whose period of pass-through status under this paragraph ended on December 31, 2017, and for which payment under this subsection was packaged into a payment for a covered OPD service (or group of services) furnished beginning January 1, 2018, the payment amount for such drug or biological under this subsection that is furnished during the period beginning on October 1, 2018, and ending on March 31, 2019, shall be the greater of—

“(i) the payment amount that would otherwise apply under subparagraph (D)(i) for such drug or biological during such period; or

“(ii) the payment amount that applied under such subparagraph (D)(i) for such drug or biological on December 31, 2017.

“(I) **SPECIAL PAYMENT ADJUSTMENT RULES FOR LAST QUARTER OF 2018.**—In the case of a drug or biological whose period of pass-through status under this paragraph ended on December 31, 2017, and for which payment under this subsection was packaged into a payment amount for a covered OPD service (or group of services) beginning January 1, 2018, the following rules shall apply with respect to payment amounts under this subsection for covered a OPD service (or group of services) furnished during the period beginning on October 1, 2018, and ending on December 31, 2018:

“(i) The Secretary shall remove the packaged costs of such drug or biological (as determined by the Secretary) from the payment amount under this subsection for the covered OPD service (or group of services) with which it is packaged.

“(ii) The Secretary shall not make any adjustments to payment amounts under this subsection for a covered OPD service (or group of services) for which no costs were removed under clause (i).”.

(2) **NONAPPLICATION OF LIMIT ON AGGREGATE ANNUAL ADJUSTMENT FOR 2018.**—Section 1833(t)(6)(E)(i) of the Social Security Act (42 U.S.C. 1395l(t)(6)(E)(i)) is amended by adding at the end the following new sentence: “This clause shall not apply for 2018.”.

(3) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by paragraphs (1) and (2) by program instruction or otherwise.

(b) **GAO STUDY AND REPORT.**—

(1) **IN GENERAL.**—The Comptroller General of the United States (in this subsection referred to as the “Comptroller General”) shall conduct a study on the policy for packaging high cost drugs and biologicals after their pass-through status under subsection (t)(6) of section 1833 of the Social Security Act (42 U.S.C. 1395l) has expired under the payment systems for hospital outpatient department services under section subsection (t) of such section and for surgical services furnished in an ambulatory surgical center under subsection (i) of such section. Such study shall include an analysis of—

(A) the impact of such policy on—

(i) the utilization of such drugs and biologicals;

(ii) the availability of treatment options, including consultations with physicians and hospitals; and

(iii) to the extent practicable, the health outcomes of Medicare beneficiaries; and

(B) the impact of the amendments made by subsection (a), including the impact on price competition and cost-sharing.

(2) **REPORT.**—Not later than March 1, 2021, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

DIVISION T—REVENUE PROVISIONS**SEC. 101. MODIFICATION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME OF A COOPERATIVE AND ITS PATRONS.**

(a) DEDUCTION FOR QUALIFIED PRODUCTION ACTIVITIES INCOME.—

(1) IN GENERAL.—Subsection (g) of section 199A of the Internal Revenue Code of 1986 is amended to read as follows:

“(g) DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES OF SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVES.—

“(1) ALLOWANCE OF DEDUCTION.—

“(A) IN GENERAL.—In the case of a taxpayer which is a specified agricultural or horticultural cooperative, there shall be allowed as a deduction an amount equal to 9 percent of the lesser of—

“(i) the qualified production activities income of the taxpayer for the taxable year, or

“(ii) the taxable income of the taxpayer for the taxable year.

“(B) LIMITATION.—

“(i) IN GENERAL.—The deduction allowable under subparagraph (A) for any taxable year shall not exceed 50 percent of the W-2 wages of the taxpayer for the taxable year.

“(ii) W-2 WAGES.—For purposes of this subparagraph, the W-2 wages of the taxpayer shall be determined in the same manner as under subsection (b)(4) (without regard to subparagraph (B) thereof and after application of subsection (b)(5)), except that such wages shall not include any amount which is not properly allocable to domestic production gross receipts for purposes of paragraph (3)(A).

“(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this subsection, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

“(2) DEDUCTION ALLOWED TO PATRONS.—

“(A) IN GENERAL.—In the case of any eligible taxpayer who receives a qualified payment from a specified agricultural or horticultural cooperative, there shall be allowed as a deduction for the taxable year in which such payment is received an amount equal to the portion of the deduction allowed under paragraph (1) to such cooperative which is—

“(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

“(ii) identified by such cooperative in a written notice mailed to such taxpayer during the payment period described in section 1382(d).

“(B) LIMITATION BASED ON TAXABLE INCOME.—The deduction allowed to any taxpayer under this paragraph shall not exceed the taxable income of the taxpayer determined without regard to the deduction allowed under this paragraph and after taking into account any deduction allowed to the taxpayer under subsection (a) for the taxable year.

“(C) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

“(D) ELIGIBLE TAXPAYER.—For purposes of this paragraph, the term ‘eligible taxpayer’ means—

“(i) a taxpayer other than a corporation, or

“(ii) a specified agricultural or horticultural cooperative.

“(E) QUALIFIED PAYMENT.—For purposes of this section, the term ‘qualified payment’ means, with respect to any eligible taxpayer, any amount which—

“(i) is described in paragraph (1) or (3) of section 1385(a),

“(ii) is received by such taxpayer from a specified agricultural or horticultural cooperative, and

“(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under paragraph (1).

“(3) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified production activities income’ for any taxable year means an amount equal to the excess (if any) of—

“(i) the taxpayer’s domestic production gross receipts for such taxable year, over

“(ii) the sum of—

“(I) the cost of goods sold that are allocable to such receipts, and

“(II) other expenses, losses, or deductions (other than the deduction allowed under this subsection), which are properly allocable to such receipts.

“(B) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in subparagraph (A) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.

“(C) SPECIAL RULES FOR DETERMINING COSTS.—

“(i) IN GENERAL.—For purposes of determining costs under subclause (I) of subparagraph (A)(ii), any item or service brought into the United States shall be treated as acquired by purchase, and its cost shall be treated as not less than its value immediately after it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

“(ii) EXPORTS FOR FURTHER MANUFACTURE.—In the case of any property described in clause (i) that had been exported by the taxpayer for further manufacture, the increase in cost or adjusted basis under clause (i) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

“(D) DOMESTIC PRODUCTION GROSS RECEIPTS.—

“(i) IN GENERAL.—The term ‘domestic production gross receipts’ means the gross receipts of the taxpayer which are derived from any lease, rental, license, sale, exchange, or other disposition of any agricultural or horticultural product which was manufactured, produced, grown, or extracted by the taxpayer (determined after the application of paragraph (4)(B)) in whole or significant part within the United States. Such term shall not include gross receipts of the taxpayer which are derived from the lease, rental, license, sale, exchange, or other disposition of land.

“(ii) RELATED PERSONS.—

“(I) IN GENERAL.—The term ‘domestic production gross receipts’ shall not include any gross receipts of the taxpayer derived from property leased, licensed, or rented by the taxpayer for use by any related person.

“(II) RELATED PERSON.—For purposes of subclause (I), a person shall be treated as related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of

section 52 shall be made without regard to section 1563(b).

“(4) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this section—

“(A) IN GENERAL.—The term ‘specified agricultural or horticultural cooperative’ means an organization to which part I of subchapter T applies which is engaged—

“(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

“(ii) in the marketing of agricultural or horticultural products.

“(B) APPLICATION TO MARKETING COOPERATIVES.—A specified agricultural or horticultural cooperative described in subparagraph (A)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any agricultural or horticultural product marketed by the specified agricultural or horticultural cooperative which its patrons have so manufactured, produced, grown, or extracted.

“(5) DEFINITIONS AND SPECIAL RULES.—

“(A) SPECIAL RULE FOR AFFILIATED GROUPS.—

“(i) IN GENERAL.—All members of an expanded affiliated group shall be treated as a single corporation for purposes of this subsection.

“(ii) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of paragraph (3)(D), if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.

“(iii) EXPANDED AFFILIATED GROUP.—For purposes of this subsection, the term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

“(I) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(II) without regard to paragraphs (2) and (4) of section 1504(b).

“(iv) ALLOCATION OF DEDUCTION.—Except as provided in regulations, the deduction under paragraph (1) shall be allocated among the members of the expanded affiliated group in proportion to each member’s respective amount (if any) of qualified production activities income.

“(B) SPECIAL RULE FOR COOPERATIVE PARTNERS.—In the case of a specified agricultural or horticultural cooperative which is a partner in a partnership, rules similar to the rules of subsection (f)(1) shall apply for purposes of this subsection.

“(C) TRADE OR BUSINESS REQUIREMENT.—This subsection shall be applied by only taking into account items which are attributable to the actual conduct of a trade or business.

“(D) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, this section shall be applied by substituting ‘unrelated business taxable income’ for ‘taxable income’ each place it appears in this section (other than this subparagraph).

“(E) SPECIAL RULE FOR COOPERATIVE WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

“(i) IN GENERAL.—If a specified agricultural or horticultural cooperative has oil related qualified production activities income for any taxable year, the amount otherwise allowable as a deduction under paragraph (1) shall be reduced by 3 percent of the least of—

“(I) the oil related qualified production activities income of the cooperative for the taxable year,

“(II) the qualified production activities income of the cooperative for the taxable year, or

“(III) taxable income.

“(ii) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this subparagraph, the term ‘oil related qualified production activities income’ means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof (within the meaning of section 927(a)(2)(C), as in effect before its repeal) during such taxable year.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this subsection, including regulations which prevent more than 1 taxpayer from being allowed a deduction under this subsection with respect to any activity described in paragraph (3)(D)(i). Such regulations shall be based on the regulations applicable to cooperatives and their patrons under section 199 (as in effect before its repeal).”

(2) CONFORMING AMENDMENTS.—

(A) Sections 63(b)(3), 63(d)(3), 199A(e)(1), and 6662(d)(1)(C) of such Code are each amended by striking “the deduction” and inserting “any deduction”.

(B) The last sentence of section 62(a) of such Code and section 172(d)(8) of such Code are each amended by striking “The deduction” and inserting “Any deduction”.

(C) Section 199A(e)(1) of such Code is amended by striking “Taxable income” and inserting “Except as otherwise provided in subsection (g)(2)(B), taxable income”.

(D) Section 613(a) of such Code is amended by striking “the deduction under section 199A” and inserting “any deduction under section 199A”.

(b) MODIFICATIONS RELATED TO PAYMENTS FROM COOPERATIVES.—

(1) REPEAL OF SPECIAL DEDUCTION FOR QUALIFIED COOPERATIVE DIVIDENDS.—Subsection (a) of section 199A of such Code is amended to read as follows:

“(a) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer other than a corporation, there shall be allowed as a deduction for any taxable year an amount equal to the lesser of—

“(1) the combined qualified business income amount of the taxpayer, or

“(2) an amount equal to 20 percent of the excess (if any) of—

“(A) the taxable income of the taxpayer for the taxable year, over

“(B) the net capital gain (as defined in section 1(h)) of the taxpayer for such taxable year.”

(2) REPEAL OF RULE EXCLUDING QUALIFIED COOPERATIVE DIVIDENDS FROM QUALIFIED BUSINESS INCOME.—

(A) IN GENERAL.—Section 199A(c)(1) of such Code is amended by striking “, qualified cooperative dividends,”.

(b) CONFORMING AMENDMENTS.—

(i) Section 199A(c)(3)(B) of such Code is amended—

(I) by striking “investment” in the matter preceding clause (i), and

(II) by adding at the end of clause (ii) the following: “Any amount described in section 1385(a)(1) shall not be treated as described in this clause.”

(ii) Section 199A(e) of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(3) REDUCTION OF QUALIFIED BUSINESS INCOME WITH RESPECT TO INCOME RECEIVED FROM COOPERATIVES.—Section 199A(b) of such Code is amended by adding at the end the following new paragraph:

“(7) SPECIAL RULE WITH RESPECT TO INCOME RECEIVED FROM COOPERATIVES.—In the case of

any qualified trade or business of a patron of a specified agricultural or horticultural cooperative, the amount determined under paragraph (2) with respect to such trade or business shall be reduced by the lesser of—

“(A) 9 percent of so much of the qualified business income with respect to such trade or business as is properly allocable to qualified payments received from such cooperative, or

“(B) 50 percent of so much of the W-2 wages with respect to such trade or business as are so allocable.”

(c) APPLICATION OF SECTION 199 TO CERTAIN QUALIFIED PAYMENTS PAID AFTER 2017.—Subsection (c) of section 13305 of Public Law 115-97 is amended to read as follows:

“(c) EFFECTIVE DATES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

“(2) TRANSITION RULE FOR QUALIFIED PAYMENTS OF PATRONS OF COOPERATIVES.—

“(A) IN GENERAL.—The amendments made by this section shall not apply to a qualified payment received by a taxpayer from a specified agricultural or horticultural cooperative in a taxable year of the taxpayer beginning after December 31, 2017, which is attributable to qualified production activities income with respect to which a deduction is allowable to the cooperative under section 199 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this section) for a taxable year of the cooperative beginning before January 1, 2018. Any term used in this subparagraph which is also used in section 199 of such Code (as so in effect) shall have the same meaning as when used in such section.

“(B) COORDINATION WITH SECTION 199A.—No deduction shall be allowed under section 199A of such Code for any qualified payment to which subparagraph (A) applies.”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in section 11011 of Public Law 115-97.

(2) APPLICATION OF SECTION 199 TO CERTAIN QUALIFIED PAYMENTS PAID AFTER 2017.—The amendment made by subsection (c) shall take effect as if included in section 13305 of Public Law 115-97.

SEC. 102. INCREASE IN STATE HOUSING CREDIT CEILING FOR , 2019, 2020, 2021.

(a) IN GENERAL.—Section 42(h)(3)(I) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2018, 2019, 2020, AND 2021.—In the case of calendar years 2018, 2019, 2020, and 2021, each of the dollar amounts in effect under clauses (I) and (II) of subparagraph (C)(ii) for any calendar year (after any increase under subparagraph (H)) shall be increased by multiplying such dollar amount by 1.125.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after December 31, 2017.

SEC. 103. AVERAGE INCOME TEST FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 42(g) of the Internal Revenue Code of 1986 is amended—

(1) by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”, and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) AVERAGE INCOME TEST.—

“(i) IN GENERAL.—The project meets the minimum requirements of this subparagraph if 40 percent or more (25 percent or more in

the case of a project described in section 142(d)(6)) of the residential units in such project are both rent-restricted and occupied by individuals whose income does not exceed the imputed income limitation designated by the taxpayer with respect to the respective unit.

“(ii) SPECIAL RULES RELATING TO INCOME LIMITATION.—For purposes of clause (i)—

“(I) DESIGNATION.—The taxpayer shall designate the imputed income limitation of each unit taken into account under such clause.

“(II) AVERAGE TEST.—The average of the imputed income limitations designated under subclause (I) shall not exceed 60 percent of area median gross income.

“(III) 10-PERCENT INCREMENTS.—The designated imputed income limitation of any unit under subclause (I) shall be 20 percent, 30 percent, 40 percent, 50 percent, 60 percent, 70 percent, or 80 percent of area median gross income.”

(b) RULES RELATING TO NEXT AVAILABLE UNIT.—Subparagraph (D) of section 42(g)(2) of the Internal Revenue Code of 1986 is amended—

(1) in clause (i), by striking “clause (ii)” and inserting “clauses (ii), (iii), and (iv)”,

(2) in clause (ii)—

(A) by striking “If” and inserting “In the case of a project with respect to which the taxpayer elects the requirements of subparagraph (A) or (B) of paragraph (1), if”,

(B) by striking the second sentence, and

(C) by striking “NEXT AVAILABLE UNIT MUST BE RENTED TO LOW-INCOME TENANT IF INCOME RISES ABOVE 140 PERCENT OF INCOME LIMIT” in the heading and inserting “RENTAL OF NEXT AVAILABLE UNIT IN CASE OF 20-50 OR 40-60 TEST”, and

(3) by adding at the end the following new clauses:

“(iii) RENTAL OF NEXT AVAILABLE UNIT IN CASE OF AVERAGE INCOME TEST.—In the case of a project with respect to which the taxpayer elects the requirements of subparagraph (C) of paragraph (1), if the income of the occupants of the unit increases above 140 percent of the greater of—

“(I) 60 percent of area median gross income, or

“(II) the imputed income limitation designated with respect to the unit under paragraph (1)(C)(ii)(I), clause (i) shall cease to apply to any such unit if any residential rental unit in the building (of a size comparable to, or smaller than, such unit) is occupied by a new resident whose income exceeds the limitation described in clause (v).

“(iv) DEEP RENT SKEWED PROJECTS.—In the case of a project described in section 142(d)(4)(B), clause (ii) or (iii), whichever is applicable, shall be applied by substituting ‘170 percent’ for ‘140 percent’, and—

“(I) in the case of clause (ii), by substituting ‘any low-income unit in the building is occupied by a new resident whose income exceeds 40 percent of area median gross income’ for ‘any residential rental unit’ and all that follows in such clause, and

“(II) in the case of clause (iii), by substituting ‘any low-income unit in the building is occupied by a new resident whose income exceeds the lesser of 40 percent of area median gross income or the imputed income limitation designated with respect to such unit under paragraph (1)(C)(ii)(I)’ for ‘any residential rental unit’ and all that follows in such clause.

“(v) LIMITATION DESCRIBED.—For purposes of clause (iii), the limitation described in this clause with respect to any unit is—

“(I) the imputed income limitation designated with respect to such unit under paragraph (1)(C)(ii)(I), in the case of a unit which

was taken into account as a low-income unit prior to becoming vacant, and

“(II) the imputed income limitation which would have to be designated with respect to such unit under such paragraph in order for the project to continue to meet the requirements of paragraph (1)(C)(ii)(II), in the case of any other unit.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to elections made under section 42(g)(1) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

DIVISION U—TAX TECHNICAL CORRECTIONS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; ETC.

(a) **SHORT TITLE.**—This division may be cited as the “Tax Technical Corrections Act of 2018”.

(b) **AMENDMENT OF INTERNAL REVENUE CODE OF 1986.**—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents; etc.

TITLE I—TAX TECHNICAL CORRECTIONS

Sec. 101. Amendments relating to Protecting Americans from Tax Hikes Act of 2015.

Sec. 102. Amendment relating to Consolidated Appropriations Act, 2016.

Sec. 103. Amendments relating to Fixing America's Surface Transportation Act.

Sec. 104. Amendments relating to Surface Transportation and Veterans Health Care Choice Improvement Act of 2015.

Sec. 105. Amendments relating to Stephen Beck, Jr., ABLE Act of 2014.

Sec. 106. Amendment relating to American Taxpayer Relief Act of 2012.

Sec. 107. Amendment relating to United States-Korea Free Trade Agreement Implementation Act.

Sec. 108. Amendment relating to SAFETEA-LU.

Sec. 109. Amendments relating to the American Jobs Creation Act of 2004.

TITLE II—TECHNICAL CORRECTIONS RELATED TO PARTNERSHIP AUDIT RULES

Sec. 201. Scope of adjustments subject to partnership audit rules.

Sec. 202. Determination of imputed underpayments.

Sec. 203. Alternative procedure to filing amended returns for purposes of modifying imputed underpayment.

Sec. 204. Treatment of passthrough partners in tiered structures.

Sec. 205. Treatment of failure of partnership to pay imputed underpayment.

Sec. 206. Other technical corrections related to partnership audit rules.

Sec. 207. Effective date.

TITLE III—OTHER CORRECTIONS

Sec. 301. Amendments relating to the Bipartisan Budget Act of 2015.

Sec. 302. Amendments relating to the Energy Policy Act of 2005.

TITLE IV—CLERICAL CORRECTIONS AND DEADWOOD

Sec. 401. Clerical corrections and deadwood-related provisions.

TITLE I—TAX TECHNICAL CORRECTIONS

SEC. 101. AMENDMENTS RELATING TO PROTECTING AMERICANS FROM TAX HIKES ACT OF 2015.

(a) **AMENDMENT RELATING TO SECTION 103.**—

(1) Section 32(b)(2) is amended—

(A) by striking clauses (ii) and (iii) of subparagraph (B), and

(B) by striking so much of subparagraph (B) as precedes “In the case of a joint return” and inserting the following:

“(B) JOINT RETURNS.—”.

(2) Section 32(j)(1) is amended—

(A) in the matter preceding subparagraph (A) by striking “after 1996” and inserting “after 2015”,

(B) in subparagraph (B) by inserting “by substituting in subparagraph (A)(ii) thereof” after “, determined”,

(C) in subparagraph (B)(i) by striking “by substituting” and “in subparagraph (A)(ii) thereof”,

(D) in subparagraph (B)(ii)—

(i) by striking “by substituting” and “in subparagraph (A)(ii) of such section 1”,

(ii) by striking “\$3,000” and inserting “\$5,000”,

(iii) by striking “(b)(2)(B)(iii)” and inserting “(b)(2)(B)”, and

(iv) by striking “2007” and inserting “2008”.

(b) **AMENDMENT RELATING TO SECTION 105.**—Section 132(f)(6)(A) is amended by striking the second sentence.

(c) **AMENDMENTS RELATING TO SECTION 121.**—Section 41(c) is amended—

(1) by striking paragraph (4),

(2) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively, and

(3) by striking the last sentence of paragraph (4)(C) (as so redesignated).

(d) **AMENDMENTS RELATING TO SECTION 143.**—

(1) Section 168(k)(2)(B)(i)(III) is amended by inserting “binding” before “contract”.

(2) Section 168(k)(5)(B)(ii) is amended—

(A) by inserting “crop or” after “more than one”, and

(B) by inserting “a marketable crop or yield of” after “begins bearing”.

(3) For purposes of applying section 168(k) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of Public Law 115-97, with respect to property acquired before September 28, 2017, paragraph (6) thereof shall be treated as reading as follows (and as having been included in section 143 of the Protecting Americans from Tax Hikes Act of 2015):

“(6) **PHASE-DOWN.**—In the case of qualified property placed in service by the taxpayer after December 31, 2017 (December 31, 2018, in the case of property described in subparagraph (B) or (C) of paragraph (2)), paragraph (1)(A) shall be applied by substituting for ‘50 percent’—

“(A) ‘40 percent’ in the case of—

“(i) property placed in service in 2018 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2019, and

“(B) ‘30 percent’ in the case of—

“(i) property placed in service in 2019 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2020.”.

(4) Section 168(k)(7) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of Public Law 115-97, shall be applied—

(A) by substituting “paragraphs (1), (2)(F), and (4)” for “paragraphs (1) and (2)(F)”, and

(B) as if the application of such substitution had been included in section 143 of the Protecting Americans from Tax Hikes Act of 2015.

(e) **AMENDMENTS RELATING TO SECTION 167.**—

(1) Section 168(j)(3) is amended by striking “property to which paragraph (1) applies” and inserting “qualified Indian reservation property”.

(2) Section 168(j)(8) is amended by striking “this subsection” and inserting “paragraph (1)”.

(f) **AMENDMENTS RELATING TO SECTION 202.**—

(1) Section 6722(c)(3)(A) is amended—

(A) by striking “any information return” in clause (iii) and inserting “the payee statement”, and

(B) by striking “filed” in the flush matter at the end and inserting “furnished”.

(2) Section 6721(c)(3)(A) is amended by striking “any information return” and inserting “the information return”.

(3) Section 202(e) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking “provided” and inserting “furnished”.

(g) **AMENDMENTS RELATING TO SECTION 203.**—

(1) Section 6109(i)(1)(A)(i) is amended by striking “community-based certified acceptance agent” and inserting “community-based certifying acceptance agent”.

(2) Section 6109(i)(1)(B) is amended by striking “Internal Revenue Service” and inserting “Internal Revenue Service, a community-based certifying acceptance agent approved by the Secretary.”.

(3) Section 6109(i)(3) is amended—

(A) in subparagraph (A)—

(i) by inserting “ending after the issuance of such number” before the period at the end of the first sentence, and

(ii) by striking “on the last day of such third consecutive taxable year” and inserting “on the day after the due date for the return of tax for such third consecutive taxable year”, and

(B) by striking subparagraph (B)(ii) and inserting the following:

“(ii) if the individual does not file a return of tax (or is not included as a dependent on the return of tax of another taxpayer) for 3 consecutive taxable years at least one of which ends after December 18, 2015, the due date for the return of tax for such third consecutive taxable year.”.

(4) Section 203(c) of the Protecting Americans from Tax Hikes Act of 2015 is amended—

(A) by striking “section 6109(i)(1)(A)(i)” and inserting “section 6109(i)(1)”.

(B) by striking “community-based certified acceptance agents” and inserting “community-based certifying acceptance agents”, and

(C) by striking “CERTIFIED” in the heading thereof and inserting “CERTIFYING”.

(5) Section 203(f) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking “The amendments” and inserting “Except to the extent provided in section 6109(i)(3) of the Internal Revenue Code of 1986, the amendments”.

(h) **AMENDMENTS RELATING TO SECTION 204.**—Section 204(b) of the Protecting Americans from Tax Hikes Act of 2015 is amended—

(1) by striking paragraph (2), and

(2) by striking so much as precedes “amendment made by this section” and inserting the following: “(b) **EFFECTIVE DATE.**—The”.

(i) **AMENDMENTS RELATING TO SECTION 205.**—

(1) Section 24(e)(2) is amended by striking “identifying number” and inserting “taxpayer identification number”.

(2) Section 205(c) of the Protecting Americans from Tax Hikes Act of 2015 is amended—

(A) by striking paragraph (2), and

(B) by striking so much as precedes “shall apply to any return of tax” and inserting the following: “(c) **EFFECTIVE DATE.**—The amendments made by this section”.

(j) AMENDMENTS RELATING TO SECTION 206.—Section 206(b) of the Protecting Americans from Tax Hikes Act of 2015 is amended—

(1) by striking “Except as provided in paragraph (2), the amendment” in paragraph (1) and inserting “The amendment”, and

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(k) AMENDMENT RELATING TO SECTION 209.—Section 209(d)(2) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking “amendment made by subsection (b)” and inserting “amendments made by subsections (b) and (c)”.

(l) AMENDMENTS RELATED TO SECTIONS 102, 206, 207, 208, AND 211.—

(1) Section 25A(b)(1) is amended—

(A) in subparagraph (A) by striking “\$1,000” and inserting “\$2,000”, and

(B) in subparagraph (B)—

(i) by striking “50 percent” and inserting “25 percent”,

(ii) by striking “\$1,000” and inserting “\$2,000”, and

(iii) by striking “the applicable limit” and inserting “\$4,000”.

(2) Subparagraphs (A) and (C) of section 25A(b)(2) are amended by striking “2” in the heading and text of each subparagraph and inserting “4”.

(3) Section 25A(b)(4) is amended to read as follows:

“(4) RESTRICTIONS ON TAXPAYERS WHO IMPROPERLY CLAIMED AMERICAN OPPORTUNITY TAX CREDIT IN PRIOR YEARS.—

“(A) TAXPAYERS MAKING PRIOR FRAUDULENT OR RECKLESS CLAIMS.—

“(i) IN GENERAL.—No American Opportunity Tax Credit shall be allowed under this section for any taxable year in the disallowance period.

“(ii) DISALLOWANCE PERIOD.—For purposes of subparagraph (A), the disallowance period is—

“(I) the period of 10 taxable years after the most recent taxable year for which there was a final determination that the taxpayer’s claim of the American Opportunity Tax Credit under this section was due to fraud, and

“(II) the period of 2 taxable years after the most recent taxable year for which there was a final determination that the taxpayer’s claim of the American Opportunity Tax Credit under this section was due to reckless or intentional disregard of rules and regulations (but not due to fraud).

“(B) TAXPAYERS MAKING IMPROPER PRIOR CLAIMS.—In the case of a taxpayer who is denied the American Opportunity Tax Credit under this section for any taxable year as a result of the deficiency procedures under subchapter B of chapter 63, no American Opportunity Tax Credit shall be allowed under this section for any subsequent taxable year unless the taxpayer provides such information as the Secretary may require to demonstrate eligibility for such credit.”.

(4) Section 25A(d) is amended to read as follows:

“(d) LIMITATIONS BASED ON MODIFIED ADJUSTED GROSS INCOME.—

“(1) AMERICAN OPPORTUNITY TAX CREDIT.—The American Opportunity Tax Credit (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

“(A) the excess of—

“(i) the taxpayer’s modified adjusted gross income for such taxable year, over

“(ii) \$80,000 (\$160,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).

“(2) LIFETIME LEARNING CREDIT.—The Lifetime Learning Credit (determined without regard to this paragraph) shall be reduced

(but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

“(A) the excess of—

“(i) the taxpayer’s modified adjusted gross income for such taxable year, over

“(ii) \$40,000 (\$80,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).

“(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ‘modified adjusted gross income’ means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.”.

(5) Section 25A(f)(1) is amended by adding at the end the following new subparagraph:

“(D) REQUIRED COURSE MATERIALS TAKEN INTO ACCOUNT FOR AMERICAN OPPORTUNITY TAX CREDIT.—For purposes of determining the American Opportunity Tax Credit, subparagraph (A) shall be applied by substituting ‘tuition, fees, and course materials’ for ‘tuition and fees’.”.

(6) Section 25A(g)(1) is amended—

(A) by striking “No credit” and inserting the following:

“(A) IN GENERAL.—No credit”, and

(B) by adding at the end the following new subparagraph:

“(B) ADDITIONAL IDENTIFICATION REQUIREMENTS WITH RESPECT TO AMERICAN OPPORTUNITY TAX CREDIT.—

“(i) STUDENT.—The requirements of subparagraph (A) shall not be treated as met with respect to the American Opportunity Tax Credit unless the individual’s taxpayer identification number was issued on or before the due date for filing the return of tax for the taxable year.

“(ii) TAXPAYER.—No American Opportunity Tax Credit shall be allowed under this section if the taxpayer identification number of the taxpayer was issued after the due date for filing the return for the taxable year.

“(iii) INSTITUTION.—No American Opportunity Tax Credit shall be allowed under this section unless the taxpayer includes the employer identification number of any institution to which qualified tuition and related expenses were paid with respect to the individual.”.

(7) Section 25A(h) is amended to read as follows:

“(h) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of a taxable year beginning after 2001, the \$40,000 and \$80,000 amounts in subsection (d)(2) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2000’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$1,000.”.

(8) Section 25A(i) is amended to read as follows:

“(i) PORTION OF AMERICAN OPPORTUNITY TAX CREDIT MADE REFUNDABLE.—Forty percent of so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Tax Credit (determined after application of subsection (d) and without regard to this paragraph and section 26(a)) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.”.

(9) The heading of section 25A is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(10) The item relating to section 25A in the table of contents for subpart A of part IV of subchapter A of chapter 1 is amended to read as follows:

“Sec. 25A. American Opportunity and Lifetime Learning credits.”.

(11) The heading of section 25A(b) is amended by striking “HOPE SCHOLARSHIP CREDIT” and inserting “AMERICAN OPPORTUNITY TAX CREDIT”.

(12) The heading of section 25A(b)(2) is amended by striking “HOPE SCHOLARSHIP CREDIT” and inserting “AMERICAN OPPORTUNITY TAX CREDIT”.

(13) The heading of section 25A(c)(2)(A) is amended by striking “HOPE SCHOLARSHIP” and inserting “AMERICAN OPPORTUNITY TAX CREDIT”.

(14) Section 25A, as amended by the preceding provisions of this Act, is amended by striking “Hope Scholarship Credit” each place it appears in the text and inserting “American Opportunity Tax Credit”.

(15) The heading of section 529(c)(3)(B)(v) is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(16) The heading of section 530(d)(2)(C) is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(17) Section 6211(b)(4)(A), as amended by this Act, is amended by striking “subsection (i)(5)” and inserting “subsection (i)”.

(18) Section 6213(g)(2)(Q) is amended to read as follows:

“(Q) an omission of information required by section 25A(b)(4)(B) or an entry on the return claiming the American Opportunity Tax Credit for a taxable year for which such credit is disallowed under section 25A(b)(4)(A).”.

(19) Section 207(b)(1) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking “the American opportunity tax credit under section 25A(i) of such Code” and inserting “the American Opportunity Tax Credit under section 25A of such Code”.

(m) AMENDMENT RELATING TO SECTION 311.—

(1) The last sentence of section 355(h)(2)(B) is amended by striking “80 percent” both places it appears and inserting “at least 80 percent”.

(2) Section 355(h)(2) is amended—

(A) by striking “SPINOFFS” in the heading of such paragraph and inserting “DISTRIBUTIONS”, and

(B) by striking “SPINOFFS” in the headings of subparagraphs (A) and (B) and inserting “DISTRIBUTIONS”.

(n) AMENDMENT RELATING TO SECTION 318.—

(1) Section 856(c)(9)(A) is amended—

(A) by striking “Personal property” and inserting the following:

“(i) IN GENERAL.—Personal property”, and

(B) by adding at the end the following new clause:

“(ii) TREATMENT OF GAIN ON DISPOSITION.—

If—

“(I) personal property is leased under, or in connection with, a lease of real property, for a period of not less than 1 year, and rents attributable to such personal property are treated as rents from real property under subsection (d)(1)(C),

“(II) any portion of such personal property and any portion of such real property are sold, or otherwise disposed of, in a single disposition (or contemporaneously in separate dispositions), and

“(III) the fair market value of the personal property so sold or contemporaneously disposed of (determined at the time of disposition) does not exceed 15 percent of the total

fair market value of all of the personal and real property so sold or contemporaneously disposed of (determined at the time of disposition), any gain from such dispositions shall be treated for purposes of paragraphs (2)(H) and (3)(H) as gain from the disposition of a real estate asset.”.

(2) Section 856(c)(9)(B) is amended to read as follows:

“(B) CERTAIN PERSONAL PROPERTY MORTGAGED IN CONNECTION WITH REAL PROPERTY.—

“(i) IN GENERAL.—In the case of an obligation secured by a mortgage on both real property and personal property, if the fair market value of such personal property does not exceed 15 percent of the total fair market value of all such property, such obligation shall be treated—

“(I) for purposes of paragraph (3)(B), as an obligation described therein,

“(II) for purposes of paragraph (4)(A), as a real estate asset, and

“(III) for purposes of paragraphs (2)(D) and (3)(C), as a mortgage on real property.

“(ii) DETERMINATION OF FAIR MARKET VALUE.—

“(I) IN GENERAL.—Except as provided in subclause (II), the fair market value of all such property shall be determined for purposes of clause (i) in the same manner as the fair market value of real property is determined for purposes of apportioning interest income between real property and personal property under paragraph (3)(B).

“(II) GAIN ON DISPOSITION.—For purposes of applying clause (i)(III), fair market value shall be determined at the time of sale or other disposition.”.

(c) AMENDMENT RELATED TO SECTION 302(b).—Section 529A(c)(1) is amended by striking subparagraph (D).

(p) AMENDMENTS RELATING TO SECTION 322.—

(1) Section 897(k)(2) is amended—

(A) by striking so much of subparagraph (B) as precedes “amounts realized by the qualified shareholder” and inserting the following:

“(B) EXCEPTION.—In the case of a qualified shareholder with one or more applicable investors—

“(i) subparagraph (A)(i) shall not apply to the applicable percentage of the stock of the real estate investment trust held by the qualified shareholder, and

“(ii) the applicable percentage of the”, and (B) by adding at the end the following new subparagraph:

“(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (B), the term ‘applicable percentage’ means the percentage of the value of the interests (other than interests held solely as a creditor) in the qualified shareholder held by applicable investors.”.

(2) Section 897(k)(2)(D) is amended by striking “paragraph” and inserting “subsection”.

(3) Section 897(k)(2)(E) is amended by striking “and (C) and paragraph (4)” and inserting “and (D)”.

(4) Section 897(k)(3)(B)(i) is amended by striking so much as precedes “for a reduced rate of withholding” and inserting the following:

“(i) which—

“(I) is eligible for benefits under the comprehensive income tax treaty described in subparagraph (A)(i)(I), but only if the dividends article of such treaty imposes conditions on the benefits allowable in the case of dividends paid by a real estate investment trust, and

“(II) is eligible under such treaty”.

(5) Section 897(k)(3)(B)(ii) is amended—

(A) by adding “and” at the end of subclause (II), and

(B) by striking “United States corporation” in subclause (III) and inserting “domestic corporation”.

(6) Section 322 of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking subsections (b)(2) and (c)(3), and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments made thereby, had never been enacted.

(7) Section 322(c)(2) of such Act is amended by striking “take effect on” and inserting the following: “apply with respect to testing periods (as defined in section 897(h)(4)(D) of the Internal Revenue Code of 1986) ending on or after”.

(q) AMENDMENTS RELATED TO SECTION 323.—

(1) So much of subsection (1) of section 897 as precedes paragraph (2) thereof is amended to read as follows:

“(1) EXCEPTION FOR QUALIFIED FOREIGN PENSION FUNDS.—

“(1) IN GENERAL.—For purposes of this section, a qualified foreign pension fund shall not be treated as a nonresident alien individual or a foreign corporation. For purposes of the preceding sentence, an entity all the interests of which are held by a qualified foreign pension fund shall be treated as such a fund.”.

(2) Subparagraph (B) of section 897(1)(2) is amended to read as follows:

“(B) which is established—

“(i) by such country (or one or more political subdivisions thereof) to provide retirement or pension benefits to participants or beneficiaries that are current or former employees (including self-employed individuals) or persons designated by such employees, as a result of services rendered by such employees to their employers, or

“(ii) by one or more employers to provide retirement or pension benefits to participants or beneficiaries that are current or former employees (including self-employed individuals) or persons designated by such employees in consideration for services rendered by such employees to such employers.”.

(3) Section 897(1)(2)(D) is amended by striking “provides annual information reporting about its beneficiaries to the relevant tax authorities” and inserting “with respect to which annual information about its beneficiaries is provided, or is otherwise available, to the relevant tax authorities”.

(4) Section 897(1)(2)(E) is amended—

(A) by striking “such entity” in clause (i) and inserting “such entity or arrangement”, and

(B) by striking “or such income is taxed at a reduced rate” in clause (ii) and inserting “, or such income is excluded from the gross income of such entity or arrangement or is taxed at a reduced rate”.

(r) AMENDMENTS RELATING TO SECTION 333.—

(1) Section 831(b)(2)(B)(i)(II) is amended by striking “specified assets” and inserting “relevant specified assets”.

(2) Section 831(b)(2)(B) is amended by redesignating clause (ii) as clause (iv) and by inserting after clause (i) the following new clauses:

“(ii) AGGREGATION OF CERTAIN SPOUSAL INTERESTS.—For purposes of clause (i)(II), any interest in the insurance company referred to in such clause which is held (directly or indirectly) by an individual who is a spouse of the specified holder, and who is a citizen of the United States, shall be treated as held by the specified holder.

“(iii) SPECIFIED HOLDER.—For purposes of this subparagraph, the term ‘specified holder’ means, with respect to any insurance company, any individual who holds (directly or indirectly) an interest in such insurance company and who—

“(I) is a lineal descendent (including by adoption) of an individual who holds an interest (directly or indirectly) in the specified assets with respect to such insurance company or of such individual’s spouse,

“(II) is a spouse of any lineal descendent described in subclause (I), or

“(III) is not a citizen of the United States and is a spouse of an individual who holds an interest (directly or indirectly) in the specified assets with respect to such insurance company.”.

(3) Section 831(b)(2)(B)(iv), as redesignated by paragraph (2), is amended—

(A) by striking “clause (i)(II)” in the matter preceding subclause (I) and inserting “this subparagraph”, and

(B) by amending subclause (I) to read as follows:

“(I) RELEVANT SPECIFIED ASSETS.—The term ‘relevant specified assets’ means, with respect to any specified holder with respect to any insurance company, the aggregate amount of the specified assets, with respect to such insurance company, any interest in which is held (directly or indirectly) by any spouse or specified relation of such specified holder. Such term shall not include any specified asset solely by reason of an interest in such asset which was acquired by such spouse or specified relation by bequest, devise, or inheritance from a decedent during the taxable year of the insurance company or the preceding taxable year. For purposes of this subclause, the term ‘specified relation’ means any individual with respect to whom the specified holder bears a relationship described in subclause (I) or (II) of clause (iii).”.

(4) Section 831(b)(2) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

“(D) LOOK-THROUGH OF REINSURANCE AND FRONTING ARRANGEMENTS.—In the case of reinsurance or any fronting, intermediary, or similar arrangement, the term ‘policyholder’ means each policyholder of the underlying direct written insurance with respect to such reinsurance or arrangement.”.

(s) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the Protecting Americans from Tax Hikes Act of 2015 to which they relate.

SEC. 102. AMENDMENT RELATING TO CONSOLIDATED APPROPRIATIONS ACT, 2016.

(a) AMENDMENT RELATING TO SECTION 305 OF DIVISION P.—For purposes of applying section 199(c)(3)(C)(i) of the Internal Revenue Code of 1986 (as in effect before its repeal by Public Law 115-97) to taxable years beginning after December 31, 2015, and before January 1, 2018, such section shall be applied—

(1) by inserting “who elects the application of this clause for any taxable year,” after “In the case of any taxpayer”,

(2) by substituting “, and who” for “and who”,

(3) by substituting “such taxable year” for “the taxable year”, and

(4) by substituting “(as defined in subsection (d)(9)(B))” for “under subsection (d)(9)(B)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 305 of division P of the Consolidated Appropriations Act, 2016.

SEC. 103. AMENDMENTS RELATING TO FIXING AMERICA’S SURFACE TRANSPORTATION ACT.

(a) AMENDMENTS RELATING TO SECTION 32101.—

(1) Section 7345(e)(1) is amended—

(A) by striking “or the Tax Court” and inserting “, or against the Commissioner in the Tax Court,”; and

(B) by adding at the end the following: “For purposes of the preceding sentence, the court first acquiring jurisdiction over such an action shall have sole jurisdiction.”.

(2) Section 7345(f) is amended by striking “subsection (a)” and inserting “subsection (b)(1)(B)”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 32101 of the Fixing America’s Surface Transportation Act.

SEC. 104. AMENDMENTS RELATING TO SURFACE TRANSPORTATION AND VETERANS HEALTH CARE CHOICE IMPROVEMENT ACT OF 2015.

(a) AMENDMENT RELATING TO SECTION 2004.—Section 6662(k) is amended to read as follows:

“(k) INCONSISTENT ESTATE BASIS REPORTING.—For purposes of this section, the term ‘inconsistent estate basis’ means any portion of an underpayment attributable to the failure to comply with section 1014(f).”.

(b) AMENDMENTS RELATING TO SECTION 2008.—Section 9503(e)(2) is amended—

(1) by striking “per gallon” in subparagraph (C) and inserting “per energy equivalent of a gallon of diesel (as defined in section 4041(a)(2)(D))”, and

(2) by striking “per gallon” in subparagraph (D) and inserting “per energy equivalent of a gallon of gasoline (as defined in section 4041(a)(2)(C))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 to which they relate.

SEC. 105. AMENDMENTS RELATING TO STEPHEN BECK, JR., ABLE ACT OF 2014.

(a) AMENDMENTS RELATING TO SECTION 208.—Section 208(h) of the Stephen Beck, Jr., ABLE Act of 2014 is amended—

(1) by striking so much as precedes “made by this section” and inserting the following: “(h) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments”,

(2) by inserting “, and statements required to be filed,” after “returns required to be filed”, and

(3) by adding at the end the following new paragraph:

“(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to returns or claims for refund filed after December 31, 2014.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 208 of the Stephen Beck, Jr., ABLE Act of 2014.

SEC. 106. AMENDMENT RELATING TO AMERICAN TAXPAYER RELIEF ACT OF 2012.

(a) AMENDMENT RELATING TO SECTION 104.—Section 6211(b)(4)(A) is amended by striking “subsection (i)(6)” and inserting “subsection (i)(5)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 104 of the American Taxpayer Relief Act of 2012.

SEC. 107. AMENDMENT RELATING TO UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT.

(a) AMENDMENT RELATING TO SECTION 501.—Section 501(b) of the United States-Korea Free Trade Agreement Implementation Act is amended by striking “returns required to be filed” and inserting “documents prepared”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 501 of the United States-Korea Free Trade Agreement Implementation Act.

SEC. 108. AMENDMENT RELATING TO SAFETEA-LU.

(a) AMENDMENT RELATING TO SECTION 11125.—Section 5681(b) is amended by strik-

ing “who has paid the special tax (or who is exempt from payment of such special tax by reason of the provisions of section 5113(a))” and inserting “who meets the requirements of section 5121(a) and section 5124 (or who is exempt from such requirements by reason of section 5121(b))”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 11125 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 109. AMENDMENTS RELATING TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENT RELATING TO SECTION 233.—Section 1361(c)(2)(B)(vi) is amended by striking “a shareholder” and inserting “the shareholder”.

(b) AMENDMENT RELATING TO SECTION 319.—Section 501(c)(12)(E) is amended by striking “means the Federal Energy Regulatory Commission” and all that follows and inserting: “means—

“(i) the Federal Energy Regulatory Commission, or

“(ii) in the case of any utility with respect to which all of the electricity generated, transmitted, or distributed by such utility is generated, transmitted, distributed, and consumed in the same State, the State agency of such State with the authority to regulate electric utilities.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 319 of the American Jobs Creation Act of 2004.

TITLE II—TECHNICAL CORRECTIONS RELATED TO PARTNERSHIP AUDIT RULES

SEC. 201. SCOPE OF ADJUSTMENTS SUBJECT TO PARTNERSHIP AUDIT RULES.

(a) IN GENERAL.—Section 6241(2) is amended to read as follows:

“(2) PARTNERSHIP ADJUSTMENT.—

“(A) IN GENERAL.—The term ‘partnership adjustment’ means any adjustment to a partnership-related item.

“(B) PARTNERSHIP-RELATED ITEM.—The term ‘partnership-related item’ means—

“(i) any item or amount with respect to the partnership (without regard to whether or not such item or amount appears on the partnership’s return and including an imputed underpayment and any item or amount relating to any transaction with, basis in, or liability of, the partnership) which is relevant (determined without regard to this subchapter) in determining the tax liability of any person under chapter 1, and

“(ii) any partner’s distributive share of any item or amount described in clause (i).”.

(b) COORDINATION WITH OTHER CHAPTERS.—

(1) IN GENERAL.—Section 6241 is amended by adding at the end the following new paragraph:

“(9) COORDINATION WITH OTHER CHAPTERS.—

“(A) IN GENERAL.—This subchapter shall not apply with respect to any tax imposed (including any amount required to be deducted or withheld) under chapter 2, 2A, 3, or 4, except that any partnership adjustment determined under this subchapter for purposes of chapter 1 shall be taken into account for purposes of determining any such tax to the extent that such adjustment is relevant to such determination.

“(B) TIMING OF WITHHOLDING.—In the case of any tax imposed (including any amount required to be deducted or withheld) under chapter 3 or 4, which is determined with respect to an adjustment described in subparagraph (A), such tax—

“(i) shall be so determined with respect to the reviewed year, and

“(ii) shall be so imposed (or so required to be deducted or withheld) with respect to the adjustment year.

“(C) STATUTE OF LIMITATION ON ASSESSMENT.—For special rule with respect to limitation on assessment of taxes under chapter 2 or 2A which are attributable to any partnership adjustment, see section 6501(c)(12).”.

(2) SPECIAL RULE.—Section 6501(c) is amended by adding at the end the following new paragraph:

“(12) CERTAIN TAXES ATTRIBUTABLE TO PARTNERSHIP ADJUSTMENTS.—In the case of any partnership adjustment determined under subchapter C of chapter 63, the period for assessment of any tax imposed under chapter 2 or 2A which is attributable to such adjustment shall not expire before the date that is 1 year after—

“(A) in the case of an adjustment pursuant to the decision of a court in a proceeding brought under section 6234, such decision becomes final, or

“(B) in any other case, 90 days after the date on which the notice of the final partnership adjustment is mailed under section 6231.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 6211(c) is amended to read as follows:

“(c) COORDINATION WITH SUBCHAPTER C.—In determining the amount of any deficiency for purposes of this subchapter, adjustments to partnership-related items shall be made only as provided in subchapter C.”.

(2) Section 6221(a) is amended to read as follows:

“(a) IN GENERAL.—Any adjustment to a partnership-related item shall be determined, and any tax attributable thereto shall be assessed and collected, and the applicability of any penalty, addition to tax, or additional amount which relates to an adjustment to any such item shall be determined, at the partnership level, except to the extent otherwise provided in this subchapter.”.

(3) Section 6222(a) is amended to read as follows:

“(a) IN GENERAL.—A partner shall, on the partner’s return, treat any partnership-related item in a manner which is consistent with the treatment of such item on the partnership return.”.

(4) Section 6226(a)(2) is amended by striking “any adjustment to income, gain, loss, deduction, or credit” and inserting “any adjustment to a partnership-related item”.

(5) Section 6227(a) is amended by striking “items of income, gain, loss, deduction, or credit of the partnership” and inserting “partnership-related items”.

(6) Section 6231(a)(1) is amended by striking “any item of income, gain, loss, deduction, or credit of a partnership for a partnership taxable year” and inserting “any partnership-related item for any partnership taxable year”.

(7) Section 6234(c) is amended by striking “all items of income, gain, loss, deduction, or credit of the partnership” and inserting “all partnership-related items”.

(8) Section 7485(b) is amended by striking “partnership items” and inserting “partnership-related items (as defined in section 6241)”.

SEC. 202. DETERMINATION OF IMPUTED UNDERPAYMENTS.

(a) IN GENERAL.—Section 6225(b) is amended to read as follows:

“(b) DETERMINATION OF IMPUTED UNDERPAYMENTS.—For purposes of this subchapter—

“(1) IN GENERAL.—Except as otherwise provided in this section, any imputed underpayment with respect to any reviewed year shall be determined by the Secretary by—

“(A) appropriately netting all partnership adjustments with respect to such reviewed year, and

“(B) applying the highest rate of tax in effect for the reviewed year under section 1 or 11.

“(2) ADJUSTMENTS TO DISTRIBUTIVE SHARES OF PARTNERS NOT NETTED.—In the case of any adjustment which reallocates the distributive share of any item from one partner to another, such adjustment shall be taken into account by disregarding so much of such adjustment as results in a decrease in the amount of the imputed underpayment.

“(3) ADJUSTMENTS SEPARATELY NETTED BY CATEGORY.—For purposes of paragraph (1)(A), partnership adjustments for any reviewed year shall first be separately determined (and netted as appropriate) within each category of items that are required to be taken into account separately under section 702(a) or other provision of this title.

“(4) LIMITATION ON ADJUSTMENTS THAT MAY BE TAKEN INTO ACCOUNT.—If any adjustment would (but for this paragraph)—

“(A) result in a decrease in the amount of the imputed underpayment, and

“(B) could be subject to any additional limitation under the provisions of this title (or not allowed, in whole or in part, against ordinary income) if such adjustment were taken into account by any person, such adjustment shall not be taken into account under paragraph (1)(A) except to the extent otherwise provided by the Secretary.”.

(b) MODIFICATIONS OF IMPUTED UNDERPAYMENTS.—

(1) Section 6225(c)(3) is amended by striking “without regard to the portion thereof” and inserting “without regard to the portion of the adjustment”.

(2) Section 6225(c)(4)(A) is amended by striking “with respect to any portion of the imputed underpayment” and inserting “with respect to any portion of the adjustment”.

(3) Section 6225(c)(5)(A)(i) is amended by striking “without regard to the portion thereof” and inserting “without regard to the portion of the adjustment”.

(c) CONFORMING AMENDMENTS.—

(1) Section 6225(a) is amended to read as follows:

“(a) IN GENERAL.—In the case of any adjustments by the Secretary to any partnership-related items with respect to any reviewed year of a partnership—

“(1) if such adjustments result in an imputed underpayment, the partnership shall pay an amount equal to such imputed underpayment in the adjustment year as provided in section 6232, and

“(2) if such adjustments do not result in an imputed underpayment, such adjustments shall be taken into account by the partnership in the adjustment year.”.

(2) Section 6225(c) is amended by adding at the end the following new paragraph:

“(9) MODIFICATION OF ADJUSTMENTS NOT RESULTING IN AN IMPUTED UNDERPAYMENT.—The Secretary shall establish procedures under which the adjustments described in subsection (a)(2) may be modified in such manner as the Secretary determines appropriate.”.

SEC. 203. ALTERNATIVE PROCEDURE TO FILING AMENDED RETURNS FOR PURPOSES OF MODIFYING IMPUTED UNDERPAYMENT.

(a) IN GENERAL.—Section 6225(c)(2) is amended to read as follows:

“(2) PROCEDURES FOR PARTNERS TO TAKE ADJUSTMENTS INTO ACCOUNT.—

“(A) AMENDED RETURNS OF PARTNERS.—Such procedures shall provide that if—

“(i) one or more partners file returns for the taxable year of the partners which includes the end of the reviewed year of the partnership (and for any taxable year with respect to which any tax attribute is affected

by reason of any adjustment referred to in clause (ii)),

“(ii) such returns take into account all adjustments under subsection (a) properly allocable to such partners (and the effect of such adjustments on any tax attributes), and

“(iii) payment of any tax due is included with such returns, then the imputed underpayment amount shall be determined without regard to the portion of the adjustments so taken into account.

“(B) ALTERNATIVE PROCEDURE TO FILING AMENDED RETURNS.—Such procedures shall provide that, with respect to any partner referred to in subparagraph (A), the requirements of subparagraph (A) shall be treated as satisfied with respect to adjustments properly allocable to such partner if, in lieu of filing the returns described in such subparagraph—

“(i) the amounts described in subparagraph (A)(iii) are paid by the partner,

“(ii) the partner agrees to take into account, in the form and manner prescribed by the Secretary, the adjustments to the tax attributes of such partner referred to in subparagraph (A)(ii), and

“(iii) such partner provides, in the form and manner specified by the Secretary (including, if the Secretary so specifies, in the same form as on an amended return), such information as the Secretary may require to carry out this subparagraph.

“(C) REALLOCATION OF DISTRIBUTIVE SHARE.—In the case of any adjustment which reallocates the distributive share of any item from one partner to another, this paragraph shall apply with respect to any such partner only if the requirements of subparagraph (A) or (B) are satisfied with respect to all partners affected by such adjustment.

“(D) APPLICATION OF STATUTE OF LIMITATIONS.—In the case of adjustments referred to in subparagraph (A)(ii), sections 6501 and 6511 shall not apply with respect to any return filed for purposes of subparagraph (A)(i) or any amount paid under subparagraph (A)(iii) or (B)(i).

“(E) ADJUSTMENTS TO TAX ATTRIBUTES BINDING FOR AFFECTED TAXABLE YEARS OF PARTNER.—The adjustments to the tax attributes of any partner provided for in subparagraph (A)(ii) or (B)(ii) shall be binding with respect to the taxable year of the partner which includes the end of the reviewed year of the partnership and any taxable years for which any tax attribute is affected by such adjustment. Any failure to so treat any such tax attribute shall be treated for purposes of this title in the same manner as a failure to treat a partnership-related item in a manner which is consistent with the treatment of such item on the partnership return within the meaning of section 6222.

“(F) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS IN TIERED STRUCTURES.—

“(i) IN GENERAL.—In the case of any partnership any partner of which is a partnership, subparagraph (A) or (B) may apply with respect to any partner (hereafter in this subparagraph referred to as the ‘relevant partner’) in the chain of ownership of such partnerships if—

“(I) such information as the Secretary may require is furnished to the Secretary for purposes of carrying out this paragraph with respect to such partnerships (including any information the Secretary may require with respect to any chain of ownership of the relevant partner), and

“(II) to such extent as the Secretary may require, each partnership in the chain of ownership between the relevant partner and the audited partnership satisfies the requirements of subparagraph (A) or (B).

“(ii) TREATMENT OF S CORPORATIONS.—For purposes of clause (i), an S corporation and

its shareholders shall be treated in the same manner as a partnership and its partners.”.

(b) CONFORMING AMENDMENT.—Section 6201(a)(1) is amended by inserting “(or payments under section 6225(c)(2)(B)(i))” after “returns or lists”.

SEC. 204. TREATMENT OF PASSTHROUGH PARTNERS IN TIERED STRUCTURES.

(a) IN GENERAL.—Section 6226(b) is amended by adding at the end the following new paragraph:

“(4) TREATMENT OF PARTNERSHIPS AND S CORPORATIONS IN TIERED STRUCTURES.—

“(A) IN GENERAL.—If a partner which receives a statement under subsection (a)(2) is a partnership or an S corporation, such partner shall, with respect to the partner’s share of the adjustment—

“(i) file with the Secretary a partnership adjustment tracking report which includes such information as the Secretary may require, and

“(ii) (I) furnish statements under rules similar to the rules of subsection (a)(2), or

“(II) if no such statements are furnished, compute and pay an imputed underpayment under rules similar to the rules of section 6225 (other than paragraphs (2), (7), and (9) of subsection (c) thereof).

“(B) DUE DATE.—For purposes of subparagraph (A), with respect to a partner’s share of the adjustment, the partnership adjustment tracking report shall be filed, and the imputed underpayment shall be paid or statements shall be furnished, not later than the due date for the return for the adjustment year of the audited partnership.

“(C) PARTNERSHIP PAYMENT OF TAX IF ELECTED OUT OF SUBCHAPTER.—In the case of a partnership which has elected the application of section 6221(b) with respect to the taxable year of the partnership which includes the end of the reviewed year of the audited partnership, this paragraph shall apply notwithstanding such election.

“(D) AUDITED PARTNERSHIP.—For purposes of this paragraph, the term ‘audited partnership’ means, with respect to any partner described in subparagraph (A), the partnership in the chain of ownership originally electing the application of this section.

“(E) TREATMENT OF TRUSTS.—The Secretary shall prescribe such rules as may be necessary with respect to trusts which receive a statement under subsection (a)(2).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 6226(b)(1) is amended by striking “Each partner’s” and inserting “Except as provided in paragraph (4), each partner’s”.

(2) Section 6226(c)(2) is amended by inserting “or which is described in subsection (b)(4)(A)(ii)(I),” after “is elected.”.

SEC. 205. TREATMENT OF FAILURE OF PARTNERSHIP TO PAY IMPUTED UNDERPAYMENT.

(a) IN GENERAL.—Section 6232 is amended by adding at the end the following new subsection:

“(f) FAILURE TO PAY IMPUTED UNDERPAYMENT.—

“(1) IN GENERAL.—If any amount of any imputed underpayment to which section 6225 applies or any specified similar amount (or any interest or penalties with respect to any such amount) has not been paid by the date which is 10 days after the date on which the Secretary provides notice and demand for such payment—

“(A) section 6621(a)(2)(B) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ with respect to such amount, and

“(B) the Secretary may assess upon each partner of the partnership (determined as of the close of the adjustment year or, if the partnership has ceased to exist as of such time, the former partners of the partnership as determined for purposes of section 6241(7))

a tax equal to such partner's proportionate share of such amount (including any such interest or penalties, determined after application of subparagraph (A)).

“(2) SPECIFIED SIMILAR AMOUNT.—For purposes of this subsection, the term ‘specified similar amount’ means—

“(A) the amount described in subclause (II) of section 6226(b)(4)(A)(ii) (including any failure to satisfy the requirement of subclause (I) of such section which is treated as a failure to pay such amount under section 6651(i)), and

“(B) any amount assessed under paragraph (1)(B) upon a partner which is a partnership.

“(3) PROPORTIONATE SHARE.—For purposes of paragraph (1), a partner's proportionate share is such percentage as the Secretary may determine on the basis of such partner's distributive share. The Secretary shall make determinations under the preceding sentence such that the aggregate proportionate shares so determined total 100 percent.

“(4) COORDINATION WITH PARTNERSHIP LIABILITY.—The liability of the partnership for any amount with respect to which a partner is made liable under paragraph (1) shall be reduced upon payment by the partner of such amount. Paragraph (1)(B) shall not apply with respect to any amount after the date on which such amount is paid by the partnership.

“(5) S CORPORATIONS.—For purposes of this subsection, an S corporation and its shareholders shall be treated in the same manner as a partnership and its partners.

“(6) RULES RELATED TO ASSESSMENT AND COLLECTION.—

“(A) DEFICIENCY PROCEDURES NOT APPLICABLE.—Subchapter B shall not apply to any assessment or collection under this paragraph.

“(B) LIMITATION ON ASSESSMENT.—Except as otherwise provided in this subtitle, no assessment may be made (or proceeding in court begun without assessment) with respect to any partner with respect to an amount under paragraph (1) after the date which is 2 years after the date on which the Secretary provides the notice and demand referred to in paragraph (1) with respect to such amount.”.

(b) CONFORMING AMENDMENT.—Section 6501(c)(4)(A) is amended by striking “in this section”.

SEC. 206. OTHER TECHNICAL CORRECTIONS RELATED TO PARTNERSHIP AUDIT RULES.

(a) LIMITATION ON AMENDMENT OF STATEMENTS FURNISHED TO PARTNERS NOT APPLICABLE TO PARTNERSHIPS ELECTING OUT OF PARTNERSHIP AUDIT RULES.—Section 6031(b) is amended by striking the last sentence and inserting the following: “Information required to be furnished by the partnership under this subsection may not be amended after the due date of the return under subsection (a) to which such information relates, except—

“(1) in the case of a partnership which has elected the application of section 6221(b) for the taxable year,

“(2) as provided in the procedures under section 6225(c),

“(3) with respect to statements under section 6226, or

“(4) as otherwise provided by the Secretary.”.

(b) ADMINISTRATIVE ADJUSTMENT REQUEST AND PARTNERSHIP ADJUSTMENT TRACKING REPORT NOT TREATED AS AMENDED RETURN FOR PURPOSES OF MODIFICATION OF IMPUTED UNDERPAYMENTS.—Section 6225(c)(2), as amended by the preceding provisions of this Act, is amended by adding at the end the following new subparagraph:

“(F) ADJUSTMENTS NOT TREATED AS AMENDED RETURN.—An administrative adjustment

request under section 6227 and a partnership adjustment tracking report under section 6226(b)(4)(A) shall not be treated as a return for purposes of this paragraph.”.

(c) AUTHORITY TO REQUIRE E-FILEING OF MATERIALS IN CONNECTION WITH MODIFICATION OF IMPUTED UNDERPAYMENTS, ETC.—Section 6241, as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

“(10) AUTHORITY TO REQUIRE ELECTRONIC FILING.—Notwithstanding section 6011(e), the Secretary may require that anything required to be filed or submitted under section 6225(c), or to be furnished to or filed with the Secretary under section 6226, be so filed, submitted, or furnished by magnetic media or in other machine-readable form.”.

(d) CLARIFICATION OF ASSESSMENT AUTHORITY.—Section 6226(a) is amended by inserting “(and no assessment of tax, levy, or proceeding in any court for the collection of such underpayment shall be made against such partnership)” after “section 6225 shall not apply with respect to such underpayment”.

(e) TREATMENT OF PARTNERSHIP ADJUSTMENTS THAT RESULT IN DECREASE IN TAX IN CASE OF ELECTION TO PUSH OUT ADJUSTMENTS.—Section 6226(b) is amended—

(1) by striking “increased” in paragraph (1) and inserting “adjusted”,

(2) by striking “adjustment amounts” each place it appears in paragraphs (1) and (2) and inserting “correction amounts”,

(3) by striking “increase” each place it appears in subparagraphs (A) and (B) of paragraph (2) and inserting “increase or decrease”,

(4) by striking “plus” at the end of paragraph (2)(A) and inserting “and”, and

(5) by striking “ADJUSTMENT AMOUNTS” in the heading of paragraph (2) and inserting “CORRECTION AMOUNTS”.

(f) COORDINATION OF STATUTE OF LIMITATION ON FILING ADMINISTRATION ADJUSTMENT REQUEST WITH ADJUSTMENTS RELATED TO FOREIGN TAX CREDITS.—Section 6227 is amended by adding at the end the following new subsection:

“(d) COORDINATION WITH ADJUSTMENTS RELATED TO FOREIGN TAX CREDITS.—The Secretary shall issue regulations or other guidance which provide for the proper coordination of this section and section 905(c).”.

(g) CLARIFICATION OF ASSESSMENT OF IMPUTED UNDERPAYMENTS.—

(1) IN GENERAL.—Section 6232(a) is amended by striking “except that in the case of” and all that follows and inserting the following: “except that—

“(1) subchapter B of chapter 63 shall not apply, and

“(2) in the case of an administrative adjustment request to which section 6227(b)(1) applies, the underpayment shall be paid and may be assessed when the request is filed.”.

(2) CONFORMING AMENDMENT.—Section 6232(b) is amended—

(A) by striking “assessment of a deficiency” and inserting “assessment of an imputed underpayment”, and

(B) by adding at the end the following new flush matter:

“The preceding sentence shall not apply in the case of a specified similar amount (as defined in subsection (f)(2)).”.

(h) TIME LIMITATION FOR NOTICE OF PROPOSED ADJUSTMENT.—

(1) IN GENERAL.—Section 6231 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

“(b) TIMING OF NOTICES.—

“(1) NOTICE OF PROPOSED PARTNERSHIP ADJUSTMENT.—Any notice of a proposed partnership adjustment shall not be mailed later

than the date determined under section 6235 (determined without regard to paragraphs (2) and (3) of subsection (a) thereof).

“(2) NOTICE OF FINAL PARTNERSHIP ADJUSTMENT.—

“(A) IN GENERAL.—Except to the extent that the partnership elects to waive the application of this subparagraph, any notice of a final partnership adjustment shall not be mailed earlier than 270 days after the date on which the notice of the proposed partnership adjustment is mailed.

“(B) STATUTE OF LIMITATIONS ON ADJUSTMENT.—For the period of limitations on making adjustments, see section 6235.”.

(2) CONFORMING AMENDMENT.—Section 6231(a) is amended by striking “Any notice of a final partnership adjustment” and all that follows through “Such notices” and inserting “Any notice of a final partnership adjustment”.

(i) DEPOSIT TO SUSPEND INTEREST ON IMPUTED UNDERPAYMENT.—Section 6233 is amended by adding at the end the following new subsection:

“(c) DEPOSIT TO SUSPEND INTEREST.—For rules allowing deposits to suspend running of interest on potential underpayments, see section 6603.”.

(j) DEPOSIT TO MEET JURISDICTIONAL REQUIREMENT.—The first sentence of section 6234(b) is amended by striking “the amount of the imputed underpayment (as of the date of the filing of the petition)” and inserting “the amount of (as of the date of the filing of the petition) the imputed underpayment, penalties, additions to tax, and additional amounts with respect to such imputed underpayment”.

(k) CORRECTIONS RELATED TO PERIOD OF LIMITATION ON MAKING ADJUSTMENTS.—

(1) Section 6235(a) is amended—

(A) by inserting “or section 905(c)” after “Except as otherwise provided in this section”, and

(B) by striking “subpart” and inserting “subchapter”.

(2) Section 6235(a)(3) is amended by striking “section 6225(c)(7)” and inserting “section 6225(c)(7)”.

(3) Section 6235(c)(2) is amended by striking “section 6501(e)(1)(A)” and inserting “subparagraph (A) or (C) of section 6501(e)(1)”.

(4) Section 6235(c) is amended by adding at the end the following new subparagraphs:

“(5) INFORMATION REQUIRED TO BE REPORTED.—In the case of a partnership that is required to report any information described in section 6501(c)(8), the time for making any adjustment under this subchapter with respect to any tax return, event, or period to which such information relates shall not expire before the date that is determined under section 6501(c)(8).

“(6) LISTED TRANSACTIONS.—If a partnership fails to include on any return or statement any information with respect to a listed transaction as described in section 6501(c)(10), the time for making any adjustment under this subchapter with respect to such transaction shall not expire before the date that is determined under section 6501(c)(10).”.

(5) Section 6235 is amended by striking subsection (d).

(1) TREATMENT OF SPECIAL ENFORCEMENT MATTERS.—Section 6241, as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

“(11) TREATMENT OF SPECIAL ENFORCEMENT MATTERS.—

“(A) IN GENERAL.—In the case of partnership-related items which involve special enforcement matters, the Secretary may prescribe regulations pursuant to which—

“(i) this subchapter (or any portion thereof) does not apply to such items, and

“(ii) such items are subject to such special rules (including rules related to assessment and collection) as the Secretary determines to be necessary for the effective and efficient enforcement of this title.

“(B) SPECIAL ENFORCEMENT MATTERS.—For purposes of subparagraph (A), the term ‘special enforcement matters’ means—

“(i) failure to comply with the requirements of section 6226(b)(4)(A)(ii),

“(ii) assessments under section 6851 (relating to termination assessments of income tax) or section 6861 (relating to jeopardy assessments of income, estate, gift, and certain excise taxes),

“(iii) criminal investigations,

“(iv) indirect methods of proof of income,

“(v) foreign partners or partnerships, and

“(vi) other matters that the Secretary determines by regulation present special enforcement considerations.”.

(m) UNITED STATES SHAREHOLDERS AND CERTAIN OTHER PERSONS TREATED AS PARTNERS.—Section 6241, as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

“(12) UNITED STATES SHAREHOLDERS AND CERTAIN OTHER PERSONS TREATED AS PARTNERS.—

“(A) IN GENERAL.—Except as otherwise provided by the Secretary, in the case of any controlled foreign corporation (as defined in section 957 or 953(c)(1)) which is a partner of a partnership, each United States shareholder (as defined in section 951(b) or 953(c)(1)) with respect to such controlled foreign corporation shall be treated for purposes of this subchapter as a partner of such partnership. For purposes of the preceding sentence, any distributive share of any such United States shareholder with respect to such partnership shall, except as otherwise provided by the Secretary, be equal to such United States shareholder’s pro rata share with respect to such controlled foreign corporation (determined under rules similar to the rules of section 951(a)(2)).

“(B) PASSIVE FOREIGN INVESTMENT COMPANIES.—For purposes of subparagraph (A), in the case of a passive foreign investment company (as defined in section 1297), each taxpayer that makes an election under section 1295 with respect to such company shall be treated in the same manner as United States shareholders under subparagraph (A), except that such taxpayer’s pro rata share with respect to the passive foreign investment company shall be determined under rules similar to the rules of section 1293(b).

“(C) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations which apply the rules of subparagraph (A) in similar circumstances or with respect to similarly situated persons.”.

(n) PENALTIES RELATED TO ADMINISTRATIVE ADJUSTMENT REQUESTS AND PARTNERSHIP ADJUSTMENT TRACKING REPORTS.—

(1) FAILURE TO PAY.—Section 6651 is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) APPLICATION TO IMPUTED UNDERPAYMENT.—For purposes of this section, any failure to comply with section 6226(b)(4)(A)(ii) shall be treated as a failure to pay the amount described in subclause (II) thereof and such amount shall be treated for purposes of this section as an amount shown as tax on a return specified in subsection (a)(1).”.

(2) FAILURE TO FILE PARTNERSHIP ADJUSTMENT TRACKING REPORT.—Section 6698(a) is amended—

(A) in the matter preceding paragraph (1) by inserting “, or a partnership adjustment tracking report under section 6226(b)(4)(A),” after “under section 6031”,

(B) in paragraph (1) by inserting “, or such report,” after “such return”, and

(C) in paragraph (2)—

(i) by inserting “or a report” after “a return”, and

(ii) by inserting “or 6226(b)(4)(A), respectively” before the comma at the end.

(3) TAX RETURN PREPARER RELATED PENALTIES.—Section 6696(e)(1) is amended by inserting “, any administrative adjustment request under section 6227, and any partnership adjustment tracking report under section 6226(b)(4)(A)” before the period at the end.

(4) FRIVOLOUS TAX SUBMISSIONS.—Section 6702 is amended by adding at the end the following new subsection:

“(f) PARTNERSHIP ADJUSTMENTS.—An administrative adjustment request under section 6227 and a partnership adjustment tracking report under section 6226(b)(4)(A) shall be treated as a return for purposes of this section.”.

(5) ADJUSTED SCHEDULE K-1 TREATED AS PAYEE STATEMENT.—Section 6724(d)(2) is amended by striking “or” at the end of subparagraph (HH), by striking the period at the end of subparagraph (II) and inserting “, or”, and by inserting after subparagraph (II) the following new subparagraph:

“(JJ) section 6226(a)(2) (relating to statements relating to alternative to payment of imputed underpayment by partnership) or under any other provision of this title which provides for the application of rules similar to such section.”.

(p) OTHER CLERICAL CORRECTIONS.—

(1) Section 6225(c)(7) is amended by striking “submitted pursuant to paragraph (1)” and inserting “filed or submitted under this subsection”.

(2) Section 6227(b) is amended by striking “is made” both places it appears and inserting “is filed”.

(3) Section 6227(b)(1) is amended by striking “paragraphs (2), (6), and (7)” and inserting “paragraphs (2), (7), and (9)”.

(4) Section 6232(b) is amended by striking “this chapter” and inserting “this subtitle (other than subchapter B of this chapter)”.

(5) Section 6232(d)(1)(A) is amended by striking “a item” and inserting “an item”.

(6) Section 6232(e) is amended by striking “thereof”.

(7) Section 6241(5) is amended by striking “sections 6234” and inserting “section 6234”.

(8) Section 7485(b) is amended by striking “a partner” and inserting “the partnership”.

(9) The heading of the first part of subchapter C of chapter 63 is amended to read as follows:

“PART I—IN GENERAL.”

(10) The heading of the second part of subchapter C of chapter 63 is amended to read as follows:

“PART II—PARTNERSHIP ADJUSTMENTS”.

(11) The heading of the third part of subchapter C of chapter 63 is amended to read as follows:

“PART III—PROCEDURE”.

(12) The heading of the fourth part of subchapter C of chapter 63 is amended to read as follows:

“PART IV—DEFINITIONS AND SPECIAL RULES”.

SEC. 207. EFFECTIVE DATE.

The amendments made by this title shall take effect as if included in section 1101 of the Bipartisan Budget Act of 2015.

TITLE III—OTHER CORRECTIONS

SEC. 301. AMENDMENTS RELATING TO THE BIPARTISAN BUDGET ACT OF 2015.

(a) AMENDMENTS RELATING TO SECTION 1101.—

(1) Section 6011(e) is amended by adding at the end the following new paragraph:

“(5) SPECIAL RULES FOR PARTNERSHIPS.—

“(A) PARTNERSHIPS PERMITTED TO BE REQUIRED TO FILE ON MAGNETIC MEDIA.—In the case of a partnership, paragraph (2)(A) shall be applied by substituting for ‘250’ the following amount:

“(i) In the case of returns and statements relating to calendar year 2018, ‘200’.

“(ii) In the case of returns and statements relating to calendar year 2019, ‘150’.

“(iii) In the case of returns and statements relating to calendar year 2020, ‘100’.

“(iv) In the case of returns and statements relating to calendar year 2021, ‘50’.

“(v) In the case of returns and statements relating to calendar years after 2021, ‘20’.

“(B) PARTNERSHIPS REQUIRED TO FILE ON MAGNETIC MEDIA.—Notwithstanding subparagraph (A) and paragraph (2)(A), the Secretary shall require partnerships having more than 100 partners to file returns on magnetic media.”.

(2) Section 6011(e)(2) is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1101 of the Bipartisan Budget Act of 2015.

SEC. 302. AMENDMENTS RELATING TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENTS RELATING TO SECTION 1253.—

(1) Subclause (II) of section 168(e)(3)(B)(vi) is amended by striking “is a qualifying small power production facility” and all that follows and inserting “has a power production capacity of not greater than 80 megawatts, or”.

(2) The last sentence of section 168(e)(3)(B) is amended by striking “clause (vi)(I)” and all that follows and inserting “subclause (I) or (II) of clause (vi) by reason of being public utility property”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

TITLE IV—CLERICAL CORRECTIONS AND DEADWOOD

SEC. 401. CLERICAL CORRECTIONS AND DEADWOOD-RELATED PROVISIONS.

(a) CLERICAL CORRECTIONS.—

(1) The table of subchapters for chapter 1 is amended by moving the item relating to subchapter R before the item relating to subchapter S.

(2)(A) Sections 22(c)(3)(A)(i)(III), 104(b)(2)(D), 140(a)(3), and 149(b)(3)(A)(i) are each amended by striking “Veterans’ Administration” and inserting “Department of Veterans Affairs”.

(B) The heading of section 4980H(c)(2)(F) is amended by striking “VETERANS ADMINISTRATION” and inserting “DEPARTMENT OF VETERANS AFFAIRS”.

(C) Section 6050H(h)(3)(B)(i) is amended by striking “Veterans Administration” and inserting “Department of Veterans Affairs”.

(3) Section 24(d) is amended by redesignating paragraph (5) as paragraph (3).

(4) Section 25(c)(2)(B) is amended by striking “subsection (c)(2)(B)” and inserting “subsection (c)(3)(B)”.

(5) Section 25(c)(3) is amended—

(A) by striking the period at the end of subparagraph (B) and inserting a comma, and

(B) by striking the period at the end of subparagraph (D) and inserting “, and”.

(6) Section 25(c)(2) is amended by striking “2017.” and inserting “2017.”.

(7) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended—

(A) by striking the item relating to section 41 which relates to the employee stock ownership credit, and

(B) by moving the item relating to section 45K after the item relating to section 45J.

(8) Section 38(b)(34) is amended by adding a comma at the end.

(9) The heading of section 40(g)(2) is amended by striking “AGGREGATION” and inserting “AGGREGATION”.

(10) The heading of section 42(e)(2)(B) is amended by striking “ETC.” and inserting “ETC.”.

(11)(A) Section 42(d)(4)(C)(i) is amended by striking “as defined in paragraph (5)(C)” and inserting “as defined in paragraph (5)(B)(ii)”.

(B) Section 42(f)(5)(B)(ii)(I) is amended by striking “(d)(6)(C)” and inserting “(d)(6)(B)”.

(C) Section 42(k)(2)(B) is amended—
(i) by striking “(d)(6)(B)” and inserting “(d)(6)(C)”, and

(ii) by striking “building.” in clause (ii) and inserting “building.”.

(D) Section 42(m)(1)(B)(ii)(III) is amended by striking “as defined in subsection (d)(5)(C)” and inserting “as defined in subsection (d)(5)(B)(ii)”.

(12) Section 42(h)(5)(C)(ii) is amended by striking “; and” and inserting “, and”.

(13) Section 42(i)(3)(D)(ii)(I) is amended by striking the period at the end.

(14) Section 45(c)(6) is amended by striking “section 2(27)” and inserting “section 1004(27)”.

(15) Section 45(c)(7)(A)(i)(II) is amended by striking “for purpose” and inserting “for the purpose”.

(16) Section 45(c)(7)(A)(i)(III) is amended by striking the period at the end and inserting “, or”.

(17) Section 45C(b)(2)(A)(ii)(II) is amended by striking “; and” and inserting “, and”.

(18) Section 45D(f)(1)(F) is amended by adding “, and” at the end.

(19) Section 45H(d) is amended by striking “purposes this” and inserting “purposes of this”.

(20) Section 48(a)(1) is amended by striking “(3)(B), and (4)(B)” and inserting “and (3)(B)”.

(21) Section 48(a)(6)(B) is amended by striking “property energy property” and inserting “energy property”.

(22) Section 48(c)(2)(B) is amended by striking “equal \$200” and inserting “equal to \$200”.

(23) Section 48(d)(3) is amended—

(A) by striking “shall” in the matter that precedes subparagraph (A), and

(B) by inserting “shall” before “not” in subparagraph (A).

(24) Section 49(a)(1)(D)(iii) is amended by striking “share-holder” in the last sentence and inserting “shareholder”.

(25) Section 50(b)(2)(A) is amended by striking the period at the end and inserting a semicolon.

(26) Section 51(c)(4) is amended by adding a period at the end.

(27) Section 51(d)(3)(A)(ii)(II) is amended by adding a comma at the end.

(28) Section 51(d)(8) is amended by striking “FOOD STAMP RECIPIENT” in the heading thereof and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS RECIPIENT”.

(29) Section 51(i)(1)(A) is amended by striking “entity,” and inserting “entity”.

(30) Section 58(a)(2)(A) is amended by striking “461(j)” and inserting “461(k)”.

(31) Section 62(a)(20) is amended by inserting a comma after “United States Code”.

(32) Section 62(e)(1) is amended by striking “(2 U.S.C. 1202)” and inserting “(42 U.S.C. 2000e-16b)”.

(33) Section 68(b)(2) is amended by striking “shall be shall be” and inserting “shall be”.

(34) The heading of section 82 is amended by striking “FOR EXPENSES OF MOVING” and inserting “OF MOVING EXPENSES”.

(35) The heading of section 84 is amended by striking “POLITICAL ORGANIZATION” and inserting “POLITICAL ORGANIZATIONS”.

(36) Section 105(h)(7)(B) is amended by striking “subparagraph (A)” and inserting “subparagraph (A))”.

(37) Section 125(e)(2) is amended by striking “subparagraphs” and inserting “subparagraph”.

(38) Section 132(c)(4) is amended by striking “performing” and inserting “performing”.

(39) Section 134(b)(6) is amended by striking “an combat” and inserting “a combat”.

(40) Section 137(c) is amended by striking “section 514” in the second sentence and inserting “section 541”.

(41) Section 139(c)(2) is amended by striking “federally” and inserting “a federally”.

(42) Section 139E(c)(1) is amended by striking “(43 U.S.C. 1601, et seq.)” and inserting “(43 U.S.C. 1601 et seq.)”.

(43) Section 139E(c)(3) is amended by striking “2013” and inserting “2014”.

(44) Section 3(a) of the Tribal General Welfare Exclusion Act of 2014 is amended by striking “subsection” and inserting “section”.

(45) Section 4(c) of such Act is amended by striking “subsection” and inserting “section”.

(46) The item relating to section 143 in the table of sections for subpart A of part IV of subchapter B of chapter 1 is amended to read as follows:

“Sec. 143. Mortgage revenue bonds; qualified mortgage bond and qualified veterans’ mortgage bond.”.

(47) Section 142(d)(2)(C) is amended by inserting “section” before “42(i)(3)(D)”.

(48) Section 163(e)(5)(C)(ii) is amended by inserting “in” before “subsection (i)(1)(B)”.

(49) Section 168(d)(3)(B)(i) is amended by inserting a comma after “real property”.

(50) Section 168(e)(3)(C)(i) is amended by striking “and”.

(51) Section 169(d)(5)(B) is amended by inserting “a” before “facility”.

(52) Section 170(b)(1)(A)(ix) is amended by inserting “National” before “Agricultural”.

(53) Section 172(d)(5) is amended by striking “section 243” and inserting “sections 243”.

(54) Section 179D(d)(1)(B) is amended by striking “which” and inserting “such that”.

(55) Section 219(f)(1) is amended by striking “term compensation includes” in the last sentence and inserting “term ‘compensation’ includes”.

(56) Section 219(g)(8) is amended by striking “shall each be” and inserting “shall be”.

(57) Section 223(c)(2)(C) is amended by striking “section 1871” and inserting “section 1861”.

(58) Section 223(d)(2)(A) is amended by striking “section 213(d)” and inserting “section 213(d))”.

(59) The item relating to section 280H in the table of sections for part IX of subchapter B of chapter 1 is amended to read as follows:

“Sec. 280H. Limitation on certain amounts paid to employee-owners by personal service corporations electing alternative taxable years.”.

(60) Subparagraphs (F) and (G) of section 263(a)(1) are each amended by striking the semicolon at the end and inserting a comma.

(61) Section 263(a)(1) is amended by redesignating subparagraphs (I) through (L) as subparagraphs (H) through (K), respectively.

(62) Section 280C(a) is amended by striking “and 1396(a),” and inserting “1396(a),”.

(63) The heading of section 331 is amended by striking “SHAREHOLDERS” and inserting “SHAREHOLDER”.

(64) Section 338(h)(3)(A)(iii) is amended by striking “paragraph” and inserting “paragraph”.

(65) The second sentence of section 355(h)(2)(B) is amended by striking “of assets”.

(66) The heading of subpart C of part III of subchapter C of chapter 1 is amended by striking “Corporation” and inserting “Corporations”.

(67) Section 362(a) is amended by striking the comma after “acquired”.

(68) Section 368(a)(2)(F)(vii) is amended by striking “(15 U.S.C. 80a-2(36))” and inserting “(15 U.S.C. 80a-2(a)(36))”.

(69) Section 401(a)(2) is amended by striking “determination;,” and inserting “determination);,”.

(70) Section 401(a)(15) is amended by striking “a trust” and inserting “A trust”.

(71) Section 401(a)(32)(A) is amended by striking “section section” both places it appears and inserting “section”.

(72) Section 401(c)(2)(A)(iii) is amended by striking “sections 3121(d)(3)(A), (C), or (D), without regard to paragraph (2) of section 1402(c)” and inserting “subparagraph (A), (C), or (D) of section 3121(d)(3), without regard to section 1402(c)(2)”.

(73) Section 402(i) is amended by striking “subparagraph (A) of subsection (d)(4)” and inserting “subsection (e)(4)(D)(i)”.

(74) Section 404A(c)(4)(B) is amended by striking “and” at the end.

(75) Section 408(a)(1) is amended by inserting “or” after “subsection (d)(3)”.

(76) Section 408(m)(3)(B) is amended by striking “section 7” and inserting “section 5”.

(77) Section 408A(d)(3)(B) is amended by adding a period at the end.

(78) Section 408A(e)(2)(B) is amended by striking “the subparagraph (A)” and inserting “subparagraph (A)”.

(79) Section 409(n)(1)(A)(i) is amended by striking “securities,” and inserting “securities.”.

(80) Section 409A(b)(3)(B)(i) is amended by striking the semicolon at the end and inserting a comma.

(81) The item relating to section 413 in the table of sections for subpart B of part I of subchapter D of chapter 1 is amended to read as follows:

“Sec. 413. Collectively bargained plans, etc.”.

(82) Section 411(a)(4)(A) is amended by striking the comma at the end and inserting a semicolon.

(83) Section 412(c)(1)(A) is amended by adding a period at the end.

(84) Section 412(c)(4)(B) is amended by inserting “section” before “433(d)”.

(85) Section 412(c)(7)(B)(iii) is amended by striking the comma after “subchapter D”.

(86) Section 413(b)(6) is amended by striking “and the last sentence of section 4971(a)” in the last sentence and inserting “and section 4971(e)”.

(87) Section 414(1)(2)(G) is amended by striking “BANKS” in the heading thereof and inserting “DEPOSITORY INSTITUTIONS”.

(88) Section 414(u)(6) is amended by striking “section 457(b))” and inserting “section 457(b))”.

(89) Section 414(x)(1) is amended by striking “are” and inserting “is”.

(90) Section 414(y)(1)(C)(i) is amended by striking “of such Code”.

(91) Section 414(y)(2) is amended by striking “subparagraph” and inserting “subparagraphs”.

(92) Section 418E is amended by striking “subsection 432(b)(2)” each place it appears and inserting “section 432(b)(2)”.

(93) Section 418E(d)(1), as amended by the preceding paragraph, is amended—

(A) by striking “section 432(b)(2),” and inserting “section 432(b)(2),”;

(B) by striking “section 432(b)(2),” and inserting “section 432(b)(2),”;

(C) by striking “compare the value of plan assets” and all that follows through “for that plan year with” and inserting “compare the value of plan assets for that plan year with”.

(94) Section 418E(e)(1)(A) is amended to read as follows:

“(A) notify the Secretary and the parties described in section 101(f)(1) of the Employee Retirement Income Security Act of 1974 of that determination, and”.

(95) The table of subparts for part I of subchapter D of chapter 1 is amended by striking the item relating to subpart C and inserting the following:

“SUBPART C—INSOLVENT PLANS”.

(96) Section 419A(c)(6)(B) is amended by striking “(42 U.S.C. 300gg-91(d)(3))” and inserting “(42 U.S.C. 300gg-91(d)(3))”.

(97) Section 420(c)(1)(A) is amended by striking “subsection (e)(1)(D)” and inserting “subsection (e)(1)(E)”.

(98) Section 424(g) is amended by striking “section 422(a)(2)” and inserting “sections 422(a)(2)”.

(99) Section 430(c)(7)(E)(v)(II) is amended by inserting “the” after “title I of”.

(100) Section 430(h)(2)(F) is amended by striking “section 417(e)(3)(D)(i)” and inserting “section 417(e)(3)(D)”.

(101) Section 431(d)(2)(B)(i) is amended by striking “this Act” and inserting “the Pension Protection Act of 2006”.

(102) Section 432(b)(3)(A)(i) is amended by striking “in endangered status for such plan year” and all that follows through “, whether or not” and inserting the following: “in endangered status for such plan year, or would be in endangered status for such plan year but for paragraph (5), whether or not”.

(103) Section 432(b)(3)(B) is amended by redesignating the clause (iv) relating to projections of critical and declining status as clause (v).

(104) Section 432(b)(3)(D)(iv) is amended by inserting a comma after “Labor”.

(105) Section 432(e)(8)(C)(iii) is amended by striking “the Secretary shall” and inserting “The Secretary shall”.

(106) So much of the text of section 432(f)(3) as precedes subparagraph (A) is amended to read as follows: “During the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the date of the adoption of a rehabilitation plan—”.

(107) Section 432(g)(1) is amended by striking “subsection (e)(9)” and inserting “subsection (e)(9)”.

(108) Section 433(c)(5)(C)(ii)(II) is amended by inserting “of such Act” after “title IV”.

(109)(A) The heading for section 433 is amended by inserting “FOR CSEC PLANS” after “FUNDING STANDARDS”.

(B) The table of sections for subpart A of part III of subchapter D of chapter 1 is amended by adding at the end the following new item:

“Sec. 433. Minimum funding standards for CSEC plans.”.

(110) The item relating to section 436 in the table of sections for subpart B of part III of subchapter D of chapter 1 is amended to read as follows:

“Sec. 436. Funding-based limits on benefits and benefit accruals under single-employer plans.”.

(111) The heading of section 453B is amended by striking “LOSS DISPOSITION” and inserting “LOSS ON DISPOSITION”.

(112) Section 457(f)(4)(C)(i) is amended—

(A) by striking “section 9101” and inserting “section 8101,” and

(B) by striking “7801,” and inserting “7801),”.

(113) Section 457A(d)(4) is amended—

(A) by striking “case a foreign” and inserting “case of a foreign,” and

(B) by striking “had been” and inserting “been”.

(114) Section 458(b)(9) is amended by striking “REPURCHASED” in the heading thereof and inserting “REPURCHASE”.

(115) Section 458(c)(1) is amended by striking “regulations prescribed” and inserting “regulations prescribe”.

(116) Section 460(b)(2)(A) is amended by inserting a comma after “first”.

(117)(A) Section 461 is amended by redesignating the second subsection (j) (relating to farming syndicate defined) as subsection (k).

(B) Section 461(i)(4) is amended by striking “subsection (j)” and inserting “subsection (k)”.

(118) The heading of section 464 is amended by inserting “EXPENSES” after “FARMING”.

(119) Section 464(d)(2)(B)(iii) is amended by striking “subsection (c)(2)(E)” and inserting “section 461(k)(2)(E)”.

(120) Section 470(d)(2)(B) is amended by striking “clause (ii)” and inserting “subparagraph (A)(ii)”.

(121) The item relating to part VIII in the table of parts for subchapter F of chapter 1 is amended to read as follows:

“PART VIII. CERTAIN SAVINGS ENTITIES”.

(122) Section 501(c)(14)(B)(iv) is amended by adding a period at the end.

(123) Section 501(c)(19)(B) is amended by striking “widows,” and inserting “widows.”.

(124) Section 501(f)(3)(B) is amended by striking “section 115(a)” and inserting “section 115”.

(125) The item relating to section 511 in the table of sections for part III of subchapter F of chapter 1 is amended to read as follows:

“Sec. 511. Imposition of tax on unrelated business income of charitable, etc., organizations.”.

(126) Section 512(b)(19)(H)(iii) is amended by striking “clause (i)(II)” and inserting “clause (i)”.

(127) Section 529(c)(6) is amended by striking “an Coverdell” and inserting “a Coverdell”.

(128) Section 529(e)(3)(A) is amended—

(A) by striking the semicolon at the end of clause (i) and inserting a comma, and

(B) by adding “, and” at the end of clause (ii).

(129) Section 529A(d)(4) is amended by striking “Achieving a Better Life Experience Act of 2014” and inserting “Stephen Beck, Jr., ABLE Act of 2014”.

(130) Section 529A(e)(4) is amended by striking “subparagraph section” and inserting “section”.

(131) Section 530(d)(9)(B) is amended by striking “by the” and inserting “by”.

(132) Section 542(c)(5) is amended by striking the comma at the end and inserting a semicolon.

(133) Section 542(c)(7) is amended by striking “A small” and inserting “a small”.

(134) Section 543(a)(2)(B)(ii) is amended by striking “section 563(d)” and inserting “section 563(c)”.

(135) Section 543(d)(5)(A)(ii) is amended by striking “section 563(d)” and inserting “section 563(c)”.

(136) Section 613A(c)(7)(B) is amended by striking “taxpayers” and inserting “taxpayer’s”.

(137) Section 642(c)(1) is amended by striking “other than” and inserting “other than”.

(138) The item relating to section 661 in the table of sections for subpart C of part I of subchapter J of chapter 1 is amended to read as follows:

“Sec. 661. Deduction for estates and trusts accumulating income or distributing corpus.”.

(139) Section 706(b)(5) is amended by striking “section 584(h)” and inserting “section 584(i)”.

(140) Section 751(c) is amended by striking “and, sections” both places it appears and inserting “and sections”.

(141) Section 807(e)(5)(A)(i) is amended by striking “subparagraph (C)” and inserting “subparagraph (B)”.

(142) Section 831(c) is amended by striking “section 816(a),” and inserting “section 816(a).”.

(143) Section 832(b)(7)(E)(ii)(II) is amended by striking the comma at the end and inserting a period.

(144) Section 852(a)(1)(B) is amended by striking “265,” and inserting “265 and”.

(145) Section 852(b)(2)(D) is amended by striking “the deduction” and inserting “The deduction”.

(146) Subparagraphs (A) and (B) of section 856(c)(7) are each amended by striking “paragraph 4)(B)(iii)” and inserting “paragraph 4)(B)(iv)”.

(147) Paragraphs (1), (3), (4), and (5) of section 856(m) are each amended by striking “subsection (c)(4)(B)(iii)” and inserting “subsection (c)(4)(B)(iv)”.

(148) Section 857(b)(6)(J) is amended by striking “section 856(c)(8)” and inserting “section 856(c)(10)”.

(149) Section 860(f)(2)(A)(ii) is amended by striking “decreased” and inserting “decrease”.

(150) Section 860(i) is amended by striking “willfull” and inserting “willful”.

(151) Section 860G(a)(3)(A)(iii)(III) is amended by striking the period at the end and inserting a comma.

(152) Section 864(d)(8) is amended by striking “section 956(b)(3)” and inserting “section 956(c)(3)”.

(153) Section 877(d)(4)(B)(i) is amended by striking “in 957” and inserting “in section 957”.

(154) Section 877A(g)(6) is amended by striking “220(e)(4)” and inserting “220(f)(4)”.

(155) Section 897(a)(1)(A) is amended by striking “section 871(B)(1)” and inserting “section 871(b)(1)”.

(156) The heading of section 897(k)(2) is amended by striking “USRPI” and inserting “UNITED STATES REAL PROPERTY INTEREST”.

(157) Section 904(d)(2)(B)(ii) is amended—

(A) by striking “, except as provided in subparagraph (E)(iii) or paragraph (3)(I),” and

(B) by inserting “subparagraph (E)(ii), or paragraph (3)(H),” after “Except as provided in clause (iii),”

(158) Section 907(c)(3)(C) is amended by striking the period after “partnerships” and inserting a comma.

(159) Section 907(f)(1) is amended by striking “year,” and inserting “years,”.

(160) Section 911(d)(8)(B)(i) is amended by striking “(50 U.S.C. App. 1 et seq.)” and inserting “(50 U.S.C. 4301 et seq.)”.

(161) Section 912(1)(B) is amended by striking “(50 U.S.C., sec. 403e)” and inserting “(50 U.S.C. 3505)”.

(162) Section 956(c)(2)(E) is amended by striking “which are not contracts described in section 953(a)(1)” and inserting “which are contracts described in section 953(e)(2)”.

(163) Section 956(e) is amended by striking “provisions” and inserting “provisions”.

(164) Section 957(b) is amended by striking “contracts described in section 953(a)(1)” and

inserting “contracts not described in section 953(e)(2)”.

(165) The heading of section 993 is amended by inserting “AND SPECIAL RULES” after “DEFINITIONS”.

(166) Section 1016(a)(3)(D) is amended by inserting “as in effect prior to its repeal by the Tax Reform Act of 1986” before “(or the corresponding provisions of prior income tax laws)”.

(167) Section 1033(h)(2) is amended by inserting “is” before “located”.

(168) Section 1035(a)(1) is amended by striking “; or” and inserting a semicolon.

(169) Section 1059(d)(3) is amended by striking “; except that” and all that follows and inserting “and there shall not be taken into account any day which is more than 2 years after the date on which such share becomes ex-dividend.”.

(170) Section 1092(a)(2)(B) is amended by striking “with respect other” in the last sentence and inserting “with respect to other”.

(171) Section 1092(c)(4)(E) is amended by striking “(other than subparagraph (B) thereof)”.

(172) The item relating to section 1222 in the table of sections for part III of subchapter P of chapter 1 is amended to read as follows:

“Sec. 1222. Other terms relating to capital gains and losses.”.

(173) The item relating to section 1252 in the table of sections for part IV of subchapter P of chapter 1 is amended to read as follows:

“Sec. 1252. Gain from disposition of farm land.”.

(174) Section 1250(d)(3) is amended by striking “paragraph (9)” and inserting “paragraph (6)”.

(175) Section 1255(b)(2) is amended by striking “170(e),” and inserting “170(e)”.

(176)(A) Subparagraphs (B) and (C) of section 1256(e)(3) are each amended by striking “section 464(e)(2)” and inserting “section 461(k)(4)”.

(B) Section 1258(d)(5)(C) is amended by striking “section 464(e)(2)” and inserting “section 461(k)(4)”.

(177) Section 1257(c)(1) is amended—
(A) by striking “section 1201(4)” and inserting “section 1201(a)(7)”, and

(B) by striking “16 U.S.C. 3801(4)” and inserting “16 U.S.C. 3801(7)”.

(178) Section 1257(c)(2) is amended—
(A) by striking “section 1201(6)” and inserting “section 1201(a)(10)”, and

(B) by striking “16 U.S.C. 3801(6)” and inserting “16 U.S.C. 3801(10)”.

(179) Section 1274(b)(3)(B)(i) is amended by striking “section 6662(d)(2)(C)(iii)” and inserting “section 6662(d)(2)(C)(ii)”.

(180) Section 1276(a)(4) is amended by striking “871(a),” and inserting “871(a),”.

(181) Section 1278(b)(1) is amended by striking “871(a),” and inserting “871(a),”.

(182) Section 1286(f) is amended by striking “and 305(e),” and inserting “and section 305(e),”.

(183) Section 1291(e) is amended by striking “subsections (c) and (d) (e),” and inserting “subsections (c), (d), and (e)”.

(184) Section 1298(b)(5)(B) is amended by striking “section 951(f)” and inserting “section 951(c)”.

(185) Section 1298(d)(2)(A) is amended by striking “section 1296(a)(2)” and inserting “section 1297(a)(2)”.

(186) Section 1298(e)(2)(B)(ii) is amended by striking “provisions” and inserting “provisions”.

(187) Section 1355(f)(3) is amended by striking “of which” and inserting “on which”.

(188) Section 1358(b)(1) is amended by striking “section 1352(a)(2)” and inserting “section 1352(2)”.

(189) Section 1358(c)(2) is amended by striking “an person’s” and inserting “a person’s”.

(190) Sections 1361(f)(2), 1362(d)(3)(C)(v), and 4975(d)(16)(A) are each amended by striking “1813(w)(1),” and inserting “1813(w)(1)),”.

(191) Section 1362(f) is amended by striking “may be during” and inserting “may be, during”.

(192) Section 1366(e) is amended by striking “section 704(e)(3)” and inserting “section 704(e)(2)”.

(193) Section 1368(f)(2) is amended by striking “in included” and inserting “is included”.

(194) Section 1391(g)(3)(E)(ii) is amended by striking “Interior” and inserting “the Interior”.

(195) Section 1394(b)(3)(B)(i)(II) is amended by striking “subsection” and inserting “subsections”.

(196) Section 1397C(d)(5)(B) is amended by striking “subparagraphs (A) or (B)” and inserting “subparagraph (A) or (B)”.

(197) Section 1402(a)(1) is amended—

(A) by striking “section 1233(2)” and inserting “section 1233(a)(2)”, and

(B) by striking “16 U.S.C. 3833(2)” and inserting “16 U.S.C. 3833(a)(2)”.

(198) Section 1402(b) is amended by striking “3211,” and inserting “3211.”.

(199) The heading of section 1446 is amended by striking “WITHHOLDING TAX” in the heading and inserting “WITHHOLDING OF TAX”.

(200) Section 2031(c)(1) is amended by striking all that follows subparagraph (A) and inserting the following:

“(B) \$500,000.”.

(201) Section 2031(c)(2) is amended by striking “paragraph (5).” and inserting “paragraph (5)).”.

(202) Section 2055(e)(3)(G) is amended by striking “subparagraph (J)” and inserting “subparagraph (J))”.

(203) Section 2106(a)(4) is amended by inserting “section” before “2058(a)”.

(204) Section 2522(c)(1) is amended by striking “to of for” and inserting “to or for”.

(205) Section 2523(g)(1) is amended by striking “noncharitable beneficiary” and inserting “beneficiary who is not a charitable beneficiary”.

(206) Section 2523(g)(2) is amended by striking “noncharitable” and inserting “charitable”.

(207) Section 3101(a) is amended by adding a period at the end.

(208) Section 3111(e)(5)(B) is amended by inserting “the” before “meaning”.

(209) Section 3121(b)(5)(B)(i)(V) is amended by striking “section 105(e)(2)” and inserting “section 104(e)(2)”.

(210) Section 3121(b)(5)(H)(i) is amended by striking “1997” and inserting “1997.”.

(211) Section 3304(a)(4)(G)(ii) is amended by striking “section 6402(f)(4)(B)” and inserting “section 6402(f)(4)(C)”.

(212) Section 3306(b)(5)(F) is amended by striking the semicolon at the end and inserting a comma.

(213) Section 3306(c)(19) is amended by striking “Service” and inserting “service”.

(214) Section 3306(u) is amended by striking “25 U.S.C. 450b(e)” and inserting “25 U.S.C. 5304(e)”.

(215) Section 3306(v) is amended by striking “this part” and inserting “this section”.

(216) Section 3309(d) is amended by striking “25 U.S.C. 450b(e)” and inserting “25 U.S.C. 5304(e)”.

(217)(A) Paragraphs (1), (2), (3), (4)(B), (5), (6), (8)(A)(ii), (8)(B), (8)(D), (9), (10)(B), (11), (12)(A), (12)(B), (12)(C), (13), (14), and (15) of section 3401(a) are each amended by striking “; or” at the end and inserting a comma.

(B) Paragraphs (4)(A), (8)(A)(i), (8)(C), (10)(A), (12)(D), and (22) of section 3401(a) are each amended by striking “; or” at the end and inserting “, or”.

(C) Section 3401(a)(12)(E) is amended by striking “, or” at the end and inserting a comma.

(D) Paragraphs (16)(A), (16)(B), (17), (18), (19), (20), and (21) of section 3401(a) are each amended by striking the semicolon at the end and inserting a comma.

(218) Section 3509(d)(1)(C) is amended by striking “sections” and inserting “section”.

(219) Section 4051(a)(3) is amended by striking “Secretary.” and inserting “Secretary).”.

(220) Section 4104(a)(1) is amended by striking “section” and inserting “sections”.

(221) Section 4221(a) is amended by striking “section 4051,” and inserting “section 4051”.

(222) The item relating to part III in the table of parts for subchapter C of chapter 33 is amended by striking “relating” and inserting “applicable”.

(223) Section 4612(e)(2)(B)(ii)(I) is amended by striking “transferred” and inserting “transferred”.

(224) Section 4958(f)(1)(D) is amended by striking the period at the end and inserting a comma.

(225) Section 4971(b) is amended by striking “minimum required contribution,” and all that follows through “whichever is applicable” and inserting the following: “minimum required contribution, accumulated funding deficiency, or CSEC accumulated funding deficiency, whichever is applicable”.

(226) Section 4971(c)(3) is amended by striking “applicable and” and inserting “applicable, and”.

(227) Section 4971(f) is amended by striking “applicable for” and inserting “applicable, for”.

(228) Section 4971(g)(4)(C)(ii) is amended by striking “section 432(i)(9)” and inserting “section 432(j)(9)”.

(229) Section 4975(d)(3) is amended by striking “an leveraged” and inserting “a leveraged”.

(230) Section 4975(d)(17) is amended by striking “Any” and inserting “any”.

(231) Section 4975(d)(21) is amended by striking “person person” and inserting “person”.

(232) Section 4975(f)(8)(C)(iv)(II) is amended by inserting “subsection” before “(d)(17)(A)(ii)”.

(233) Section 4975(f)(8)(F)(i)(I) is amended by striking “adviser,” and inserting “adviser”.

(234) Section 4975(f)(8)(F)(i)(V) is amended by inserting “of” before “the manner”.

(235) Section 4980B(f)(1) is amended by striking “section 2162 of the Public Health Service Act” and inserting “section 1928(h)(6) of the Social Security Act (42 U.S.C. 1396s(h)(6))”.

(236) Section 4980B(f)(5)(C)(iii) is amended by striking “section 2701(c)(2)” and inserting “section 2704(c)(2)”.

(237) Section 4980I(b)(3)(C)(iv) is amended by striking the comma at the end and inserting a period.

(238) Section 4980I(b)(3)(C)(v) is amended by striking “for for” and inserting “for”.

(239) Section 5054(a)(3)(B) is amended by striking “sections” and inserting “section”.

(240) Section 5066(d) is amended by striking “section 5001(a)(5)” and inserting “section 5001(a)(4)”.

(241) The item relating to subpart C in the table of subparts for part II of subchapter A of chapter 51 is amended to read as follows:

“SUBPART C. RECORDKEEPING AND REGISTRATION BY DEALERS”.

(242) The item relating to section 5178 in the table of sections for subchapter B of chapter 51 is amended to read as follows:

“Sec. 5178. Premises of distilled spirits plants.”.

(243) Section 5182 is amended by striking “section 5112” and inserting “section 5121”.

(244) Section 5273(e)(2) is amended by striking “section 5001(a)(6)” and inserting “section 5001(a)(5)”.

(245) Section 5314(a)(2) is amended by striking “section 5001(a)(10)” and inserting “section 5001(a)(9)”.

(246) Section 5392(f) is amended by striking “section 17(a)(5)” and inserting “section 117(a)(5)”.

(247) Section 5512 is amended by striking “section 5001(a)(7)” and inserting “section 5001(a)(6)”.

(248) Section 5601(a)(15) is amended by striking “Withdraws,” and inserting “withdraws,”.

(249) The heading of section 5603 is amended by inserting a comma after “**RETURNS**”.

(250) Section 5701(e) is amended by striking “manufactured” and inserting “manufactured”.

(251) The item relating to section 5847 in the table of sections for part I of subchapter B of chapter 53 is amended to read as follows: “Sec. 5847. Effect on other laws.”.

(252) Section 5847 is amended by striking “section 414 of the Mutual Security Act of 1954” and inserting “section 38 of the Arms Export Control Act (22 U.S.C. 2778)”.

(253) The item relating to section 5852 in the table of sections for part II of subchapter B of chapter 53 is amended to read as follows: “Sec. 5852. General transfer and making tax exemption.”.

(254) The item relating to section 5853 in the table of sections for part II of subchapter B of chapter 53 is amended to read as follows: “Sec. 5853. Transfer and making tax exemption available to certain governmental entities.”.

(255) Section 6012(a)(6) is amended by striking “and” at the end.

(256) Section 6012(a)(7) is amended by striking the period at the end and inserting “; and”.

(257) Section 6012(a)(8) is amended by striking “section 63(c)(2)(D).” and inserting “section 63(c)(2)(C);”.

(258) Section 6033(b)(15) is amended by striking the period at the end and inserting “, and”.

(259) Section 6039(d)(2) is amended to read as follows:

“(2) the term ‘employee stock purchase plan’, see section 423(b).”.

(260) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6041 the following new item:

“Sec. 6041A. Returns regarding payments of remuneration for services and direct sales.”.

(261) The item relating to section 6050I in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended to read as follows:

“Sec. 6050I. Returns relating to cash received in trade or business, etc.”.

(262) The item relating to section 6050W in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended to read as follows:

“Sec. 6050W. Returns relating to payments made in settlement of payment card and third party network transactions.”.

(263) Section 6050H(h)(3)(B)(i) is amended by striking “Rural Housing Administration” and inserting “Rural Housing Service”.

(264) Section 6058(e) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(265) Section 6059(b)(3)(B) is amended—

(A) by striking “the requirements” and inserting “that the requirements”, and

(B) by striking the period at the end and inserting a comma.

(266) Section 6091(b)(2)(B)(ii) is amended by striking “and” at the end.

(267) Section 6103(l)(7) is amended by striking “of 1977” in the heading thereof.

(268) Section 6103(l)(10)(A) is amended by striking “request made under subsection (f)(5)” and inserting “notice submitted under subsection (f)(5)(C)”.

(269) Section 6103(l)(10) is amended by striking so much of subparagraph (B) as precedes “Any” and inserting the following:

“(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—(i)”.

(270) Section 6103(l)(16)(A) is amended by striking “subsection 6103(b)(6)” and inserting “section 6103(b)(6)”.

(271) Section 6103(p)(3)(A) is amended by striking “subsections” and inserting “subsection”.

(272) Section 6103(p)(3)(C)(ii) is amended by striking the comma at the end and inserting a period.

(273) Section 6103(p)(4) is amended by striking “7(A)(ii)” in the matter preceding subparagraph (A) and inserting “(7)(A)(ii)”.

(274) Section 6103(p)(4)(F)(ii) is amended—
(A) by striking “subsections” and inserting “subsection”, and

(B) by striking “subsection (l)(21),,” and inserting “subsection (l)(21),”.

(275) Section 6103(p)(4) is amended by striking “subsection (l)(21),,” both places it appears in the flush matter at the end and inserting “subsection (l)(21),”.

(276) Section 6109(f) is amended by striking “of 1977” in the heading thereof.

(277) Section 6213(g)(2)(O) is amended by adding a comma at the end.

(278) Section 6213(g)(2)(P) is amended—

(A) by striking “section 24(h)(2)” and inserting “section 24(g)(2)”, and

(B) by striking “subsection (h)(1)” and inserting “subsection (g)(1)”.

(279) Section 6302(e)(2)(A) is amended by striking “sections” and inserting “section”.

(280) Section 6311(d)(3)(D) is amended—

(A) by striking “section 103(f)” and inserting “section 103(g)”, and

(B) by striking “1602(f)” and inserting “1602(g)”.

(281) Section 6330(c) is amended by striking “subsection (d)(2)(B)” in the last sentence and inserting “subsection (d)(3)(B)”.

(282) Section 6330(d)(2) is amended by striking “, and” at the end and inserting a period.

(283) Section 6334(a)(10)(A) is amended by striking “V,” and inserting “V.”.

(284) Section 6342(a) is amended by striking “subsection (c)(2)” and inserting “subsection (d)(2)”.

(285) Section 6402(a) is amended by striking “(f) refund” and inserting “(f), refund”.

(286) Section 6402(c) is amended by striking “of of” and inserting “of”.

(287) Section 6402(d)(2) is amended by striking “section 402(a)(26) of the Social Security Act” and inserting “section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3))”.

(288) Section 6404(g)(2)(E) is amended by striking “section 6664(d)(2)(A)” and inserting “section 6664(d)(3)(A)”.

(289) Section 6420(i)(4) is amended by striking “State and” and inserting “State (and)”.

(290) Section 6421(c) is amended by striking “(4) (5)” and inserting “(4), (5)”.

(291) Section 6421(j)(3) is amended by striking “State and” and inserting “State (and)”.

(292) Section 6422 is amended—

(A) by striking paragraph (7),

(B) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively, and

(C) by striking “for credit” in paragraph (10) as so redesignated and inserting “For credit”.

(293) Section 6425(c)(1)(A) is amended by striking “The sum” and inserting “the sum”.

(294) Section 6426(b)(2)(A)(ii) is amended by striking “cents.” and inserting “cents.”.

(295) Section 6501(m) is amended by striking “any election” and all that follows through “(or any)” and inserting the following: “any election under section 30B(h)(9), 30C(e)(4), 30D(e)(4), 35(g)(11), 40(f), 43, 45B, 45C(d)(4), 45H(g), or 51(j) (or any)”.

(296) Section 6503(a)(1) is amended by striking “section 6230(a).” and inserting “section 6230(a))”.

(297) Section 6612(c) is amended—

(A) by inserting “sections” before “2014(e)”, and

(B) by striking “and 6420” and inserting “6420”.

(298) The item relating to section 6651 in the table of sections for part I of subchapter A of chapter 68 is amended to read as follows:

“Sec. 6651. Failure to file tax return or to pay tax.”.

(299) Each of the following sections are amended by inserting “an amount equal to” after “increased by” and by inserting “for the calendar year” after “section 1(f)(3)”:

(A) Section 6651(i).

(B) Section 6652(c)(7)(A).

(C) Section 6695(h)(1).

(D) Section 6698(e)(1).

(E) Section 6699(e)(1).

(F) Section 6721(f)(1).

(G) Section 6722(f)(1).

(300) Section 6652(e) is amended by striking “section 6724(d)(2)(Y)” in the last sentence and inserting “section 6724(d)(2)(AA)”.

(301) Section 6654(a) is amended by striking “chapter 1 the tax” and inserting “chapter 1, the tax”.

(302) Section 6654(f)(3) is amended by striking “taxes” and inserting “tax”.

(303) Section 6662(d)(3) is amended by striking “section 6664(d)(2)” and inserting “section 6664(d)(3)”.

(304) Section 6662 is amended by moving subsection (i) before subsection (j).

(305) The heading of section 6676(c) is amended by striking “REASONABLE BASIS” and inserting “REASONABLE CAUSE”.

(306) The item relating to section 6684 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

“Sec. 6684. Assessable penalties with respect to liability for tax under chapter 42.”.

(307) The item relating to section 6686 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

“Sec. 6686. Failure to file returns or supply information by DISC or former FSC.”.

(308) Section 6679(a)(1) is amended by striking “section 6046 and 6046A” and inserting “section 6046 or 6046A”.

(309) Section 6695(h)(2) is amended by striking “subparagraph (A)” and inserting “paragraph (1)”.

(310) Section 6695(h)(2)(B) is amended by striking “clause (i)” and inserting “subparagraph (A)”.

(311) Section 6696(a) is amended by striking “section 6694,” and inserting “sections 6694.”.

(312) Section 6696(d)(1) is amended by striking “section 6695,” and inserting “6695.”.

(313) Section 6698(b)(2) is amended by adding a period at the end.

(314) Section 6700(a) is amended by striking “the \$1,000” and inserting “\$1,000”.

(315) Section 6724(d)(1)(B)(xx) is amended by striking “or” at the end.

(316) Section 6724(d)(1)(B)(xxi) is amended by striking “and” at the end.

(317) Section 6724(d)(1) is amended by striking “Such term also includes” and inserting the following:
“Such term also includes”.

(318) Section 6724(d)(2)(F) is amended by striking the period at the end and inserting a comma.

(319) Section 6724(d)(2)(M) is amended by striking “(h)(2) relating” and inserting “(h)(2) relating”.

(320) Section 6724(d)(2)(DD) is amended by adding a comma at the end.

(321) Section 6863(a) is amended by striking “6852,” and inserting “6852.”.

(322) Section 6901(a)(1)(B) is amended by striking “Code in” and inserting “Code, in”.

(323) Section 7275(b)(2) is amended by striking “taxes, shall” and inserting “taxes.”.

(324) Section 7421(b)(2) is amended by striking “Code in” and inserting “Code, in”.

(325)(A) Subsections (e) and (i) of section 7422 and sections 3121(b)(5)(E), 6110(j)(1)(B), 7428(a), and 7430(c)(6) are each amended by striking “United States Claims Court” and inserting “United States Court of Federal Claims”.

(B) Subsections (a), (b), and (c)(1)(C)(iii) of section 7428 are each amended by striking “Claims Court” and inserting “Court of Federal Claims”.

(C) The heading of section 4961(c)(1) is amended by striking “UNITED STATES CLAIMS COURT” and inserting “UNITED STATES COURT OF FEDERAL CLAIMS”.

(D) Section 6672(c)(2) is amended by striking “Court of Claims” and inserting “Court of Federal Claims”.

(326) The item relating to section 7448 in the table of sections for part I of subchapter C of chapter 76 is amended to read as follows:
“Sec. 7448. Annuities to surviving spouses and dependent children of judges and special trial judges.”.

(327) Section 7448(j)(1)(A) is amended by striking “Code,” and inserting “Code,”.

(328) Section 7448(m) is amended by striking “Code,” and inserting “Code,”.

(329) Section 7454(b) is amended by striking “4955,” and inserting “4955,”.

(330) Section 7654(d)(1) is amended by striking “50 App. U.S.C. 501 et seq.” and inserting “50 U.S.C. 3901 et seq.”.

(331) Section 7701(a)(36)(B) is amended by striking “an ‘tax’” and inserting “a ‘tax’”.

(332) Section 7701(e)(5)(B) is amended by striking “Reconciliation” and inserting “Reconciliation”.

(333) Section 7801(a)(2)(B) is amended—

(A) by striking “this Act” and inserting “the Homeland Security Act of 2002”, and

(B) by striking “effective date of the Homeland Security Act of 2002” and inserting “effective date of such Act”.

(334) Section 7809(c)(1) is amended by striking “Work” and inserting “work”.

(335) Section 7851(a)(1)(A) is amended by striking “, 4”.

(336) Section 7851(a)(1)(B) is amended by striking “Chapters 3 and 5” and inserting “Chapter 3”.

(337) Section 7871(c)(3)(D)(ii)(II) is amended by striking “calender” and inserting “calendar”.

(338) Section 9003(b)(2) is amended by striking “section 9006(d)” and inserting “section 9006(c)”.

(339) Section 9011(b)(1) is amended by striking “contrue” and inserting “construe”.

(340) Section 9502(d)(2) is amended by striking “farms,” and inserting “farms,”.

(341) Section 9503(c)(5) is amended by striking “and before October 1, 2011,”.

(342) Section 9508(c)(1) is amended by striking “the Public” and inserting “Public”.

(343) Section 9701(a)(4) is amended by striking “section 9713A” and inserting “section 9712”.

(344) Section 9704(d)(2)(B) is amended by striking “1232),” and inserting “1232,”.

(345) Section 9705(b)(1) is amended by striking “1232(h)” and inserting “1232”.

(346) Section 9705(b)(2) is amended by striking “Acts” and inserting “Act”.

(347) Section 9711(c)(4)(B) is amended by striking “paragraph (4)(C)” and inserting “paragraph (3)(C)”.

(348) Section 9712(a)(4)(A) is amended by inserting “section 402 of” after “subsections (h) and (i) of”.

(349) Section 9812(a)(3)(B)(i) is amended by striking the comma at the end and inserting a period.

(350) Section 302 of division P of the Consolidated Appropriations Act, 2016 is amended—

(A) in subsection (a), by inserting “of the Internal Revenue Code of 1986” after “section 48(a)(5)(C)”, and

(B) in subsection (b), by inserting “of such Code” after “section 48(a)”.

(351) Section 32103(a) of the Fixing America’s Surface Transportation Act is amended by striking “section 52106” and inserting “section 32102”.

(352) Section 7518(i) is amended—

(A) by striking “section 607(k) of the Merchant Marine Act, 1936” and inserting “chapter 535 of title 46, United States Code,” and

(B) by striking “such section 607(k)” and inserting “such chapter”.

(b) GENERAL DEADWOOD-RELATED PROVISIONS.—

(1) Section 25A(c)(1) is amended by striking “(\$5,000 in the case of taxable years beginning before January 1, 2003)”.

(2) Section 26(b)(2) is amended by striking subparagraph (P).

(3) Section 30C(e) is amended by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(4) Section 32(l) is amended by striking “, and any payment made to such individual (or such spouse) by an employer under section 3507,”.

(5)(A) Section 38(c)(5) is amended—

(i) by striking all that precedes subparagraph (C) thereof and inserting the following:
“(5) RULES RELATED TO ELIGIBLE SMALL BUSINESSES.—”,

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively, and

(iii) by amending subparagraph (B) (as so redesignated) to read as follows:

“(B) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—For purposes of paragraph (4)(B)(ii), any credit determined under section 41 with respect to a partnership or S corporation shall not be treated as a specified credit by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (A) for the taxable year in which such credit is treated as a current year business credit.”.

(B) Section 38(c)(2)(A)(ii)(II) is amended by striking “the eligible small business credits,”.

(C) Section 38(c)(4)(A)(ii)(II) is amended by striking “the eligible small business credits and”.

(D) Section 38(c)(4)(B)(ii) is amended by striking “(as defined in paragraph (5)(C), after application of rules similar to the rules of paragraph (5)(D))” and inserting “(as defined in paragraph (5)(A) after application of the rules of paragraph (5)(B))”.

(E) Section 39(a) is amended by striking paragraph (4).

(F) Section 39(a)(3)(A) is amended by striking “or the eligible small business credits”.

(6) Section 41(c)(4)(A), as amended by the preceding provisions of this Act, is amended by striking “(12 percent in the case of taxable years ending before January 1, 2009)”.

(7) Section 56(b)(1)(E) is amended by striking the last sentence.

(8) Section 56(d)(1)(A)(ii)(I) is amended by inserting “(as in effect before its repeal by the Tax Increase Prevention Act of 2014)” after “section 172(b)(1)(H)”.

(9) Section 126(a) is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(10)(A) Section 139(c)(2) is amended by striking “section 165(h)(3)(C)(i)” and inserting “section 165(i)(5)(A)”.

(B) Section 7508A(a) is amended by striking “section 165(h)(3)(C)(i)” and inserting “section 165(i)(5)(A)”.

(11) Section 140(a) is amended by striking paragraph (2) and by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(12) Section 163(d)(4) is amended by striking subparagraph (E).

(13)(A) Section 168 is amended by striking subsection (n).

(B) The amendment made by this paragraph shall not apply to property placed in service before the date of the enactment of this Act.

(14) Section 170(e)(3) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(15)(A) Section 179 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(B) Section 179(d)(1)(B)(ii) is amended by striking “subsection (f)” and inserting “subsection (e)”.

(C) The amendments made by this paragraph shall not apply to property placed in service before the date of the enactment of this Act.

(16) Section 196(d) is amended—

(A) by striking “in the case of—” and all that follows and inserting “in the case of the investment credit determined under section 46 (other than the rehabilitation credit),” and

(B) by striking “AND RESEARCH CREDIT” in the heading thereof.

(17) Section 246A(b)(1) is amended by striking “without regard to section 243(d)(4)”.

(18) Section 381(c)(16) is amended by striking the second sentence.

(19) Section 411(a)(3)(F)(i) is amended by striking “under section 418D or”.

(20) Section 415(g) is amended by striking “subsection (f)(3)” and inserting “subsection (f)(2)”.

(21)(A) Section 419(e)(3)(A) is amended by striking “(17), or (20)” and inserting “or (17)”.

(B) Section 419A(g)(1) is amended by striking “(17), or (20)” and inserting “or (17)”.

(C) Section 419A(g)(2) is amended by striking “(17), or (20)” and inserting “or (17)”.

(D) Section 505 is amended—

(i) in the heading thereof, by striking “PARAGRAPH (9), (17), OR (20)” and inserting “PARAGRAPH (9) OR (17)”.

(ii) in the heading of subsection (a), by striking “PARAGRAPH (9) OR (20) OF SECTION 501(c)” and inserting “SECTION 501(c)(9)”.

(iii) in subsection (a)(1), by striking “paragraph (9) or (20) of subsection (c) of section 501” and inserting “section 501(c)(9)”, and

(iv) in subsection (c)(1), by striking “paragraph (9), (17), or (20)” and inserting “paragraph (9) or (17)”.

(E) Subparagraphs (A), (C), and (D) of section 512(a)(3) are each amended in the text thereof by striking “(17), or (20)” and inserting “or (17)”.

(F) Subparagraphs (B)(ii) and (E) of section 512(a)(3) are each amended in the text thereof

by striking “, (17), or (20)” and inserting “or (17)”.

(G) The heading of section 512(a)(3) is amended by striking “(17, OR (20))” and inserting “OR (17)”.

(H) The heading of section 512(a)(3)(E) is amended by striking “, (17), OR (20)” and inserting “OR (17)”.

(I) The item relating to section 505 in the table of sections for part I of subchapter F of chapter 1 is amended to read as follows:

“Sec. 505. Additional requirements for organizations described in paragraph (9) or (17) of section 501(c).”.

(22) Section 501(p)(4) is amended by striking “, 556(b)(2)”.

(23) Section 530(b)(3) is amended—

(A) by striking “(as defined in section 170(e)(6)(F)(i))” in subparagraph (A)(iii), and

(B) by adding at the end the following new subparagraph:

“(C) COMPUTER TECHNOLOGY OR EQUIPMENT.—The term ‘computer technology or equipment’ means computer software (as defined by section 197(e)(3)(B)), computer or peripheral equipment (as defined by section 168(i)(2)(B)), and fiber optic cable related to computer use.”.

(24) Section 593(b)(2)(D)(iv) is amended by striking “(determined without regard to section 596)”.

(25) Section 597(c)(1) is amended by striking “or section 21A of the Federal Home Loan Bank Act”.

(26) Section 613A(c)(6) is amended by striking subparagraph (H).

(27) Section 664(g)(3)(E) is amended by striking “limitations under sections 415(c) and (e)” and inserting “limitation under section 415(c)”.

(28) Section 856(m) is amended by striking paragraph (6).

(29) Section 871(a)(3) is amended by striking the last sentence thereof.

(30) Section 992(d) is amended by striking paragraph (6), by inserting “or” at the end of paragraph (5), and by redesignating paragraph (7) as paragraph (6).

(31) Section 1245(a)(3)(C) is amended by striking “, 185”.

(32)(A) Section 1252(a)(1) is amended by striking “during a taxable year beginning”.

(B) Section 1252(a)(1)(A) is amended—

(i) by striking “sections” and inserting “section”, and

(ii) by striking “and 182” and all that follows through “for expenditures” and inserting “for expenditures”.

(C) Section 1252(a)(2) is amended—

(i) by striking “sections” and inserting “section”, and

(ii) by striking “or 182” and all that follows and inserting a period.

(33) Section 1374(d)(2)(B) is amended by striking the last sentence.

(34) Section 3111 is amended by striking subsection (d).

(35) Section 3127(b)(3) is amended by striking “or 222(b)”.

(36) Section 3221 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(37) Section 3301 is amended by striking “equal to—” and all that follows and inserting “equal to 6 percent of the total wages (as defined in section 3306(b)) paid by such employer during the calendar year with respect to employment (as defined in section 3306(c)).”.

(38) Section 3302(c)(2) is amended by striking the next to last sentence.

(39) Section 3302(f)(2) is amended—

(A) by striking “(or, for purposes of applying this subparagraph to taxable year 1983, September 30, 1981)” in subparagraph (D), and

(B) by striking the last sentence.

(40) Section 4042(b)(1) is amended by adding “and” at the end of subparagraph (A), by striking “, and” at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(41) Section 4042(b)(2) is amended by striking subparagraph (C).

(42) Section 4261(b)(1) is amended by striking “a tax in the amount” and all that follows and inserting “a tax in the amount of \$3.00”.

(43) Section 4481(d) is amended to read as follows:

“(d) ONE TAX LIABILITY PER PERIOD.—To the extent that the tax imposed by this section is paid with respect to any highway motor vehicle for any taxable period, no further tax shall be imposed by this section for such taxable period with respect to such vehicle.”.

(44) Section 4971(d) is amended by striking the last sentence.

(45) Section 6050G(a)(2) is amended by striking “(to the extent not previously taken into account under section 72(d)(1))”.

(46) Section 6215(b) is amended by striking paragraph (5) and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(47) Section 6601(b) is amended by striking paragraph (2) and by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(48) Section 6654(d)(1)(C)(i) is amended by striking “by substituting” and all that follows and inserting “by substituting ‘110 percent’ for ‘100 percent’”.

(49) Section 6654(d)(1) is amended by striking subparagraph (D).

(50) Part II of subchapter C of chapter 75 is amended by striking section 7326 (and by striking the item relating to such section in the table of sections for such part).

(51) Section 7448(a)(5) is amended by striking “, whether or not performing judicial duties under section 7443B”.

(52) Section 7448(a)(6) is amended by striking “, and compensation received under section 7443B”.

(53) Section 7448(d) is amended by striking “at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter” and inserting “at 3 percent per annum”.

(54) Section 7701(a)(19)(A) is amended by striking “either (i)” and all that follows through “(ii)”.

(55) Section 7701(a)(32)(A) is amended to read as follows:

“(A) is subject by law to supervision and examination by State or Federal authority having supervision over such institutions, and”.

(56) Section 8021 is amended by striking subsection (f).

(57) Section 8022(3) is amended by striking subparagraph (C).

(c) REPEAL OF CERTAIN OBSOLETE BOND PROVISIONS.—

(1) CERTAIN RULES WITH RESPECT TO BONDS ISSUED BEFORE JULY 2, 1982.—

(A) Section 1271 is amended—

(i) by striking subsection (c) and by redesignating subsection (d) as subsection (c), and

(ii) by striking “(and paragraph (2) of subsection (c))” in subsection (a)(2)(B).

(B) Section 1272 is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(C) Section 163(e)(1) is amended by striking “In the case of any debt instrument issued after July 1, 1982, the portion of the original issue discount with respect to such debt instrument which is” and inserting “The portion of the original issue discount with respect to any debt instrument which is”.

(D) Section 1271(a)(2)(A)(ii) is amended by striking “subsection (a)(7) or (b)(4) of section 1272” and inserting “section 1272(a)(7)”.

(E) Section 1271(b)(1) is amended to read as follows:

“(1) IN GENERAL.—This section shall not apply to any obligation issued by a natural person before June 9, 1997.”.

(F) Section 1272(a) is amended—

(i) by striking “ON DEBT INSTRUMENTS ISSUED AFTER JULY 1, 1982,” in the heading, and

(ii) by striking “issued after July 1, 1982” in paragraph (1).

(G) Section 1278(a)(4)(B) is amended by striking “or (b)(4)”.

(H) The amendments made by this paragraph shall apply to debt instruments issued on or after July 2, 1982.

(2) CERTAIN RULES WITH RESPECT TO STRIPPED BONDS PURCHASED BEFORE JULY 2, 1982.—

(A) Section 1286, as amended by this section, is amended by striking subsection (c) and by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(B) Subsections (a) and (b) of section 1286 are each amended by striking “after July 1, 1982.”.

(C) Section 1286(d)(5), as redesignated by subparagraph (A), is amended by striking the last sentence.

(D) Section 305(e)(7) is amended by striking “1286(f)” and inserting “1286(e)”.

(E) The amendments made by this paragraph shall apply to bonds purchased on or after July 2, 1982.

(3) CERTAIN RULES WITH RESPECT TO OBLIGATIONS ISSUED BEFORE MARCH 2, 1984.—

(A) Section 1272(a)(2) is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(B) Section 163(e)(4) is amended to read as follows:

“(4) EXCEPTION.—This subsection shall not apply to any debt instrument described in section 1272(a)(2)(D) (relating to loans between natural persons).”.

(C) The amendments made by this paragraph shall apply to obligations issued on or after March 2, 1984.

(d) DEADWOOD PROVISIONS INVOLVING REPEAL OF ONE OR MORE SECTIONS.—

(1) PUERTO RICO ECONOMIC ACTIVITY CREDIT; PUERTO RICO AND POSSESSION TAX CREDIT.—

(A) POSSESSION TAX CREDIT.—Section 27 is amended to read as follows:

“SEC. 27. TAXES OF FOREIGN COUNTRIES AND POSSESSIONS OF THE UNITED STATES.

“The amount of taxes imposed by foreign countries and possessions of the United States shall be allowed as a credit against the tax imposed by this chapter to the extent provided in section 901”.

(B) PUERTO RICO ECONOMIC ACTIVITY CREDIT.—Subpart C of part IV of subchapter A of chapter 1 is amended by striking section 30A (and by striking the item relating to such section in the table of sections for such subpart).

(C) PUERTO RICO AND POSSESSION TAX CREDIT.—Subpart C of part III of subchapter N of chapter 1 is amended by striking section 936 (and by striking the item relating to such section in the table of sections for such subpart).

(D) CONFORMING AMENDMENTS.—

(i) The item relating to section 27 in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended to read as follows:

“Sec. 27. Taxes of foreign countries and possessions of the United States.”.

(ii) Sections 26(a)(1), 59(a)(1), 469(c)(3)(B), and 469(d)(2)(A)(ii) are each amended by striking “27(a)” and inserting “27”.

(iii) Section 45C(d)(2) is amended—
 (I) by striking subparagraph (B),
 (II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and moving such subparagraphs (as so redesignated) 2 ems to the left, and
 (III) by striking “IN GENERAL.—” and all that precedes it and inserting the following:
 “(2) SPECIAL LIMITATIONS ON FOREIGN TESTING.—”
 (iv) Section 168(g)(4)(G) is amended by striking “(other than a corporation which has an election in effect under section 936).”
 (v) Section 243(b)(1)(B) is amended to read as follows:
 “(B) if such dividend is distributed out of the earnings and profits of a taxable year of the distributing corporation which ends after December 31, 1963, and on each day of which the distributing corporation and the corporation receiving the dividend were members of such affiliated group.”
 (vi) Section 246 is amended by striking subsection (e).
 (vii) Section 338(h)(6)(B)(i) is amended by striking “, a DISC, or a corporation to which an election under section 936 applies” and inserting “or a DISC.”
 (viii)(I) Section 367(d) is amended by adding at the end the following new paragraph:
 “(4) INTANGIBLE PROPERTY.—For purposes of this subsection, the term ‘intangible property’ means any—
 “(A) patent, invention, formula, process, design, pattern, or know-how,
 “(B) copyright, literary, musical, or artistic composition,
 “(C) trademark, trade name, or brand name,
 “(D) franchise, license, or contract,
 “(E) method, program, system, procedure, campaign, survey, study, forecast, estimate, customer list, or technical data,
 “(F) goodwill, going concern value, or workforce in place (including its composition and terms and conditions (contractual or otherwise) of its employment), or
 “(G) other item the value or potential value of which is not attributable to tangible property or the services of any individual.”
 (II) Section 367(d)(1) is amended by striking “(within the meaning of section 936(h)(3)(B)).”
 (III) Sections 482 and 1298(e)(2)(A) are each amended by striking “section 936(h)(3)(B)” and inserting “section 367(d)(4).”
 (ix) Section 861(a)(2)(A) is amended by striking “other than a corporation which has an election in effect under section 936.”
 (x) Section 864(d)(5) is amended to read as follows:
 “(5) CERTAIN PROVISIONS NOT TO APPLY.—The following provisions shall not apply to any amount treated as interest under paragraph (1) or (6):
 “(A) Section 904(d)(2)(B)(iii)(I) (relating to exceptions for export financing interest).
 “(B) Subparagraph (A) of section 954(b)(3) (relating to exception where foreign base company income is less than 5 percent or \$1,000,000).
 “(C) Subparagraph (B) of section 954(c)(2) (relating to certain export financing).
 “(D) Clause (i) of section 954(c)(3)(A) (relating to certain income received from related persons).”
 (xi) Section 865(j)(3) is amended by striking “, 933, and 936” and inserting “and 933.”
 (xii) Section 901(g)(2) is amended by inserting “(as in effect on the day before the date of the enactment of the Tax Technical Corrections Act of 2018)” after “section 936.”
 (xiii) Section 904(b) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).
 (xiv) Section 904(f)(1) is amended by striking “and section 936.”

(xv) Section 1202(e)(4) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.
 (xvi) Section 1361(b)(2) is amended by adding “or” at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).
 (xvii)(I) Section 1504(b) is amended by striking paragraph (4) and by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively.
 (II) Section 243(b)(2) is amended by striking “, 1504(b)(4).”
 (III) Section 332(d)(2)(B) is amended by striking “paragraphs (2) and (4)” and inserting “paragraph (2).”
 (IV) Section 864(e)(5)(A) is amended by striking “(determined without regard to paragraph (4) of section 1504(b)).”
 (V) Section 864(f) is amended in paragraphs (1)(C)(i) and (2) by striking “paragraphs (2) and (4)” and inserting “paragraph (2).”
 (xviii) Section 6091(b)(2)(B) is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.
 (xix) Section 6654(d)(2)(D) is amended—
 (I) by striking “936(h) or” in clause (i), and
 (II) by striking “AND SECTION 936” in the heading.
 (xx) Section 6655(e)(4) is amended—
 (I) by striking “936(h) or” in subparagraph (A), and
 (II) by striking “AND SECTION 936” in the heading.
 (2) ENERGY EFFICIENT APPLIANCE CREDIT.—
 (A) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking section 45M (and by striking the item relating to such section in the table of sections for such subpart).
 (B) CONFORMING AMENDMENT.—Section 38(b), as amended by the preceding provisions of this Act, is amended by striking paragraph (24) and by redesignating paragraphs (25) through (37) as paragraphs (24) through (36), respectively.
 (3) QUALIFYING THERAPEUTIC DISCOVERY PROJECT CREDIT.—
 (A) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by striking section 48D (and by striking the item relating to such section in the table of sections for such subpart).
 (B) CONFORMING AMENDMENTS.—
 (i) Section 49(a)(1)(C) is amended by adding “and” at the end of clause (iv), by striking “, and” at the end of clause (v) and inserting a period, and by striking clause (vi).
 (ii) Section 50(a)(2)(E) is amended by striking “48C(b)(2), or 48D(b)(4)” and inserting “or 48C(b)(2).”
 (iii) Section 280C is amended by striking the subsection (g) which relates to the qualifying therapeutic discovery project credit.
 (C) SAVINGS PROVISION.—In the case of the repeal of section 48D(e)(1) of the Internal Revenue Code of 1986, the amendments made by this paragraph shall not apply to expenditures made in taxable years beginning before January 1, 2011.
 (4) DC ZONE PROVISIONS.—
 (A) IN GENERAL.—Chapter 1 is amended by striking subchapter W (and by striking the item relating to such subchapter in the table of subchapters for such chapter).
 (B) CONFORMING AMENDMENTS.—
 (i) Section 23(c)(1) is amended by striking “sections 25D and 1400C” and inserting “section 25D.”
 (ii) Section 25(e)(1)(C) is amended by striking “sections 23, 25D, and 1400C” and inserting “sections 23 and 25D.”
 (iii) Section 45D(h) is amended by striking “sections 1202, 1400B, and 1400F” and inserting “section 1202.”

(iv) Section 1016(a) is amended by striking paragraph (27).
 (v) Section 1202(a)(2)(B) is amended by inserting “(as in effect before its repeal)” after “1400B(b).”
 (vi) Section 1223(13) is amended by striking “sections 1202(a)(2), 1202(c)(2)(A), 1400B(b), and 1400F(b)” and inserting “subsections (a)(2) and (c)(2)(A) of section 1202.”
 (vii) Section 1397B(b)(1) is amended by striking subparagraph (B).
 (C) SAVINGS PROVISIONS.—The amendments made by this paragraph shall not apply to—
 (i) in the case of the repeal of section 1400A of the Internal Revenue Code of 1986, obligations described in section 1394 of such Code (as in effect before its repeal) which were issued before January 1, 2012,
 (ii) in the case of the repeal of section 1400B of such Code, DC Zone assets (as defined in such section, as in effect before its repeal) which were acquired by the taxpayer before January 1, 2012, and
 (iii) in the case of the repeal of section 1400C of such Code, principal residences acquired before January 1, 2012.
 (5) RENEWAL COMMUNITY PROVISIONS.—
 (A) IN GENERAL.—Chapter 1 is amended by striking subchapter X (and by striking the item relating to such subchapter in the table of subchapters for such chapter).
 (B) CONFORMING AMENDMENTS.—
 (i) Section 469(i)(3) is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.
 (ii) Section 469(i)(3)(D), as so redesignated, is amended to read as follows:
 “(D) ORDERING RULE.—Paragraph (1) shall be applied for any taxable year—
 “(i) first, to the passive activity loss,
 “(ii) second, to the portion of the passive activity credit to which subparagraph (B) and (C) does not apply,
 “(iii) third, to the portion of such credit to which subparagraph (B) applies, and
 “(iv) then, to the portion of such credit to which subparagraph (C) applies.”
 (iii) Section 469(i)(6)(B) is amended—
 (I) by striking “, REHABILITATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION” in the heading and inserting “OR REHABILITATION CREDIT”,
 (II) by adding “or” at the end of clause (i),
 (III) by striking “, or” at the end of clause (ii) and inserting a comma, and
 (IV) by striking clause (iii).
 (iv) Section 1397B(b)(1), as amended by the preceding provisions of this Act, is amended by adding at the end the following new subparagraph:
 “(B) REFERENCES.—Any reference in this paragraph to section 1400F shall be treated as reference to such section before its repeal.”
 (v) Section 1397B(b)(5) is amended by striking “which is sold—” and all that follows and inserting “which is sold, the taxpayer’s holding period for such asset and the asset referred to in subsection (a)(1) shall be determined without regard to section 1223.”
 (C) SAVINGS PROVISIONS.—The amendments made by this paragraph shall not apply to—
 (i) in the case of the repeal of section 1400F of the Internal Revenue Code of 1986, qualified community assets (as defined in such section, as in effect before its repeal) which were acquired by the taxpayer before January 1, 2010,
 (ii) in the case of the repeal section 1400H of such Code, wages paid or incurred before January 1, 2010,
 (iii) in the case of the repeal of section 1400I of such Code, qualified revitalization buildings (as defined in such section, as in effect before its repeal) which were placed in service before January 1, 2010, and

(iv) in the case of the repeal of section 1400J of such Code, property acquired before January 1, 2010.

(6) **SHORT-TERM REGIONAL BENEFITS.**—

(A) **IN GENERAL.**—Chapter 1 is amended by striking subchapter Y (and by striking the item relating to such subchapter in the table of subchapters for such chapter).

(B) **CONFORMING AMENDMENTS.**—

(i) Section 38(b), as amended by the preceding provisions of this Act, is amended by striking paragraphs (26), (27), (28), and (29) and by redesignating paragraphs (30) through (36) as paragraphs (26) through (32), respectively.

(ii) Section 38(c)(2)(A)(ii)(II), as amended by the preceding provisions of this Act, is amended by striking “, the New York Liberty Zone business employee credit.”.

(iii) Section 38(c) is amended by striking paragraph (3).

(iv) Section 280C(a), as amended by the preceding provisions of this Act, is amended by striking “1396(a), 1400P(b), and 1400R” and inserting “and 1396(a)”.

(v) Section 6033(b)(14) is amended by striking “including the amount and use of qualified contributions to which section 1400S(a) applies.”.

(vi) Section 6049(d)(8)(A) is amended—

(I) by striking “or 1400N(1)(6)”, and

(II) by striking “or 1400N(1)(2)(D), as the case may be”.

(C) **SAVINGS PROVISIONS.**—The amendments made by this paragraph shall not apply to—

(i) in the case of the repeal of section 1400L(a) of the Internal Revenue Code of 1986, qualified wages (as defined in such section, as in effect before its repeal) which were paid or incurred before January 1, 2004,

(ii) in the case of the repeal of subsections (b) and (f) of section 1400L of such Code, qualified New York Liberty Zone property (as defined in section 1400L(b) of such Code, as in effect before its repeal) placed in service before January 1, 2010,

(iii) in the case of the repeal of section 1400L(c) of such Code, qualified New York Liberty Zone leasehold improvement property (as defined in such section, as in effect before its repeal) placed in service before January 1, 2007,

(iv) in the case of the repeal of section 1400L(d) of such Code, qualified New York Liberty bonds (as defined in such section, as in effect before its repeal) issued before January 1, 2014,

(v) in the case of the repeal of section 1400L(e) of such Code, advanced refundings before January 1, 2006,

(vi) in the case of the repeal of section 1400L(g) of such Code, property which is compulsorily or involuntarily converted as a result of the terrorist attacks on September 11, 2001,

(vii) in the case of the repeal of section 1400N(a) of such Code, obligations issued before January 1, 2012,

(viii) in the case of the repeal of section 1400N(b) of such Code, advanced refundings before January 1, 2011,

(ix) in the case of the repeal of section 1400N(d) of such Code, property placed in service before January 1, 2012,

(x) in the case of the repeal of section 1400N(e) of such Code, property placed in service before January 1, 2009,

(xi) in the case of the repeal of subsections (f) and (g) of section 1400N of such Code, amounts paid or incurred before January 1, 2008,

(xii) in the case of the repeal of section 1400N(h) of such Code, amounts paid or incurred before January 1, 2012,

(xiii) in the case of the repeal of section 1400N(k)(1)(B) of such Code, losses arising in taxable years beginning before January 1, 2008,

(xiv) in the case of the repeal of section 1400N(l) of such Code, bonds issued before January 1, 2007,

(xv) in the case of the repeal of section 1400Q(a) of such Code, distributions before January 1, 2007,

(xvi) in the case of the repeal of section 1400Q(b) of such Code, contributions before March 1, 2006,

(xvii) in the case of the repeal of section 1400Q(c) of such Code, loans made before January 1, 2007,

(xviii) in the case of the repeal of section 1400R of such Code, wages paid or incurred before January 1, 2006,

(xix) in the case of the repeal of section 1400S(a) of such Code, contributions paid before January 1, 2006,

(xx) in the case of the repeal of section 1400T of such Code, financing provided before January 1, 2011, and

(xxi) in the case of the repeal of part III of subchapter Y of chapter 1 of such Code, obligations issued before January 1, 2011.

(7) **PROVISIONS RELATED TO COBRA PREMIUM ASSISTANCE.**—

(A) **IN GENERAL.**—Subchapter B of chapter 65 is amended by striking section 6432 (and by striking the item relating to such section in the table of sections for such subchapter).

(B) **NOTIFICATION REQUIREMENT.**—Part I of subchapter B of chapter 68 is amended by striking section 6720C (and by striking the item relating to such section in the table of sections for such part).

(C) **EXCLUSION FROM GROSS INCOME.**—Part III of subchapter B of chapter 1 is amended by striking section 139C (and by striking the item relating to such section in the table of sections for such part).

(8) **EFFECTIVE DATE OF PRESIDENTIAL ELECTION CAMPAIGN FUND.**—Chapter 95 is amended by striking section 9013 (and by striking the item relating to such section in the table of sections for such chapter).

(e) **GENERAL SAVINGS PROVISION WITH RESPECT TO DEADWOOD PROVISIONS.**—If—

(1) any provision amended or repealed by the amendments made by subsection (b) or (d) applied to—

(A) any transaction occurring before the date of the enactment of this Act,

(B) any property acquired before such date of enactment, or

(C) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

(2) the treatment of such transaction, property, or item under such provision would (without regard to the amendments or repeals made by such subsection) affect the liability for tax for periods ending after such date of enactment,

nothing in the amendments or repeals made by this section shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.

DIVISION V—CLOUD ACT

SEC. 101. SHORT TITLE.

This division may be cited as the “Clarifying Lawful Overseas Use of Data Act” or the “CLOUD Act”.

SEC. 102. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) Timely access to electronic data held by communications-service providers is an essential component of government efforts to protect public safety and combat serious crime, including terrorism.

(2) Such efforts by the United States Government are being impeded by the inability to access data stored outside the United States that is in the custody, control, or possession of communications-service providers that are subject to jurisdiction of the United States.

(3) Foreign governments also increasingly seek access to electronic data held by communications-service providers in the United States for the purpose of combating serious crime.

(4) Communications-service providers face potential conflicting legal obligations when a foreign government orders production of electronic data that United States law may prohibit providers from disclosing.

(5) Foreign law may create similarly conflicting legal obligations when chapter 121 of title 18, United States Code (commonly known as the “Stored Communications Act”), requires disclosure of electronic data that foreign law prohibits communications-service providers from disclosing.

(6) International agreements provide a mechanism for resolving these potential conflicting legal obligations where the United States and the relevant foreign government share a common commitment to the rule of law and the protection of privacy and civil liberties.

SEC. 103. PRESERVATION OF RECORDS; COMITY ANALYSIS OF LEGAL PROCESS.

(a) **REQUIRED PRESERVATION AND DISCLOSURE OF COMMUNICATIONS AND RECORDS.**—

(1) **AMENDMENT.**—Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

“§ 2713. Required preservation and disclosure of communications and records

“A provider of electronic communication service or remote computing service shall comply with the obligations of this chapter to preserve, backup, or disclose the contents of a wire or electronic communication and any record or other information pertaining to a customer or subscriber within such provider’s possession, custody, or control, regardless of whether such communication, record, or other information is located within or outside of the United States.”.

(2) **TABLE OF SECTIONS.**—The table of sections for chapter 121 of title 18, United States Code, is amended by inserting after the item relating to section 2712 the following:

“2713. Required preservation and disclosure of communications and records.”.

(b) **COMITY ANALYSIS OF LEGAL PROCESS SEEKING CONTENTS OF WIRE OR ELECTRONIC COMMUNICATION.**—Section 2703 of title 18, United States Code, is amended by adding at the end the following:

“(h) **COMITY ANALYSIS AND DISCLOSURE OF INFORMATION REGARDING LEGAL PROCESS SEEKING CONTENTS OF WIRE OR ELECTRONIC COMMUNICATION.**—

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘qualifying foreign government’ means a foreign government—

“(i) with which the United States has an executive agreement that has entered into force under section 2523; and

“(ii) the laws of which provide to electronic communication service providers and remote computing service providers substantive and procedural opportunities similar to those provided under paragraphs (2) and (5); and

“(B) the term ‘United States person’ has the meaning given the term in section 2523.

“(2) **MOTIONS TO QUASH OR MODIFY.**—(A) A provider of electronic communication service to the public or remote computing service, including a foreign electronic communication service or remote computing service, that is being required to disclose pursuant to legal process issued under this section the contents of a wire or electronic communication of a subscriber or customer, may file a motion to modify or quash the legal process where the provider reasonably believes—

“(i) that the customer or subscriber is not a United States person and does not reside in the United States; and

“(ii) that the required disclosure would create a material risk that the provider would violate the laws of a qualifying foreign government.

Such a motion shall be filed not later than 14 days after the date on which the provider was served with the legal process, absent agreement with the government or permission from the court to extend the deadline based on an application made within the 14 days. The right to move to quash is without prejudice to any other grounds to move to quash or defenses thereto, but it shall be the sole basis for moving to quash on the grounds of a conflict of law related to a qualifying foreign government.

“(B) Upon receipt of a motion filed pursuant to subparagraph (A), the court shall afford the governmental entity that applied for or issued the legal process under this section the opportunity to respond. The court may modify or quash the legal process, as appropriate, only if the court finds that—

“(i) the required disclosure would cause the provider to violate the laws of a qualifying foreign government;

“(ii) based on the totality of the circumstances, the interests of justice dictate that the legal process should be modified or quashed; and

“(iii) the customer or subscriber is not a United States person and does not reside in the United States.

“(3) COMITY ANALYSIS.—For purposes of making a determination under paragraph (2)(B)(ii), the court shall take into account, as appropriate—

“(A) the interests of the United States, including the investigative interests of the governmental entity seeking to require the disclosure;

“(B) the interests of the qualifying foreign government in preventing any prohibited disclosure;

“(C) the likelihood, extent, and nature of penalties to the provider or any employees of the provider as a result of inconsistent legal requirements imposed on the provider;

“(D) the location and nationality of the subscriber or customer whose communications are being sought, if known, and the nature and extent of the subscriber or customer's connection to the United States, or if the legal process has been sought on behalf of a foreign authority pursuant to section 3512, the nature and extent of the subscriber or customer's connection to the foreign authority's country;

“(E) the nature and extent of the provider's ties to and presence in the United States;

“(F) the importance to the investigation of the information required to be disclosed;

“(G) the likelihood of timely and effective access to the information required to be disclosed through means that would cause less serious negative consequences; and

“(H) if the legal process has been sought on behalf of a foreign authority pursuant to section 3512, the investigative interests of the foreign authority making the request for assistance.

“(4) DISCLOSURE OBLIGATIONS DURING PENDENCY OF CHALLENGE.—A service provider shall preserve, but not be obligated to produce, information sought during the pendency of a motion brought under this subsection, unless the court finds that immediate production is necessary to prevent an adverse result identified in section 2705(a)(2).

“(5) DISCLOSURE TO QUALIFYING FOREIGN GOVERNMENT.—(A) It shall not constitute a violation of a protective order issued under section 2705 for a provider of electronic communication service to the public or remote

computing service to disclose to the entity within a qualifying foreign government, designated in an executive agreement under section 2523, the fact of the existence of legal process issued under this section seeking the contents of a wire or electronic communication of a customer or subscriber who is a national or resident of the qualifying foreign government.

“(B) Nothing in this paragraph shall be construed to modify or otherwise affect any other authority to make a motion to modify or quash a protective order issued under section 2705.”.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, shall be construed to modify or otherwise affect the common law standards governing the availability or application of comity analysis to other types of compulsory process or to instances of compulsory process issued under section 2703 of title 18, United States Code, as amended by this section, and not covered under subsection (h)(2) of such section 2703.

SEC. 104. ADDITIONAL AMENDMENTS TO CURRENT COMMUNICATIONS LAWS.

Title 18, United States Code, is amended—

(1) in chapter 119—

(A) in section 2511(2), by adding at the end

the following:

“(j) It shall not be unlawful under this chapter for a provider of electronic communication service to the public or remote computing service to intercept or disclose the contents of a wire or electronic communication in response to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

(B) in section 2520(d), by amending paragraph (3) to read as follows:

“(3) a good faith determination that section 2511(3), 2511(2)(i), or 2511(2)(j) of this title permitted the conduct complained of;”

(2) in chapter 121—

(A) in section 2702—

(i) in subsection (b)—

(I) in paragraph (8), by striking the period at the end and inserting “; or”; and

(II) by adding at the end the following:

“(9) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

(ii) in subsection (c)—

(I) in paragraph (5), by striking “or” at the end;

(II) in paragraph (6), by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(7) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

(B) in section 2707(e), by amending paragraph (3) to read as follows:

“(3) a good faith determination that section 2511(3), section 2702(b)(9), or section 2702(c)(7) of this title permitted the conduct complained of;” and

(3) in chapter 206—

(A) in section 3121(a), by inserting before the period at the end the following: “or an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523”; and

(B) in section 3124—

(i) by amending subsection (d) to read as follows:

“(d) NO CAUSE OF ACTION AGAINST A PROVIDER DISCLOSING INFORMATION UNDER THIS

CHAPTER.—No cause of action shall lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with a court order under this chapter, request pursuant to section 3125 of this title, or an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

(ii) by amending subsection (e) to read as follows:

“(e) DEFENSE.—A good faith reliance on a court order under this chapter, a request pursuant to section 3125 of this title, a legislative authorization, a statutory authorization, or a good faith determination that the conduct complained of was permitted by an order from a foreign government that is subject to executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523, is a complete defense against any civil or criminal action brought under this chapter or any other law.”.

SEC. 105. EXECUTIVE AGREEMENTS ON ACCESS TO DATA BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Chapter 119 of title 18, United States Code, is amended by adding at the end the following:

“§ 2523. Executive agreements on access to data by foreign governments

“(a) DEFINITIONS.—In this section—

“(1) the term ‘lawfully admitted for permanent residence’ has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

“(2) the term ‘United States person’ means a citizen or national of the United States, an alien lawfully admitted for permanent residence, an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation that is incorporated in the United States.

“(b) EXECUTIVE AGREEMENT REQUIREMENTS.—For purposes of this chapter, chapter 121, and chapter 206, an executive agreement governing access by a foreign government to data subject to this chapter, chapter 121, or chapter 206 shall be considered to satisfy the requirements of this section if the Attorney General, with the concurrence of the Secretary of State, determines, and submits a written certification of such determination to Congress, including a written certification and explanation of each consideration in paragraphs (1), (2), (3), and (4), that—

“(1) the domestic law of the foreign government, including the implementation of that law, affords robust substantive and procedural protections for privacy and civil liberties in light of the data collection and activities of the foreign government that will be subject to the agreement, if—

“(A) such a determination under this section takes into account, as appropriate, credible information and expert input; and

“(B) the factors to be met in making such a determination include whether the foreign government—

“(i) has adequate substantive and procedural laws on cybercrime and electronic evidence, as demonstrated by being a party to the Convention on Cybercrime, done at Budapest November 23, 2001, and entered into force January 7, 2004, or through domestic laws that are consistent with definitions and the requirements set forth in chapters I and II of that Convention;

“(ii) demonstrates respect for the rule of law and principles of nondiscrimination;

“(iii) adheres to applicable international human rights obligations and commitments or demonstrates respect for international universal human rights, including—

“(I) protection from arbitrary and unlawful interference with privacy;

“(II) fair trial rights;

“(III) freedom of expression, association, and peaceful assembly;

“(IV) prohibitions on arbitrary arrest and detention; and

“(V) prohibitions against torture and cruel, inhuman, or degrading treatment or punishment;

“(iv) has clear legal mandates and procedures governing those entities of the foreign government that are authorized to seek data under the executive agreement, including procedures through which those authorities collect, retain, use, and share data, and effective oversight of these activities;

“(v) has sufficient mechanisms to provide accountability and appropriate transparency regarding the collection and use of electronic data by the foreign government; and

“(vi) demonstrates a commitment to promote and protect the global free flow of information and the open, distributed, and interconnected nature of the Internet;

“(2) the foreign government has adopted appropriate procedures to minimize the acquisition, retention, and dissemination of information concerning United States persons subject to the agreement;

“(3) the terms of the agreement shall not create any obligation that providers be capable of decrypting data or limitation that prevents providers from decrypting data; and

“(4) the agreement requires that, with respect to any order that is subject to the agreement—

“(A) the foreign government may not intentionally target a United States person or a person located in the United States, and shall adopt targeting procedures designed to meet this requirement;

“(B) the foreign government may not target a non-United States person located outside the United States if the purpose is to obtain information concerning a United States person or a person located in the United States;

“(C) the foreign government may not issue an order at the request of or to obtain information to provide to the United States Government or a third-party government, nor shall the foreign government be required to share any information produced with the United States Government or a third-party government;

“(D) an order issued by the foreign government—

“(i) shall be for the purpose of obtaining information relating to the prevention, detection, investigation, or prosecution of serious crime, including terrorism;

“(ii) shall identify a specific person, account, address, or personal device, or any other specific identifier as the object of the order;

“(iii) shall be in compliance with the domestic law of that country, and any obligation for a provider of an electronic communications service or a remote computing service to produce data shall derive solely from that law;

“(iv) shall be based on requirements for a reasonable justification based on articulable and credible facts, particularity, legality, and severity regarding the conduct under investigation;

“(v) shall be subject to review or oversight by a court, judge, magistrate, or other independent authority prior to, or in proceedings regarding, enforcement of the order; and

“(vi) in the case of an order for the interception of wire or electronic communica-

tions, and any extensions thereof, shall require that the interception order—

“(I) be for a fixed, limited duration; and

“(II) may not last longer than is reasonably necessary to accomplish the approved purposes of the order; and

“(III) be issued only if the same information could not reasonably be obtained by another less intrusive method;

“(E) an order issued by the foreign government may not be used to infringe freedom of speech;

“(F) the foreign government shall promptly review material collected pursuant to the agreement and store any unreviewed communications on a secure system accessible only to those persons trained in applicable procedures;

“(G) the foreign government shall, using procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), segregate, seal, or delete, and not disseminate material found not to be information that is, or is necessary to understand or assess the importance of information that is, relevant to the prevention, detection, investigation, or prosecution of serious crime, including terrorism, or necessary to protect against a threat of death or serious bodily harm to any person;

“(H) the foreign government may not disseminate the content of a communication of a United States person to United States authorities unless the communication may be disseminated pursuant to subparagraph (G) and relates to significant harm, or the threat thereof, to the United States or United States persons, including crimes involving national security such as terrorism, significant violent crime, child exploitation, transnational organized crime, or significant financial fraud;

“(I) the foreign government shall afford reciprocal rights of data access, to include, where applicable, removing restrictions on communications service providers, including providers subject to United States jurisdiction, and thereby allow them to respond to valid legal process sought by a governmental entity (as defined in section 2711) if foreign law would otherwise prohibit communications-service providers from disclosing the data;

“(J) the foreign government shall agree to periodic review of compliance by the foreign government with the terms of the agreement to be conducted by the United States Government; and

“(K) the United States Government shall reserve the right to render the agreement inapplicable as to any order for which the United States Government concludes the agreement may not properly be invoked.

“(c) LIMITATION ON JUDICIAL REVIEW.—A determination or certification made by the Attorney General under subsection (b) shall not be subject to judicial or administrative review.

“(d) EFFECTIVE DATE OF CERTIFICATION.—

“(1) NOTICE.—Not later than 7 days after the date on which the Attorney General certifies an executive agreement under subsection (b), the Attorney General shall provide notice of the determination under subsection (b) and a copy of the executive agreement to Congress, including—

“(A) the Committee on the Judiciary and the Committee on Foreign Relations of the Senate; and

“(B) the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives.

“(2) ENTRY INTO FORCE.—An executive agreement that is determined and certified by the Attorney General to satisfy the requirements of this section shall enter into

force not earlier than the date that is 180 days after the date on which notice is provided under paragraph (1), unless Congress enacts a joint resolution of disapproval in accordance with paragraph (4).

“(3) REQUESTS FOR INFORMATION.—Upon request by the Chairman or Ranking Member of a congressional committee described in paragraph (1), the head of an agency shall promptly furnish a summary of factors considered in determining that the foreign government satisfies the requirements of this section.

“(4) CONGRESSIONAL REVIEW.—

“(A) JOINT RESOLUTION DEFINED.—In this paragraph, the term ‘joint resolution’ means only a joint resolution—

“(i) introduced during the 180-day period described in paragraph (2);

“(ii) which does not have a preamble;

“(iii) the title of which is as follows: ‘Joint resolution disapproving the executive agreement signed by the United States and _____’, the blank space being appropriately filled in; and

“(iv) the matter after the resolving clause of which is as follows: ‘That Congress disapproves the executive agreement governing access by _____ to certain electronic data as submitted by the Attorney General on _____’, the blank spaces being appropriately filled in.

“(B) JOINT RESOLUTION ENACTED.—Notwithstanding any other provision of this section, if not later than 180 days after the date on which notice is provided to Congress under paragraph (1), there is enacted into law a joint resolution disapproving of an executive agreement under this section, the executive agreement shall not enter into force.

“(C) INTRODUCTION.—During the 180-day period described in subparagraph (B), a joint resolution of disapproval may be introduced—

“(i) in the House of Representatives, by the majority leader or the minority leader; and

“(ii) in the Senate, by the majority leader (or the majority leader’s designee) or the minority leader (or the minority leader’s designee).

“(5) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a joint resolution of disapproval has been referred has not reported the joint resolution within 120 days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

“(6) CONSIDERATION IN THE SENATE.—

“(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred jointly—

“(i) to the Committee on the Judiciary; and

“(ii) to the Committee on Foreign Relations.

“(B) REPORTING AND DISCHARGE.—If a committee to which a joint resolution of disapproval was referred has not reported the joint resolution within 120 days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

“(C) PROCEEDING TO CONSIDERATION.—It is in order at any time after both the Committee on the Judiciary and the Committee on Foreign Relations report a joint resolution of disapproval to the Senate or have been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are

waived. The motion is not debatable or subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

“(D) CONSIDERATION IN THE SENATE.—In the Senate, consideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

“(F) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

“(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of disapproval received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

“(i) The joint resolution shall be referred to the appropriate committees.

“(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 7 days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

“(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

“(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

“(i) If, before the passage by the Senate of a joint resolution of disapproval, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

“(I) That joint resolution shall not be referred to a committee.

“(II) With respect to that joint resolution—

“(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

“(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

“(ii) If, following passage of a joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

“(iii) If a joint resolution of disapproval is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

“(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of disapproval that is a revenue measure.

“(8) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

“(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“(e) RENEWAL OF DETERMINATION.—

“(1) IN GENERAL.—The Attorney General, with the concurrence of the Secretary of State, shall review and may renew a determination under subsection (b) every 5 years.

“(2) REPORT.—Upon renewing a determination under subsection (b), the Attorney General shall file a report with the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives describing—

“(A) the reasons for the renewal;

“(B) any substantive changes to the agreement or to the relevant laws or procedures of the foreign government since the original determination or, in the case of a second or subsequent renewal, since the last renewal; and

“(C) how the agreement has been implemented and what problems or controversies, if any, have arisen as a result of the agreement or its implementation.

“(3) NONRENEWAL.—If a determination is not renewed under paragraph (1), the agreement shall no longer be considered to satisfy the requirements of this section.

“(f) REVISIONS TO AGREEMENT.—A revision to an agreement under this section shall be treated as a new agreement for purposes of this section and shall be subject to the certification requirement under subsection (b), and to the procedures under subsection (d), except that for purposes of a revision to an agreement—

“(1) the applicable time period under paragraphs (2), (4)(A)(i), (4)(B), and (4)(C) of subsection (d) shall be 90 days after the date notice is provided under subsection (d)(1); and

“(2) the applicable time period under paragraphs (5) and (6)(B) of subsection (d) shall be 60 days after the date notice is provided under subsection (d)(1).

“(g) PUBLICATION.—Any determination or certification under subsection (b) regarding an executive agreement under this section, including any termination or renewal of such an agreement, shall be published in the Federal Register as soon as is reasonably practicable.

“(h) MINIMIZATION PROCEDURES.—A United States authority that receives the content of a communication described in subsection (b)(4)(H) from a foreign government in accordance with an executive agreement under this section shall use procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) to appropriately protect nonpublicly available information concerning United States persons.”

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 119 of title 18, United States Code, is amended by inserting after the item relating to section 2522 the following:

“2523. Executive agreements on access to data by foreign governments.”.

SEC. 106. RULE OF CONSTRUCTION.

Nothing in this division, or the amendments made by this division, shall be construed to preclude any foreign authority from obtaining assistance in a criminal investigation or prosecution pursuant to section 3512 of title 18, United States Code, section 1782 of title 28, United States Code, or as otherwise provided by law.

The SPEAKER pro tempore. Pursuant to House Resolution 796, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise today to present House amendment to Senate amendment to H.R. 1625, the final appropriations package for fiscal year 2018. This legislation contains full funding for all the 12 annual appropriations bills. It represents thousands of hours of work and input by Members of Congress and our great staff.

Starting 1 year ago with 12 appropriations bills moving through the committee process last spring, these bills were then considered and passed on the House floor under a transparent and inclusive process. This represents the first time the House has passed all 12 bills before the end of the fiscal year since 2010.

After the bipartisan budget deal was enacted last month, appropriations committee leadership, House and Senate leadership on both sides of the aisle, and the White House quickly went to work, negotiating in good faith and in the best interest of the American people.

The bill we are considering today is a product of that hard-fought agreement. In total, the legislation provides \$1.3 trillion in discretionary funding for the Federal Government, including \$78.1 billion for the global war on terror and overseas contingency operations. This meets the caps provided in the recent budget agreement. Most importantly, Mr. Speaker, it includes historic investments in our Armed Forces, including the largest year-to-year increase in

funding for the Department of Defense since the beginning of the war on terror.

It fully funds the 2.4 pay increase for our servicemen and -women, the largest in 8 years, and provides the largest dollar total ever for the Department of Veterans Affairs.

In addition to strengthening our national defense, this legislation boosts security here at home: stronger border infrastructure, additional boots on the ground, and better technology and equipment that will close the gaps at our borders. Specifically, this includes more than \$1.5 billion for physical barriers and associated technology along the southwest border.

Overall, funding for border security and law enforcement is increased by over 30 percent above last year. Funding is also focused on critical domestic priorities, addressing urgent needs that will improve the quality of life for all Americans and support economic growth and job creation, especially infrastructure, providing more than \$21.2 billion in new funding for transportation infrastructure, as well as energy and water infrastructure, and technology like broadband and cybersecurity.

This passage also targets approximately \$84 billion to fight the opioid epidemic that is devastating families across the country—the largest investment in addressing this public health issue and emergency to date. Funding is also directed towards school safety, providing the training and mental health services and grants to communities that will help prevent the kind of tragedy and heartbreak that occurred recently in Florida, and it provides robust funding for wildlife fire-fighting prevention programs, and includes long-sought forest management and fire budgeting reforms that will provide for budget security certainty and improve the health of our forests.

All these investments are made responsibly, implementing strong oversight at every level of government to ensure we get the most out of every dollar. Consequently, Mr. Speaker, I hope that every Member supports this package.

□ 1115

Mr. Speaker, before I close, I would like to acknowledge the many people who helped bring this bill to the floor: to Mrs. LOWEY, my counterpart, the ranking member, thank you for your support and friendship; the 12 committee chairs and their ranking members for the hard work that they did over the last 12 months; the Appropriations Committee staff, all true professionals, some behind me, some across the floor, some in the galleries, for putting in countless hours and sleepless nights to help us bring this bill to the floor within a few weeks of the cap deal.

In particular, Mr. Speaker, I would like to recognize our staff team led by our very able staff director, Nancy Fox;

assisting her, Maureen Holohan, Stephen Sepp, Shannon O'Keefe, Jennifer Hing, Jason Gray, Marta Hernandez, Tammy Hughes, Rachel Kahler, Parker VanDeWater, and Tom Doelp.

On the minority side, Shalanda Young and Chris Bigelow.

Special thanks to our remarkable and amazing clerks, Tom O'Brien, John Martens, Jennifer Miller, Angie Giancarlo, Dena Baron, Donna Shahbaz, Dave LesStrang, Susan Ross, Jenny Panone, Sue Quantius, Craig Higgins, and Doug Disrud.

I would also like to recognize the work of Kevin Linskey, Surveys and Investigations, Jim Cahill, and Cathy Little.

I would also like to recognize those on our staff who are moving or retiring: Matt Dennis, Chris Romig, and Carol Murphy.

And thank you to my own personal staff back in the Rayburn building, ably led by Kate Hazlett.

Mr. Speaker, it is time that we fully fund the Federal Government for fiscal year 2018. Our current continuing resolution expires tomorrow. It is in the best interests of the American people that we get this work done this morning.

Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Consolidated Appropriations Act repudiates the abysmal Trump budget, investing robustly in critical priorities like childcare, transportation infrastructure, national security, election protection, medical research, opioid abuse prevention and treatment, veterans' health services, and much more. These investments are key to strong families and communities, job creation, and economic growth.

This bill rejects scores of divisive poison pill riders targeting women's health, clean air and water, worker rights, consumer financial protections, health insurance, and other critical priorities.

In addition, I am pleased the omnibus includes language clarifying that the CDC has the authority to conduct research on the causes of gun violence.

Within the State and Foreign Operations division, this omnibus invests in stronger and more stable communities around the world, alleviating poverty and disease and strengthening democratic political systems. These investments in diplomacy and development are critical to our national security.

I am pleased this final product rejects onerous policy riders like the global gag rule.

These responsible investments and policies signal to the world that, despite an erratic President, the United States remains a world leader.

To be clear, this omnibus is not a perfect product. I strongly object to the majority's fixation on walling off our southern border and building capacity to arrest and detain immi-

grants. While the bill rejects the administration demands for a border wall, a large deportation force, and more detention beds, the amount provided is nonetheless a waste of money and contrary to our national character.

Before I conclude, I would like to thank Chairman FRELINGHUYSEN for his partnership and all the members of the committee for their contributions.

I would also like to thank the minority, majority, and personal office staffs who worked so very hard, particularly Shalanda Young and Chris Bigelow and Richard Meltzer.

I also want to thank the committee's minority outstanding communications director, Matt Dennis, who is departing the House next month. He has served this institution for nearly 15 years at the Appropriations Committee in my personal office and in former Congressman RUSH Holt's office. We will really miss his dedicated service.

I want to make sure I thank the majority staff, Nancy Fox and her team, because there was real cooperation between the majority and the minority.

Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. ROGERS), chairman of the State, Foreign Operations, and Related Programs Subcommittee.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, despite his laudable efforts to complete all fiscal year 2018 House bills on time, the perpetual stalemate on unrelated matters left us with this undesirable choice of several continuing resolutions.

Piecemeal funding of government is universally harmful, but now we have a chance to get back on track and finalize funding for fiscal year 2018.

Mr. Speaker, there is a reason why we have a rule against legislating on appropriations bills, and yet here we are. The only holdback that kept us from getting these bills done on time was the fact that a lot of people—some, even, in leadership—who want to load onto this must-pass bill legislation that is controversial. Yet our committee has to cope with an unsatisfactory arrangement.

Protecting American interests around the globe through military readiness and diplomacy is not a luxury in this hostile environment. It is a responsibility. This bill provides the necessary resources to fulfill that responsibility.

It upholds our commitments to key strategic partners and allies such as Israel, Jordan, Egypt, and Ukraine. The bill also will assist other partners to fight terrorism, secure borders, resist aggression, and stabilize communities affected by conflict.

We also uphold our longstanding commitment as Americans to help those displaced by conflict or natural disaster or who are facing famine.

Today's bill will also fight back against the scourge of opioid abuse and

help reignite the economy of coal country. Like Operation UNITE, in my Kentucky district, the Federal Government has taken a holistic approach to tackle the complex opioid problem. The agreement provides historic levels of funding for law enforcement, treatment, prevention, recovery, and research. Only when these elements all work in concert will we truly be able to turn the tide and save lives.

In addition, after struggling under the war on coal, it is time to turn a new page in central Appalachia. This bill will give us more tools to strengthen economic development in that region.

First, the agreement invests in cutting-edge technologies to ensure coal remains a significant part of our energy portfolio, both here at home and abroad. There is also continued support for the Abandoned Mine Land pilot program.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield an additional 15 seconds to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. This support for the AML pilot program allows us to clean up abandoned mines and repurpose them to create jobs.

Finally, I am proud that this agreement includes legislation that I helped introduce, the STOP School Violence Act, which aims to curb the epidemic of violence in our schools. This is a significant step forward in our effort to protect our children from senseless tragedy.

Mr. Speaker, I urge a "yes" vote.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Energy and Water Development, and Related Agencies Subcommittee.

Ms. KAPTUR. Mr. Speaker, I thank the ranking member for yielding me time and for her incredible work on this bill, and also the chairman of the full committee, Chairman FRELINGHUYSEN.

Mr. Speaker, I rise in support of this bipartisan agreement before us and want to thank, again, Chairman FRELINGHUYSEN and Ranking Member LOWEY and our able committee staff on both sides for their tireless effort to slog this across the finish line after five false starts.

It is utterly ridiculous that nearly halfway into the fiscal year that began last October 2017 we finally arrived at the brink of completion of our top priority: funding the operations of the Government of the United States from the Defense Department to children's health.

Republicans control both Chambers of Congress as well as the White House, yet the delays and dysfunction have been worse than ever. Americans around our country can't extend deadline after deadline after deadline in their jobs. We should live up to those same standards.

In my title, the Energy and Water Development bill, we make progress by bringing forward America's backlogged construction projects, which number into the billions of dollars, making many important investments for our Nation's infrastructure, including: a 13 percent increase for the Army Corps of Engineers over 2017, which will allow for more critical waterways projects to drive our economy and job creation; and an 11 percent increase to the Office of Energy Efficiency and Renewable Energy to finally move toward complete energy independence for our country, including through the weatherization program, which has increased, as well as an additional 15 percent to invent our energy future through our most advanced energy technology programs, ARPA-E.

Additionally, we removed a harmful rider on the waters of the U.S. rule, which, along with others, would have seriously hindered overall passage.

This deal busts through budget caps set in 2011 by \$143 billion, or 13 percent. And although I support investment in our military, the balance between defense and our domestic priorities is skewed in the wrong direction.

In Ohio, we are at the epicenter of the opioid epidemic, with more than 5,000 drug estimated overdose deaths in the last 12 months alone. We rank second in the Nation for deaths per capita.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. LOWEY. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, although I support the inclusion of a \$2.7 billion increase for opioid prevention, treatment, and recovery, this funding only nibbles at the edge of the problem. This is a national crisis. It must be reflected in a real plan to meet the crisis, including funding priorities. No matter how many fighters or tanks we have, America will not be strong abroad if vast segments of our own population are dying here at home—more than in traffic accidents, more than from major diseases—from opioid and drug abuse.

This bill is a fair compromise, and I urge my colleagues to vote "yes," despite some of the major provisions that are not in there that break our hearts.

The American people are counting on us to run our Nation's ship of State. Let's do that today.

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the House amendment to the Senate amendment to H.R. 1625, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman

from Alabama (Mr. ADERHOLT), the chairman of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee.

Mr. ADERHOLT. Mr. Speaker, I would also like to echo a few of the comments Members have already heard this morning.

The Appropriations subcommittees have, indeed, spent many months and countless hours in developing a bill that really and truly invests in our critical national needs, and that is from defense to rural infrastructure to major health crises, such as opioids.

Mr. Speaker, as chairman of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee on Appropriations, let me add that this division of the bill has solid wins for agriculture, for the food sector, for the healthcare community, and for rural America.

Members from rural districts with agriculture constituents, like I have down in Alabama, can be proud of the many accomplishments that are included in this bill. We are restoring funding and greatly adding to the needed infrastructure upgrades.

This bill also provides necessary relief for American farmers and ranchers, who continued to experience a significant reduction in income over the past few years.

□ 1130

This bill today contains a downpayment on ensuring that rural America is not left behind. The rural development account in this bill today contains \$625 million of commitment to expanding rural broadband in an effort to close the rural digital divide for the 23 million Americans—more than 40 percent of all Americans—who do not have access to broadband.

In addition to broadband, the bill invests in water and wastewater needs for our rural constituents. The bill provides a total of \$3 billion in loan authorizations and \$1 billion in grants—an increase of \$500 million over last year—to provide clean and reliable water resources in rural America.

In closing, it has been said here this morning that there are a lot of concerns about how we have moved forward in this process and a lot of matters that have been added to the bill. But it is my hope that we, as we move forward, can take a different approach to the bills we are preparing as we look forward to the new fiscal year. But this is the process that we have today, and the simple fact remains that we have to fund the Federal Government. We have to do it, and we have to do it today.

In closing, I ask my colleagues to support this bill as we rebuild America's defenses and provide vital health and safety needs to all Americans.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who is the ranking member of the Labor-HHS Subcommittee.

Ms. DELAURO. Mr. Speaker, the omnibus funding bill for 2018 makes important investments in health, education, and job programs. It rejects many of the damaging ideological riders that marked earlier efforts in this appropriations process. In a time when the Trump administration is seeking massive cuts in funding, senseless eliminations of critical programs, and the fundamental hollowing out of our Federal agencies, we fought to include critical investments in Democratic priorities that boost the middle class.

For health, it is an increase of \$3 billion for the National Institutes of Health research, including an increase of more than 50 percent to develop a universal flu vaccine. There is an increase of more than \$3 billion for opioids, including funding to support treatment and prevention, prescription drug monitoring programs, behavioral health workforce training programs, and so much more.

We secured increases for our country's youngest children and their families, including an historic increase of \$2.4 billion for childcare and \$610 million for Head Start. In education, we include public school education formula grants that help students learn and keep them safe, including title 1, Student Support and Academic Enrichment, afterschool and special education. We do not advance the radical agenda of taking money from public schools through private school vouchers. I am thrilled that we have helped to make college more affordable by increasing the maximum Pell grant and other campus-based financial aid.

We achieved an important victory for workers. The deal prohibits employers from pocketing workers' tips, including taking tips to pay managers and supervisors; and workers will have the right to sue to get back their stolen tips regardless of whether they were paid the full minimum wage or not.

We held the line. We kept out the poison pill riders that would harm women's access to healthcare and riders that negatively impact the Department of Labor's ability to protect workers.

This omnibus ignores shortsighted cuts that are proposed by the Trump administration and instead increases funding for priorities that touch people's lives.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER), who is the chairman of the Defense Subcommittee.

Ms. GRANGER. Mr. Speaker, Congress' number one responsibility is to provide for the defense of this Nation, and this agreement enables us to fulfill that most fundamental constitutional duty.

This bill reflects the needs of our defense and intelligence experts so that they have the resources needed to combat the threats of today and in the future. In order to do this, this bill focuses on readiness, modernization, and

innovation. With these funds, our military can begin to rebuild after 16 years of war. The needs are great.

We also include a 2.4 percent pay raise authorized for our troops with our appreciation for what they do.

For procurement, the bill increases investment in ground vehicles, aircraft, ships, munitions, and other equipment. Secretary Mattis has said he never wants our enemies to face a fair fight, and this bill ensures our enemies will face a strong and ready U.S. military.

It makes investments in vital aircraft, including Joint Strike Fighters, Super Hornets, Apaches, Chinooks, Lakotas, V-22 Ospreys, Black Hawks, and C-130s. For the Navy, it funds 14 Navy ships, including one carrier replacement, three littoral combat ships, two guided missiles destroyers, two attack submarines, and funding to continue the Ohio Replacement Submarine program.

The National Guard is critical to our national security. This agreement provides six C-130 aircraft, 20 Black Hawk helicopters, and funding for the Army National Guard for support on the southwest border, additional funding for Army National Guard cyber protection teams, and \$1.3 billion for the National Guard and Reserve equipment account.

Our military must be ready for future threats. The Department of Defense must look 5, 10, and 20 years ahead to make sure we have the weapons systems we need. That is why this agreement also prioritizes research and development, including next generation space systems and future ballistic missile defense programs.

Last, after talking with Secretary Mattis, we included new flexibility for DOD to ensure that their funds were able to be spent in the smartest way possible while still maintaining stringent congressional oversight.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), who is the ranking member of the Interior, Environment, and Related Agencies Subcommittee.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of the omnibus appropriations act. While this is not the bill I would have written, nonetheless, it is a significant victory for Minnesotans and Americans.

By investing in critical priorities like education, election integrity, housing, infrastructure, public safety, opioid abuse prevention and treatment, and veterans' healthcare, this legislation keeps Minnesota and our entire country safe, strong, and moving forward.

As ranking member of the Interior, Environment, and Related Agencies Subcommittee, my focus has been on protecting the environment, upholding our commitments to Native Americans, and preserving our natural resources and cultural treasures.

We added new resources to address the maintenance backlog at our na-

tional parks, support the Smithsonian Institution, and increase funding for the National Endowment for the Arts and the Humanities. Importantly, we have removed many Republican riders that attacked endangered species, undermined environmental safeguards, and jeopardized public health.

In addition, this bill ensures that the Federal Government will treat wildfires as the natural disasters they are and stop the ridiculous practice of forcing the Forest Service and the Department of the Interior to borrow from other priorities to pay for wildfire suppression.

I appreciate the hard work of all my colleagues, but especially Mr. SIMPSON in forging this bipartisan compromise.

Mr. Speaker, the omnibus represents a major accomplishment on behalf of the American people. I thank Ranking Member LOWEY. I thank Chairman FRELINGHUYSEN and Chairman CALVERT and all of our staff, both Democratic and Republican, for their hard work on this legislation.

Mr. Speaker, I urge my colleagues to join me in voting for this bipartisan bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON), who is the chairman of the Energy and Water Development, and Related Agencies Subcommittee.

Mr. SIMPSON. Mr. Speaker, I would like to first thank my ranking member, MARCY KAPTUR, for her efforts and input as we have worked through this bill over the past year and developed and completed the final fiscal year 2018 Energy and Water Development and Related Agencies Appropriations bill. I would also like to acknowledge the work of our Senate partners, LAMAR ALEXANDER and DIANNE FEINSTEIN.

I rise today in support of the fiscal year 2018 omnibus appropriations bill. It was negotiated in a bipartisan manner, but the end result has a strong emphasis on Republican priorities. Within the Energy and Water Development division specifically, those priorities include national security and infrastructure.

Funding for DOE's nuclear weapons security programs is at \$14.7 billion, an increase of \$1.7 billion above last year and \$738 million above the budget request. These funds will ensure the reliability and effectiveness of our nuclear weapons stockpile and will address a backlog of deferred maintenance at aging nuclear weapons facilities.

The bill makes targeted investments to protect our Nation's energy infrastructure against cyber and other attacks, including an increase of \$18 million above last year's level for research and development activities to strengthen the security of our electric grid.

In total, the Energy and Water Development bill increases funding for energy and water resources infrastructure by \$1.5 billion above fiscal year 2017. That includes an increase of almost \$800 million for the Army Corps

of Engineers to address pressing needs at our ports and waterways and to increase public safety through flood and storm damage reduction activities. The bill exceeds the annual target for harbor maintenance trust fund activities by providing \$1.4 billion—which represents 94 percent of the estimated annual revenues, compared to the WRRDA 2014 target of 74 percent.

The Bureau of Reclamation is funded at \$1.47 billion, including \$134 million for water storage projects authorized under the WIIN Act, \$55 million for additional water conservation and delivery projects, and \$66.5 million above the budget request for rural water projects.

The bill provides strong support for basic science research, with total funding of \$6.26 billion for the Department of Energy's Office of Science, an increase of \$868 million above last year. Nuclear energy and fossil energy are also increased above last year, with \$188 million and \$59 million respectively.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield the gentleman from Idaho an additional 15 seconds.

Mr. SIMPSON. Mr. Speaker, these research and development activities will advance the Nation's goal of an all-of-the-above energy solution and energy independence. I encourage my colleagues to support this.

I would also like to take just a second to thank my colleague, Chairman CALVERT, for his work on the wildfire funding fix, a bill that I have been working on since 2013, and which Congressman SCHRADER and I have introduced for the last 3 years. The Interior, Environment, and Related Agencies Subcommittee and their staff have done a fantastic job of getting it in there. This is very important to the West.

Mr. Speaker, I urge my colleagues to support this bill.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LEE), who is a senior member of the Appropriations Committee.

Ms. LEE. Mr. Speaker, first of all, let me thank our ranking member for yielding, but also for her tireless work day and night to really help shape this bill to be, in many ways, a bipartisan bill.

Also, I thank all of our ranking members. The input that they received from all of us and our staff and the phenomenal work that they have done has just been amazing in spite of the circumstances. So I just have to thank them and Leader PELOSI for all of their very diligent work.

Almost 6 months after the deadline, though, for the fiscal year 2018 appropriations bill, this 2,232-page omnibus was released late last night. Now, less than 24 hours later, we are about to vote on a bill that really no one has had the time to read. I don't know who in this body has read this bill. We

would have had to read 100 pages per hour to get through this bill.

Does anybody here read that fast, 100 pages per hour?

What kind of informed decisions are we making with this last-minute rush for a vote?

This is no way, Mr. Speaker, to run a government.

However, yes, this omnibus has some really good provisions in it. It eliminates hundreds of poison pill riders ranging from efforts to defund Planned Parenthood to dismantling of critical labor and consumer protections. I am very grateful for that.

Many good provisions include a new competitive grant which we have been working on for years for computer science funding for young girls and people of color. We include increases in job training, education, and family relief, as well as for Historically Black Colleges and Universities. My State has the highest number of students coming to HBCUs; so I am very grateful for those increases.

Even with these increases, Mr. Speaker, the omnibus bill still falls so far short of what we need to just return to the funding levels before the sequester 8 years ago. Adjusted for inflation, we are still way below the 2010 levels for domestic spending. What is worse, while underfunding our needs here at home, this bill includes an increase in \$80 billion in defense. This includes the overseas contingency fund which really is a slush fund for the Pentagon to fund these wars off-budget.

We know that the Pentagon doesn't need this excessive increase in funding to ensure our national security.

□ 1145

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. LOWEY. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from California.

Ms. LEE. A Washington Post report in 2016 exposed a report detailing \$125 billion in waste, fraud, and abuse. Yet we are increasing this by \$80 billion; not to mention that much of this funding is dedicated to continuing the endless wars that we are waging around the world; wars that, I might add, Congress has still not debated, voted on, or authorized.

Put simply, the defense spending will be the single largest increase for the Pentagon since the beginning of the Bush so-called war on terror.

What is worse, this bill also fails to protect our young Dreamers who are still stuck in limbo. DACA recipients are American in every way, except on paper.

When are we going to vote to protect our young people, Mr. Speaker?

It is time to put politics aside and pass a clean Dream Act immediately.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON), the chairman of the Commerce, Justice, Science, and Related Agencies Subcommittee.

Mr. CULBERSON. Mr. Speaker, I rise in strong support of this critical appropriations bill to ensure that our military has the resources they need to protect us abroad and that our law enforcement agencies have the resources they need to protect us here at home.

This legislation makes sure that the U.S. Attorneys, DEA, ATF, U.S. Marshals Service, and the FBI are getting the money they need to make our communities safer by investigating and prosecuting more gun and immigration criminals, human traffickers, dealers in opioids and other dangerous drugs, international criminal organizations, and gangs. This bill will make this Nation safer and help secure our borders.

This bill will also provide funds for over 100 additional immigration judge teams to speed up their removal of people who are in the country illegally.

The bill provides new resources for State and local law enforcement, Mr. Speaker, including a \$300 million increase in grants to help address the terrible opioid epidemic in this country, and increases to help protect women against violence, protect our schools and ensure the safety of our children, relieve the backlog of sexual assault kits, fight human trafficking, and help compensate States for housing illegal aliens in their prisons and jails.

The American space program is the best on Earth, and this legislation ensures it will continue to be the best on Earth, with funding for our human and planetary space program. In fact, the journal, *Science*, today reports that this legislation has given a major boost to science across the board. We have made sure the National Science Foundation preserves its competitive edge with a \$300 million increase for research grants. These funds will foster innovation and U.S. economic competitive, including funding for research on advanced manufacturing, physics, mathematics, cybersecurity, and neuroscience.

Mr. Speaker, this bill deserves the support of all Members, and I urge a "yes" vote.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I want to thank the ranking member, Mrs. LOWEY, for her leadership, along with Chairman FRELINGHUYSEN, for many months of working together in a bipartisan way. I certainly want to thank both of them for the hard work that they have done.

I want to thank the appropriators, Democrats and Republicans, working together. Certainly, I want to thank the committee staff on both sides who have worked so hard to make sure we get this bill together. I know this is not a perfect bill. But, again, we got together, we negotiated, and this is the bill that we have got under the system, working together.

This bill, first of all, funds our military's and veterans' needs. This bill

provides over \$21.2 billion for infrastructure projects across the Nation.

This bill addresses the opioid epidemic and also puts in increases for the Office of National Drug Control Policy and other programs to make sure that we fight the drug issues that we have.

It adds extra money for the COPS program, which is important for our men and women in blue. It also adds 100 new immigration judges to address the issue of the backlog for the immigration cases that we have.

It adds 10 percent of new moneys for Community Development Block Grant programs, which is, again, very important to all communities, urban and rural areas.

It starts to address the issue of school safety and gun violence by providing the funds for safety programs. It also includes the Fix NICS Act program, which is something that my friend, JOHN CULBERSON, and Senator JOHN CORNYN worked on for a long time.

It provides \$1.6 billion for community health centers to provide healthcare. It also provides money for Pell grants to make sure people are able to go to college. I want to thank my good friends, TOM COLE and ROSA DELAUNO, for putting those dollars in for the Pell grants.

It also provides technology for border security and ports of entry. Again, we want to make sure we provide a balanced approach for border security.

Again, I know this bill is not perfect. If we are waiting for perfection, we are never going to get there. But, again, we were able to sit down, we were able to negotiate, and we were able to get a good bill that provides a lot of the basic services that we have.

As Members of Congress, we have a responsibility. That responsibility is to make sure that our government stays open. I have always said that terrorists are not able to close our government, but somehow Congress finds a way to close our government. We are not going to do that.

Mr. Speaker, I urge Members to support this appropriations bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CARTER), chairman of the Homeland Security Subcommittee.

Mr. CARTER of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation.

The Homeland Security division of this bill contains \$47.7 billion to fund the Department of Homeland Security.

This bill provides strong funding to help Americans recover when disaster hits; ensures the security of our air, land, and sea borders; and protects our local communities from outside threats.

This bill provides more than 90 miles of barrier fencing, to include 33 miles of new fencing in the Rio Grande Valley. It includes \$284 million for inspection equipment to combat drug trafficking, to include \$71 million to spe-

cifically target opioid detection. It sustains ICE detention activities and provides additional funding to hire more agents.

It funds the vessels and aircraft our Coast Guard needs to protect our coastline. It also fully funds activities to combat cyber attacks.

Mr. Speaker, this last year has been a tough year for Texans, who suffered from our most ruthless hurricane season. I saw the devastation firsthand. This bill will go a long way to help those folks and their homes.

This bill includes \$7.9 billion for FEMA to continue to respond to this and future disasters, and \$249 million for grants to prevent future storms from causing damage like this again.

I would like to thank very much my colleague, Ms. LUCILLE ROYBAL-ALLARD, the ranking member on my committee. She is a dream to work with, and we are great partners in this process. I would also like to thank the majority and minority staffs for their hard work on this bill.

Mr. Speaker, as I conclude, I would like to take a moment to say farewell and thanks to a member of our Homeland Security Subcommittee team.

Christopher Romig is leaving our committee at the end of April, after 30 years of service to our Nation. He spent 27 of those years in our great Army as a helicopter pilot. He brought his military background to our Homeland Security Subcommittee team, and we benefited from his experience and sharp mind for the past 3 years. Now we wish him well on his next adventure.

I also would like to take a minute to thank the FBI and the ATF for the great work they have done in the central Texas area for the person we call the Austin bomber.

Mrs. LOWEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the chairman of the Interior, Environment, and Related Agencies Subcommittee.

Mr. CALVERT. Mr. Speaker, I rise today in strong support of the 2018 Consolidated Appropriations Act.

This agreement continues the subcommittee's critical work addressing wildland fire, domestic energy production, and the needs of our national parks. It makes significant investments in healthcare, law enforcement, and educational programs, honoring our longstanding commitments to American Indians and Alaska Natives.

The agreement includes a package of significant forest management and fire budgeting reforms that will provide budget certainty for Forest Service programs and activities, reduce litigation, and, most importantly, improve the health of our national forests. This is the culmination of a years-long effort to improve the way we budget for wildland fires and the way our national forests are managed. I want to congratulate MIKE SIMPSON for his leadership on the issue.

This agreement provides additional moneys to the National Park Service, including an increase of \$185 million to address deferred maintenance and construction needs. The Payments in Lieu of Taxes program is fully funded.

This legislation makes sizeable investments in water infrastructure, providing \$2.9 billion through the Clean Water and Drinking Water State Revolving Loan Funds, as well as \$63 million for the WIFIA program, which will finance over \$6 billion in infrastructure programs.

Before I close, I want to thank the ranking member, BETTY MCCOLLUM from Minnesota. She has been a partner and a friend as we worked through our hearings, wrote the bill, and moved it through the legislative process.

I want to thank Chairman FRELINGHUYSEN for his support of the Interior, Environment, and Related Agencies Subcommittee, and for his leadership of the full committee. Congratulations to the chairman for bringing this bill and this process to a successful conclusion.

Finally, I would like to thank the staff, who worked so hard on this bill: Darren Benjamin, Betsy Bina, Jackie Kilroy, Kristin Richmond, Dave LesStrang. On my own staff: Ian Foley, Rebecca Keightley, Tricia Evans, and Dave Kennett.

I also want to thank the leadership staff, especially Kiel Weaver from the Speaker's office, for their hard work.

Mr. Speaker, I urge an "aye" vote.

Mrs. LOWEY. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, not a single person has read this bill. It was filed at 8 o'clock last night. If we had put this on the floor, not a single one of those on the other side of the aisle would have voted for it. Not one.

They have demagogued for years about reading the bills. This doesn't come close to their 3-day layover rule. Not close. It is being rushed through because some have fundraisers, perhaps, this weekend, or have flights or codels they want to go on. We have wasted 6 months in passing the appropriations bills, which, supposedly, should have been passed by September 30 of last year.

No one can be proud of this process. The Speaker said, when we set the caps, that he would bring a bill to the floor. He promised the 73 of us that made it possible to set these caps—because you don't have the votes on your side—that he would bring to this floor a fix for the Dreamers who are at risk of being kicked out of the country. I know there is a case, but it is short-term, not permanent. The Speaker did not keep that promise. It has not been on the floor.

What we now have on the floor is an appropriations bill. I think most of us know what is in this appropriations bill. These are earmarks. You don't call them earmarks. You call them authorizing language. They are bills that

nobody in the Appropriations Committee has read. If you have, stand up and correct me. As I said, nobody has read that either.

This is report language. Come to the well if you have read this language.

□ 1200

None of you—none of you—would support this process if we had offered it.

Now, the good news is that what the Appropriations Committee has done is quality work; and I congratulate Mrs. LOWEY, Mr. FRELINGHUYSEN, the subcommittee chairs, and the ranking members. It is worthy of support. But I am waiting for all the Tea Party people who harangued me and others on my side about reading the bills, giving us sufficient time to consider them. The Speaker of the House said, when he became Speaker: We will take issues one at a time.

Is there no shame?

Is there no realization of the hypocrisy that is being displayed?

Mr. Speaker, the product is a good one. And I say that about the appropriations bill. I have no idea what all the report language says.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. LOWEY. Mr. Speaker, I yield the gentleman from Maryland an additional 1 minute.

Mr. HOYER. Mr. Speaker, I thank the Speaker, and I thank Mrs. LOWEY.

Mr. Speaker, we brought this country from the brink of depression to a growing, robust economy with a stock market that has almost tripled by passing the National Recovery and Reinvestment Act. Not a single Republican voted for that, Mr. Speaker. Not one. I wonder how many will vote for this bill after they have said time after time, after time, after time: Read the bill; have 3 days' layover.

Actually, your 3-day rule is a 24-hour-and-2-second rule: the last second of the first day, 24 hours of the second day, and the first second of the third day. You put everybody in a quandary because this is a good product that the Appropriations Committee has delivered. It does good things for our country, both in terms of national security and in terms of domestic investment.

What a sad state of affairs. How dysfunctional this body has become. How marginalized has the Appropriations Committee, on which I was so proud to serve, has become. Rushing it through in just a matter of minutes. It is a sad day, Mr. Speaker.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), chairman of the Labor, Health and Human Services, Education, Related Agencies Subcommittee.

Mr. COLE. Mr. Speaker, I thank my good friend, the chairman, for yielding.

Mr. Speaker, I have a formal statement I will include in the RECORD, but I want to begin by praising Chairman FRELINGHUYSEN; Ranking Member NITA

LOWEY; the staff; my negotiating counterpart and wonderful ranking member, Ms. DELAURO. It has been a collaborative effort, and it is one that you can be extraordinarily proud of in terms of having gotten all our bills done on time and presented and across this floor, having worked on a pretty short time frame when the Senate finally came to the ability to negotiate. We were waiting about 180 days for that. They finally got there. And in 4 weeks, you got the work done. It is an exceptional product.

From a Republican standpoint, the big win is defense. We all want to defend the country, but that was probably the top Republican priority in the bill, and we more than met our obligation in that respect.

I want to focus, in the little time I have left, on some things I am particularly proud of in the Labor, Health and Human Services, Education, and Related Agencies portion of this legislation:

\$3 billion increase in the National Institutes of Health. That is the largest increase in 20 years.

\$3 billion for opioids, a common problem in all our districts, something that we all care about.

\$3 billion, roughly, in round numbers, for early childhood education and early childhood care. Again, dollars well spent.

Major increase in mental health funding, actually beginning to match appropriations with some of the authorization done in the 21st Century Cures, one of the great achievements of the last Congress.

Tremendous increase in money for school safety grants, from \$400 million to \$1.1 billion.

The Pell increase, which has been referred to by several people.

More money for career and technical education, more money for apprenticeships. All things that will create a more productive economy.

We can go on and on. But the reality is, in a very difficult time, in a very partisan era, we will have Members from both sides of the aisle passing an important piece of legislation and the administration, which has urged its passing, doing the same. I urge the passage.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank our distinguished ranking member of the Appropriations Committee for yielding this time, but, more importantly, for exceptional leadership. To her and to the other members of the committee, Mr. FRELINGHUYSEN, I thank them for their leadership as well. And to the chairs and ranking members of the subcommittee, all the members of the Appropriations Committee, Mr. HOYER and I and Mr. CLYBURN are from the culture of the Appropriations Committee, and we know that, left to your own devices, the appropriators can get the job done.

It is not until the leadership rains its poison pills on the process that the delay sets in. And I want to thank Congresswoman Ranking Member LOWEY for ridding this bill of so many of those poison pills.

Mr. HOYER very eloquently presented the situation as we see it now that the Republicans have this bill. They didn't even have three days. It was last night to today, and here we are on the floor with a yard—a yard—of bill. And he said they are rushing because people have codels, trips, fundraisers, and this and that.

I contend there may be another reason why they are rushing it through. First of all, they don't want anybody to know what is in the bill, because this is a tremendous victory for the American people in terms of what Mrs. LOWEY was able to negotiate, in a bipartisan way, on the domestic side. We all take an oath to protect and defend our country, so the defense investments are important to our Nation; but one-third of the domestic budget is security: homeland security, veterans affairs, State Department, antiterrorism activities of the Justice Department, and the list goes on.

But it is also a fact that we can measure the strength of our country not only in the important military might and security measures but also in the health, education, and well-being of the American people; and this bill goes to a place for that.

So yes, a yard of bill, certainly not read or read to the Members. But I contend, in addition to Mr. HOYER's list of why they are rushing this to the end instead of having this negotiation take place much earlier, it is because they really don't want the Members to see what is in this bill, A; and, B, because they really want to get out of town before the March for Our Lives, before the young people come from all over the country to ask Congress to give us responsible, commonsense gun violence prevention legislation. That is what I heard about the Republicans: they just don't want to be around when these young people come to town.

So here we are. We could have had this happen weeks ago and had a much more transparent way to deal with it. But having said that, we are here, and I think it is very important to set the record straight on some of the contentions that the Republicans are making about this bill.

Let me start with the President of the United States. He has said, in one of his tweets this morning, how happy he was because he got the \$1.6 billion to start the wall and more to come. That is not completely true, Mr. President. There are some resources for fencing and repairs and the rest there, but some of that money is for technology and other ways to protect our borders. We all have a responsibility to protect our borders, north and south. But if you want to think that you are getting a wall, you just think it and sign the bill.

In addition, he said he is so pleased that he got this big increase in defense. We did not oppose that. We want to have our men and women in uniform have everything they need to keep our country safe and themselves safe. But the President went on to say it is too bad he had to waste money on the Democratic giveaways. On the Democratic giveaways.

“Democratic giveaway” is the way the President characterizes funding for our heroic veterans facing a dire shortfall at the VA. We say on the battlefield, no soldier is left behind. When they come home, no veteran is left behind. And that was part of the fight that we had in the caps fight, that we wanted additional money for our veterans.

What about fighting the opioid epidemic? Is that wasteful, a giveaway, fighting the opioid epidemic, in your districts? There isn't a person who serves in this Congress who doesn't have need in their districts for this opioid funding. And that was a major part of our fight on the caps, to get the funding to fight opioids; but the President calls that a waste, a Democratic giveaway.

Is that what he would call—he probably would call protecting the integrity of American elections from Russian meddling and attack Democratic giveaways, protecting our democracy, our electoral system, our Constitution that we take an oath of office to protect and defend.

And how about for hardworking parents who struggle to succeed and afford quality childcare, a very important part of this legislation. Democratic giveaway? No. Family values. Supporting our families. The list goes on and on. And by the way, by the foot. By the foot.

Mr. HOYER referenced a statement made by the Speaker on the floor of the House when we had the caps fight, which, by the way, was a glorious victory for our values as a country, that we could say, yes, we want to increase funding for our national security, and, in doing that, we need to have a commensurate increase in funding for our domestic agenda, as I said, which contains many security measures.

But when that bill was brought to the floor, the Speaker came to the floor, and he made a statement, right here in the well. Well, Steny quoted what he said in the well, but in another venue he said: In order to shift our focus and get on to the next big priority, which is a DACA solution, we have got to get this budget agreement done.

That was the caps bill.

And I will say it once, Mr. Speaker said, and I will say it again, we will bring a DACA solution to the floor.

Yes. And when will that be?

Now, you will hear rumors of them saying: Oh, we offered this and we offered that. They did not offer anything that added to the protection of our Dreamers and our DACA-qualified chil-

dren. So I want the RECORD to show the facts are these: We proposed, over and over again, a real fix that we should have in this bill because it is timely. And if you are dealing with a yard of issues and provisions, you certainly can have room for protecting our Dreamers. And that is just an indication.

Now, to lead is to take risks. The Speaker does not seem willing to take a risk with his caucus to bring a bill to the floor, any bill you want, in terms of including some bipartisan bills. Mr. HURD and Mr. AGUILAR, Ms. ROS-LEHTINEN and Ms. ROYBAL-ALLARD, any other bill you want. Make it clean at the Hill. Let everyone have his or her say. Let Congress work its will.

Why? Why not? And why, in light of this statement, “And I'll say it once, and I'll say it again, we will bring a DACA solution to the floor”?

When might that be? When might that be?

So again, while we address so many provisions in this bill, wasn't there room in the hearts and minds of our Republican colleagues to insist? Because I know many of you care about our Dreamers, have publicly offered your support. Why can't you convince the Speaker to bring what he said, “We will bring a DACA solution to the floor”?

So again, I go back to the caps agreement. It was a great victory for us in the appropriations world as to what priorities need to be addressed. As we always say, the budget should be a statement of our national values; what is important to us as a nation should be reflected in how we allocate our resources to invest in the security of our country, the well-being of our people, the future of our children, and to do so in a way that commands respect, that is bipartisan, that is done in an open and transparent way, and brings unity.

□ 1215

Our Founders, who were so brilliant in so many ways, were taking 8 hours to even start to talk about how brilliant they were.

But they did give us instruction. They gave us a signal: E Pluribus Unum—from many, one; from many, one. They couldn't possibly have imagined how many we would be or how different we would be, but they knew we had to be one.

And these children, and everyone in our country, these Dreamers are part of that one, and they are part of that many, and let us treat our country by honoring the vows of our Founders.

So I leave it up to Members as to whether they want to vote, weigh the equities in this bill and take the vote and respect whatever decision they make. But I am so glad that we had such an overwhelming vote on our side against a rule that undermines the regular order of the House, undermines the Speaker's own statements about that regular order.

Why?

In an attempt to keep from all of you how much investment in the future is in this bill and also to get you out of town before the March for Our Lives begins. That is why I think we are doing this so rushed. I don't know why it has been pushed to the end except for dysfunction on the part of the Republican leadership, whatever, if it's called communication with the White House.

But I will say this: This is five CRs. Are you proud of that? Five CRs. Take us to the floor with a yard-high bill, no transparency. But it does have some bipartisanship, and for that I salute Mr. FRELINGHUYSEN and Mrs. LOWEY and respect whatever decisions our Members make on this. This is a missed opportunity to show the American people that, even when we are on the right course, we can't seem to get there in a transparent way.

I say, Mr. President, when you sign this bill, you will be signing something—in spite of what you say about spending on wasteful Democratic funding, I don't really think you mean that about opioids and the rest. Set the record straight for yourself and out of respect for the people who are pinning their hopes on what this legislation will do for them.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to a perceived audience or to other Members.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), chairman of the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies Subcommittee.

Mr. DIAZ-BALART. Mr. Speaker, today we will vote on a bill that rebuilds our military. It supports our troops and protects the American people.

Major credit for this great achievement goes to the man that I am so proud to call my chairman, RODNEY FRELINGHUYSEN. Chairman FRELINGHUYSEN has been a public servant since the days that he served in Vietnam as an enlisted soldier, and that service continues to this day with this bill, which includes the most significant support for our women and men in uniform since the beginning of the war on terrorism.

Let me tell you two other things that are in this bill for the American people due to the chairman's leadership.

The bill includes over \$10 billion in new transportation and housing infrastructure, without adding to the Federal bureaucracy. The chairman fought for major funding for key areas of our economy, yes, including the Northeast. This is a major investment in our Nation's infrastructure.

Both Congress and the administration, as you know, have been talking about this for such a long time. Well, here you have it in this bill. This bill delivers on that promise of infrastructure.

Finally, the chairman has been a tireless advocate for two decades for

housing for the disabled in our country. This bill delivers a major humanitarian victory for the disabled community, with 40,000 new vouchers for the disabled. These Frelinghuysen vouchers will change the lives of countless families across our entire Nation, and I am particularly proud of this achievement by our chairman and his committee.

Finally, I would like to thank the Speaker of the House for standing up and winning on some huge priorities for the House.

And I would be remiss if I did not mention the staff of the Appropriations Committee, who worked long and hard—yes, very long and hard—on this bill.

Mr. Chairman, I urge a “yes” vote on this fine bill. I thank the chairman for the time.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentlewoman from New York. I can't thank her enough as I watched her, every day, work without ending, thank her so very much. And to Chairman FRELINGHUYSEN, let me thank him as well for his service.

But I am very grateful to Democrats who crafted the very funding structure that we are dealing with. And even though it was hidden with Republicans, this gigantic box that is almost broken, I think it is important to note that a lot of good work has taken place, and I want to just cite the good work.

I am delighted that we are helping our veterans, and Democrats added an additional amount of money, some \$2 billion, to address the VA hospitals. Democrats were concerned about student loans, and the bill increases it by \$350 million. Childcare has been increased. Houston metro will be delighted with the New Starts money that is in it; and, yes, my mayor will be excited, and other mayors, about an accurate Census count. For those of us with Hurricane Harvey, the National Flood Insurance Program extension is important.

Yet I am disappointed. The work we did on STOP School Violence did not include the civil rights protections for those who need it, and it did not include DACA, with all of these young people who are in need. And, finally, we could not get the special counsel language, my bill, H.R. 3648, that would stop the President from firing the special counsel and stop him from firing the Attorney General and the Deputy Attorney General.

For those reasons, I have great concerns for this bill and will not be able to vote for the bill.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT), chairman of the Subcommittee

on Military Construction, Veterans Affairs, and Related Agencies.

Mr. DENT. Mr. Speaker, I am pleased and, I must say, relieved to describe for my colleagues the good news in the Military Construction/VA division in the omnibus.

At times, it seemed like we might not ever get here. I regret that our servicemembers and veterans have had to wait almost 6 months for us to complete our jobs, but I think our final bill is worth the wait.

I want to certainly congratulate our chairman, Mr. FRELINGHUYSEN, for his incredible patience and deft negotiating skill to bring us to this point. I also want to thank Mrs. LOWEY and my comrade-in-arms Ranking Member DEBBIE WASSERMAN SCHULTZ for her rock-solid support and keen analytic eye during this process.

Thanks to the budget caps agreement, we are able to provide long overdue support to our military and their family members with a \$2.4 billion, or 31 percent, increase, for a total of \$10.1 billion for military construction. With that funding we are able to provide \$708 million for 12 medical facilities, \$249 million for DOD schools, and \$8.2 billion for military construction projects in the United States.

Our Members will appreciate that we were able to provide \$585 million in unfunded requirements requested by the services, as well as significant increases in planning and design for Active and Reserve construction and unspecified minor construction. The bill also includes \$750 million in OCO funding, more than doubling the 2017 level.

Our bill fulfills Congress' commitment to our Nation's veterans, with total discretionary funding of \$81.5 billion for the Department of Veterans Affairs, a \$7.1 billion, or 9.5 percent, increase over 2017. These funds provide important medical services to veterans as well as disability compensation, post-9/11 education benefits, and a host of insurance and lending programs.

Of note, we are able to provide \$782 million for the new electronic health record contract, the same record as DOD's, which will allow the exchange of veterans' health records with DOD and community providers.

In addition and consistent with the budget caps agreement, our bill provides \$2 billion in medical infrastructure assistance—nonrecurring maintenance, minor construction, and grants for State veterans retirement homes. The \$2 billion gives us the rare opportunity to completely eliminate the backlog of approved State home applications.

I'm also pleased that we have the resources to make an important down payment on the Southern Expansion of Arlington National Cemetery, extending the Cemetery's capacity to 2050.

I urge an ‘aye’ vote on the package. Help us do right by our servicemembers and veterans and their families who have given us so much. Support the bill.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 1 minute to the gentle-

woman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Energy and Water.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman, the ranking member, for yielding me this precious minute.

I want to augment my remarks of earlier this afternoon and thank Jaime Shimek of our own staff who worked so very, very hard on the Energy and Water Subcommittee, allowing this bill to move to the floor.

And then I feel compelled to rise to thank our chairman of the full committee, Congressman RODNEY FRELINGHUYSEN, with whom I have had the opportunity to work now for many decades and to say to him he is an exemplary model of public service to the people of our country, a true patriot, and someone who devoted so many hours to moving a bill to the floor that could achieve bipartisan consensus in a very loaded political environment.

I shall never forget, at the beginning of the Iraq war, our trip to the Middle East, to many of the countries involved, the manner in which he comforted himself, the great counsel he gave to so many of us as a military man himself, and the great leadership that he has provided as chair of our Defense Subcommittee at one point and now of the full committee. The people of New Jersey can truly celebrate his service to our Nation as we move this bill to a final vote later today.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Kansas (Mr. YODER), the chairman of the Subcommittee on the Legislative Branch.

Mr. YODER. Mr. Speaker, I thank the chairman for his work and leadership on this bill, and I thank Ranking Member LOWEY for her good stewardship.

This is the culmination of efforts over the last year, hundreds of meetings, oversight hearings. We have a strong final product, and we are proud of what we have accomplished.

In my committee's Legislative Branch bill, we focused on conservative priorities such as security, responsibility, and transparency. This legislation, once again, rejects pay increases for Members of Congress, which we have done every year since 2010; and further, the funding of the House of Representatives remains 12 percent below 2010, spending less than we spent 8 years ago.

After the vicious attack on STEVE SCALISE and other Members of this body, we have enhanced Capital security with new support for Members, staff, constituents, and visitors, with enhancements for Capitol Police and the Sergeant at Arms.

We have expanded Wounded Warrior fellowships, creating an additional 31 spots, and we have added support for family issues like the House Child Care Center and additional support for the Library of Congress Visitor Experience, which is an exciting new product.

Lastly, in a strike for transparency, for the first time, all Congressional Research Service reports will be open to

the public, making government more transparent and a win for our constituents.

I want to thank my ranking member, Mr. RYAN, who is a gentleman and a scholar, and the collaboration of all the committee members and staff for putting this product together.

Mrs. LOWEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. RYAN), the Speaker of the House of Representatives.

□ 1230

Mr. RYAN of Wisconsin. Mr. Speaker, I want to begin by thanking the chairman and the ranking member. I also want to thank their staffs for putting in incredibly long hours. This isn't just a weeklong process. This has been months long in the making. So I want to thank all the Members and staff who made this moment possible.

Mr. Speaker, this measure before us is about as critical as it gets; it really is. It addresses the priorities that we have been discussing in this Chamber for a long time.

We talked about the need to rebuild our military. We all agree on the need to rebuild our military. This bill provides the largest increase in defense spending in 15 years.

Why?

Frankly because our military has been hollowed out for many years.

We are boosting resources for training, for equipment, for maintenance, for base operations. It means new naval ships, new fighters, new Apache and Black Hawk helicopters. It means we are finally building a 21st century fighting force.

We agree on the need to support our servicemembers and our veterans. This funds the biggest pay raise for our military in 8 years.

We have men and women who are fighting for us day in, year in, year out. I saw a woman, a lieutenant colonel, a week ago in the Army, who has done seven combat tours. This is what the people who are volunteering in our armed services are doing for us, and we are finally making right by them by helping them with a pay raise.

It provides record funding for the Department of Veterans Affairs to make sure that our veterans receive better care at better facilities.

Remember those long waiting lists?

No more. This works on that.

We agree on the urgent need to make our schools safer. This bill includes the Fix NICS bill to improve firearm and background checks. It includes the Stop School Violence Act, which this House passed just last week, I think, 407-10, if I am not mistaken. It provides funding for early intervention, mental health, school security programs. Both are provisions that the Parkland families asked Congress to include in this legislation. It is part of the Sandy Hook Promise.

We agree on the need to fight the opioid epidemic that is ravaging communities across this country. Every single Member in this House has a firsthand story on what the opioid crisis is doing to their communities. We have got to get on top of this problem. This bill makes critical investments in treatment and in prevention to fight this scourge of addiction that is ravaging our country.

We agree on the need to secure our homeland. This bill expands resources for law enforcement, for border security, for immigration enforcement. It provides resources for 95 miles of physical barriers along our southwest border, which actually exceeds the administration's request.

We agree on the need to rebuild our Nation's infrastructure. It includes funding for long overdue improvements to our highways, our railroads, our airports, our infrastructure.

And guess what.

There are no earmarks for specific projects in this bill.

The House has worked to reform our forestry laws for years. You see on the news these horrible forest fires that are getting more severe by the year, and it is because we have not been able to manage our forests. This finally has the legislation we need to help manage our forests so we can help protect the West from these catastrophic forest fires.

The House passed the Taylor Force Act to restrict assistance to the Palestinian Authority unless it stops subsidizing terrorism. This bill implements that legislation. The PA is literally making payments to the families of suicide bombers. It is like a bonus for terrorism.

That bill is in here. All of these things are important. They are critical things that we have all been talking about.

What brings me here to ask all of my colleagues for a "yes" vote is this: What this ultimately is about is giving our military the tools and the resources it needs to do its job.

This week, the House paused to honor two naval aviators who died in a training crash off of Key West, the two F-18 pilots. We paused to honor seven servicemembers lost in a helicopter crash in western Iraq last week. That is nine of our servicemembers lost in equipment failures and accidents last week.

We continue to lose more American personnel to training accidents and incidents than we do to enemy fire. That is unacceptable, and it is preventable.

Mr. Speaker, we should not wait one more day, not one more hour to go by without giving our men and women in uniform what they have earned and what they deserve. Give them the pay raise that they earned. Give them the equipment and the hours of training that they need to be safe. They are putting their lives on the line for us. Let's make sure they put their lives on the line for us with the proper amount of

training, with the proper amount of equipment, so that we can keep our country and our people safe.

Vote "yes" for our military. Vote "yes" for the safety and the security of this country. Vote "yes."

Mrs. LOWEY. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, this isn't the bill I would have written, but I am very proud that it provides \$117 billion more than President Trump requested in nondefense investments to grow the economy, create jobs, and help American families.

Again, I would like to thank our distinguished chair, Chairman FRELINGHUYSEN, and the entire committee for its tireless work forging this bipartisan package.

Mr. Speaker, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself such time as I may consume.

Let me share my appreciation for my working relationship with Mrs. LOWEY. I thank, again, our very professional staff that is in the room here for all their hard work.

I urge a "yes" vote on this bill, which supports our Armed Forces and members of their family.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE. Mr. Speaker, I rise today in support of the FY2018 Agreement that will fund our government for the remainder of the fiscal year. The agreement is consistent with the direction given by House Republican Leadership under the bipartisan budget deal.

Funding increases within the Labor HHS portion of the agreement, for which I am responsible, are targeted toward key conservative priorities that all Republicans can support:

Enhancing biomedical research,

Increasing our Nation's biodefense capabilities,

Helping states and local governments combat the opioid crisis,

Giving local schools flexible funds to respond to school safety and other locally-generated needs,

And helping young adults and displaced workers train for and secure new jobs in fields that will grow our economy.

At the same time, the bill holds down spending for controversial items, such as punitive labor enforcement agencies, family planning funds, and Washington bureaucracy.

I'm proud to say the agreement continues all existing pro-life provisions, including the Hyde amendment prohibiting federal funding from being used for abortions, the Dickey-Wicker amendment prohibiting stem cell research on human embryos, and the Weldon amendment providing conscience protection for doctors, nurses and others who do not wish to participate in abortions.

Additionally, the agreement rejects language pushed by Democrats which would have tied the hands of the Trump Administration and forced the Administration to continue funding for Planned Parenthood and other controversial family planning grantees. The Trump Administration has already announced termination of these grants.

The bill includes \$37 billion for the National Institutes of Health (NIH), a \$3 billion increase over FY17, which will continue progress toward finding cures for cancer, Alzheimer's disease and other life-shortening conditions.

The agreement includes a billion in increased funding for biodefense activities to protect Americans from threats, both man-made and naturally-occurring, and includes an increase of \$3 billion for states, tribes, local governments, nonprofits and faith-based groups to help prevent, treat and stop the opioid epidemic that is damaging our country.

The agreement maintains a longstanding provision prohibiting funds from being used to support gun control and does not include any dedicated funds to support gun control research.

The agreement increases funding for training in high-growth job fields, including nursing, dentistry, primary health care and mental health. The agreement targets programs toward veterans, young adults and displaced workers struggling to enter new career fields, including increasing apprenticeship programs by \$50 million.

The agreement increases funding for child care vouchers and early head start programs to enable these workers to find high quality care for their children that will allow them to enter or return to the workforce.

The agreement includes additional funds for adoption incentives, meals on wheels, family caregivers support, and independent living centers so that adults with disabilities can remain employed and in their own homes.

The agreement includes flexible funding for mental health programs designed by local governments and schools that will enable them to find creative solutions to increase school safety, including a \$700 million increase, up to \$1.1 billion, for a newly-authorized student support and academic enrichment grant program. This fund can also be used by schools for other locally-determined needs, such as teacher training, computer programming courses, or arts programs.

The agreement includes an increase of \$75 million for career and technical education programs to help young people enter careers in fields that do not require a four year college degree.

The agreement also increases the maximum Pell grant by \$175, to a total of \$6,095, enabling college students and others returning for a degree greater choices in a higher education program that will meet their needs. The agreement also includes targeted increases for first-generation students to enter and succeed in college, growing our economy and breaking the cycle of government dependency.

Mr. Speaker, this agreement targets the funding increases approved by House Republican Leadership toward conservative priorities that will protect all Americans and enhance our Nation's health and economic prosperity. I urge my colleagues to support it.

Mr. NEAL. Mr. Speaker, the House Amendment to the Senate Amendment to H.R. 1625, showing the text of the Consolidated Appropriations Act, 2018, before the House for debate today includes tax provisions, including technical corrections to tax legislation enacted prior to 2017. These tax technical corrections are important to provide clarity to taxpayers and to the administration of the law. As Ways and Means Committee Chairman and Ranking Member, KEVIN BRADY and I asked the staff of

the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the tax provisions of this legislation. The technical explanation expresses the Committee's understanding and legislative intent behind the tax provisions of this legislation. It is available on the Joint Committee's website at www.jct.gov. It is document JCX-6-18, Technical Explanation of the Revenue Provisions of the House Amendment to the Senate Amendment to H.R. 1625 (Rules Committee Print 115-66).

Mr. BRADY of Texas. Mr. Speaker, the House Amendment to the Senate Amendment to H.R. 1625, showing the text of the Consolidated Appropriations Act, 2018, before the House for debate today includes tax provisions, including technical corrections to tax legislation enacted prior to 2017. These tax technical corrections are important to provide clarity to taxpayers and to the administration of the law. As Ways and Means Committee Chairman and Ranking Member, I and RICHARD NEAL asked the staff of the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the tax provisions of this legislation. The technical explanation expresses the Committee's understanding and legislative intent behind the tax provisions of this legislation. It is available on the Joint Committee's website at www.jct.gov. It is document JCX-6-18, Technical Explanation of the Revenue Provisions of the House Amendment to the Senate Amendment to H.R. 1625 (Rules Committee Print 115-66).

Mr. THORNBERRY. Mr. Speaker, today I rise in support of H.R. 1625, the "Consolidated Appropriations Act, 2018," which begins to rebuild our military. I do not agree with everything in the bill, but the importance of repairing our planes, ships, and training overrides other concerns.

For too long, Washington has asked our troops to do more with less, sending them into harm's way without the training and equipment they need to defend themselves and the country. We have added mission after mission while we cut their funding again and again. Those decisions have brought consequences; experts say our troops are 'outraged, outgunned, and outdated,' 'treading water,' and that we are 'stretching the force to the limit.' Secretary Mattis is warning that 'our competitive edge has eroded in every domain of warfare.' We suffered four times as many deaths to accidents and training missions last year than we did to hostile fire. President Trump is right to insist on rebuilding our military, and this bill begins to do just that.

A healthy economy and a robust military are mutually dependent. A vibrant and innovative economy funds our national defense and ensures that our technology stays ahead of our adversaries. A strong military protects the rules-based international order that has been the foundation of our economic growth since WWII. Unfortunately for too many years now, funding essential to a robust defense and a healthy economy has remained at an impasse based on political gamesmanship in which members of both parties share blame. Our troops have become collateral damage in this dangerous game of politics, consistently being held hostage to the political issue of the moment. That is a shameful practice that has to end.

Congress' work does not end when we write a check. In the months ahead, we will ensure

that the military uses these funds to begin to rebuild quickly and efficiently. We will pursue reforms to the Department of Defense that preserve and enhance our fighting edge. We will continue to take a hard look at Pentagon bureaucracy as we prioritize rebuilding strength on the front line and cutting fat in the back office.

Beyond the benefits this bill affords to our military, I also want to thank Chairman CALVERT and Chairman FRELINGHUYSEN for their work to help address another issue that has affected my constituents and has been lingering for nearly a century.

The federal government owns a small strip of land along a 116-mile stretch of the Red River between Oklahoma and Texas. The Bureau of Land Management (BLM) has never actively managed the small strip of federal land, and its own estimates of how much they own have varied widely over the years. As a result, private landowners along the River have been unsure whether the land that they have held titles to and have paid taxes on, in some cases for generations, will remain in their families or be claimed by the federal government.

Earlier this year, the BLM reached a settlement agreement with several landowners along the Red River that rescinds the incorrect spot surveys the BLM had conducted over the last decade. It also reaffirms that the gradient boundary survey method as mandated by the Supreme Court is the only true, legally defensible way to determine the ownership boundary in this contested area.

However, the settlement did not require that a gradient boundary survey be conducted, which leaves a level of uncertainty that can cloud the titles and threaten the value of privately owned land along the river. It also leaves open the possibility that a future administration may again misinterpret the Supreme Court's mandated survey methodology. An accurate gradient boundary survey along the entire 116-mile stretch of the Red River is the best, legally defensible way to move this issue forward to help settle it once and for all—something this bill helps to achieve.

With the passage of H.R. 428, the "Red River Gradient Boundary Survey Act," earlier this Congress, this body has affirmed its will for the BLM to work with the states of Oklahoma and Texas and consult the affected Indian tribes to help choose and direct surveyors that are licensed and qualified to conduct official gradient boundary surveys. With the gradient boundary survey method being unique to this area, having the states conduct the survey is an idea that first came from the BLM itself. Doing so will help ensure that all parties involved will receive a fair and accurate survey.

I look forward to continuing working with Senator CORNYN and the BLM to ensure that this century-old issue can finally be put to rest. Private property rights are a foundational cornerstone of our economy and of our way of life, and it is important that we push to protect them in every way that we can.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of the Omnibus Appropriations Act of 2018. While no bill of this size is ever truly perfect, the legislation contains a number of provisions that support important programs that Americans rely on.

The bill invests in critical priorities like child care; transportation and infrastructure; medical

research; opioid abuse; veterans' health insurance and much more. Community Health Centers, which provide essential help all throughout my district will receive an extra \$135 million increase over last year's total to expand addiction prevention and treatment services. Also, children's providers will get a boost in their reimbursement rates under the Child Care and Development Block Grant. Protecting the health of our children should be one of our first priorities as Members of Congress and I am glad to see this bill do so.

That National Institute of Health will also receive a \$3 billion boost in funding, allowing new research that could lead to cures for ailments and disease that have gone untreatable. The bill also includes \$500 million to drive the development of alternative pain medicine, so that people may choose a pain management treatment that does not involve the risk of opioids.

While I am disappointed that this bill does not address DACA recipients, I will continue to push my colleagues to come together to address this pressing issue. President Trump's campaign promise to deport 2 to 3 million people is contrary to the values that make this country great. Not only will his empty promise separate families, but it'll negatively affect the future of our economic stability. Our country depends on the hard working young men and women who are pursuing their dreams to become doctors, engineers and members of the Armed Forces. We are stronger as a nation when we embrace immigrants and their contributions to our communities and shouldn't vilify them.

I am also pleased to see that the bill does not include any funding for construction of new sections of a border wall. Texas has seven hundred miles of border with Mexico and trade with Mexico drives much of our economy in the region. While border security is essential, and this bill addresses that with money for refurbishment of existing structures and fencing, the President's proposal would simply amount to a large waste of money.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 796, the previous question is ordered.

The question is on the motion by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by 5-minute votes on:

Motions to suspend the rules with regard to H.R. 4467 and H.R. 5089;

And agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 167, not voting 7, as follows:

[Roll No. 127]

YEAS—256

Adams	Banks (IN)	Beyer
Aderholt	Barletta	Bilirakis
Amodei	Barr	Bishop (GA)
Arrington	Beatty	Bishop (MI)
Bacon	Bera	Blunt Rochester

Bonamici	Green, Al
Bost	Green, Gene
Brady (PA)	Guthrie
Brady (TX)	Hanabusa
Brooks (IN)	Handel
Brown (MD)	Harper
Brownley (CA)	Hartzler
Buchanan	Hastings
Buchson	Heck
Burgess	Hensarling
Bustos	Herrera Beutler
Butterfield	Higgins (NY)
Byrne	Hill
Calvert	Himes
Carbajal	Hudson
Carson (IN)	Huizenga
Carter (GA)	Hultgren
Carter (TX)	Hunter
Cartwright	Hurd
Castor (FL)	Issa
Chabot	Jeffries
Cheney	Jenkins (KS)
Cicilline	Jenkins (WV)
Clay	Johnson (OH)
Cleaver	Johnson, E. B.
Clyburn	Johnson, Sam
Cole	Joyce (OH)
Collins (GA)	Kaptur
Collins (NY)	Katko
Comstock	Keating
Conaway	Kelly (IL)
Connolly	Kildee
Cook	Kilmer
Cooper	King (NY)
Costa	Kinzinger
Costello (PA)	Knight
Courtney	Krishnamoorthi
Crawford	Kuster (NH)
Crist	Kustoff (TN)
Cuellar	Lamborn
Culberson	Lance
Davis (CA)	Langevin
Davis, Rodney	Larsen (WA)
DeFazio	Larson (CT)
Delaney	Lawrence
DeLauro	Lawson (FL)
DelBene	Levin
Demings	Lipinski
Dent	LoBiondo
Deutch	Loeb sack
Diaz-Balart	Lowe
Dingell	Lucas
Donovan	Luetkemeyer
Doyle, Michael	Lynch
F.	MacArthur
Duffy	Marchant
Dunn	Marino
Eshoo	Marshall
Estes (KS)	McCarthy
Estry (CT)	McCaul
Evans	McCollum
Faso	McEachin
Ferguson	McHenry
Fitzpatrick	McKinley
Fleischmann	McMorris
Flores	Rodgers
Fortenberry	McSally
Foster	Meehan
Fox	Meeke
Frankel (FL)	Meng
Frelinghuysen	Messer
Fudge	Mitchell
Gabbard	Moolenaar
Gallagher	Moulton
Garamendi	Murphy (FL)
Gibbs	Nadler
Goodlatte	Neal
Gottheimer	Nunes
Gowdy	O'Halleran
Granger	O'Rourke
Graves (GA)	Olson
Graves (MO)	Palazzo

NAYS—167

Abraham	Boyle, Brendan
Aguilar	F.
Allen	Brat
Amash	Brooks (AL)
Babin	Buck
Barragán	Budd
Barton	Capuano
Bass	Cárdenas
Bergman	Castro (TX)
Biggs	Chu, Judy
Bishop (UT)	Clark (MA)
Black	Clarke (NY)
Blackburn	Coffman
Blum	Cohen
Blumenauer	Comer

Pascrell	Engel
Paulsen	Espallat
Payne	Farenthold
Pelosi	Gaetz
Perlmutter	Gallagher
Peters	Garrett
Pittenger	Gianforte
Poliquin	Gohmert
Price (NC)	Gomez
Quigley	Gonzalez (TX)
Reichert	Gosar
Rice (NY)	Graves (LA)
Richmond	Griffith
Roby	Grijalva
Roe (TN)	Grothman
Rogers (AL)	Gutierrez
Rogers (KY)	Harris
Rooney, Francis	Hice, Jody B.
Rooney, Thomas	Higgins (LA)
J.	Holding
Rosen	Hollingsworth
Roskam	Hoyer
Ross	Huffman
Royce (CA)	Jackson Lee
Ruiz	Jayapal
Ruppersberger	Johnson (GA)
Rutherford	Johnson (LA)
Ryan (OH)	Jordan
Ryan (WI)	Kelly (MS)
Sarbanes	Kelly (PA)
Scalise	Kennedy
Schneider	Khanna
Schrader	Kihuen
Scott (VA)	Kind
Scott, Austin	King (IA)
Scott, David	Labrador
Sessions	LaHood
Sewell (AL)	LaMalfa
Shea-Porter	Latta
Sherman	Lee
Shimkus	Lewis (GA)
Shuster	Lewis (MN)
Simpson	
Sinema	
Sires	
Smith (NE)	
Smith (NJ)	
Smith (TX)	
Stefanik	
Stivers	
Lowe	
Taylor	
Tenney	
Thompson (MS)	
Thompson (PA)	
Thornberry	
Tipton	
Tonko	
Trott	
Tsongas	
Turner	
Upton	
Valadao	
Visclosky	
Wagner	
Walberg	
Walden	
Walorski	
Walters, Mimi	
Wasserman	
Schultz	
Waters, Maxine	
Welch	
Wenstrup	
Wilson (FL)	
Wilson (SC)	
Wittman	
Womack	
Woodall	
Yoder	
Young (AK)	
Young (IA)	

Lieu, Ted	Rice (SC)
Loifgren	Rohrabacher
Long	Rokita
Loudermilk	Ros-Lehtinen
Love	Rothfus
Lowenthal	Rouzer
Lujan Grisham, M.	Roybal-Allard
Luján, Ben Ray	Rush
Maloney,	Russell
Carolyn B.	Sánchez
Maloney, Sean	Sanford
Massie	Schakowsky
Mast	Schiff
Matsui	Schweikert
McClintock	Sensenbrenner
McGovern	Serrano
McNerney	Smith (MO)
Meadows	Smith (WA)
Mooney (WV)	Smucker
Moore	Soto
Mullin	Speier
Napolitano	Stewart
Newhouse	Suozi
Noem	Swalwell (CA)
Nolan	Takano
Norcross	Thompson (CA)
Norman	Titus
Pallone	Torres
Palmer	Vargas
Panetta	Veasey
Pearce	Vela
Perry	Velázquez
Peterson	Walker
Pocan	Watson Coleman
Poe (TX)	Weber (TX)
Polis	Webster (FL)
Posey	Westerman
Raskin	Williams
Ratcliffe	Yarmuth
Reed	Yoho
Renacci	Zeldin

NOT VOTING—7

Bridenstine	Davis, Danny	Walz
Cramer	Jones	
Cummings	Pingree	

□ 1259

Mr. COFFMAN changed his vote from "yea" to "nay."

Mr. FLORES changed his vote from "nay" to "yea."

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STRENGTHENING AVIATION SECURITY ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4467) to require the Federal Air Marshal Service to utilize risk-based strategies, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BACON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 21, as follows:

[Roll No. 128]

YEAS—408

Abraham	Amodei	Barletta
Aderholt	Arrington	Barr
Aguilar	Babin	Barragán
Allen	Bacon	Barton
Amash	Banks (IN)	Bass

Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clever
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comer
Constock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DeBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel

Eshoo
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Fox
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa

Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowe
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
Olson
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner

Adams
Bishop (GA)
Blumenauer
Bridenstine
Collins (GA)
Cramer
Cummings
Davis, Danny

Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suzoi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres

NOT VOTING—21

Españillat
Gutiérrez
Jones
Lipinski
Murphy (FL)
O'Rourke
Palazzo
Pelosi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1305

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUMENAUER. Mr. Speaker, had I been present for the vote on H. Res. 796, the resolution providing for consideration of the fiscal year 2019 Consolidated Appropriations Act (Rollcall No. 124), I would have voted “no”.

Additionally, had I been present for the vote on H.R. 4467, the Strengthening Aviation Security Act of 2017 (Rollcall No. 128), I would have voted “aye”.

STRENGTHENING LOCAL TRANSPORTATION SECURITY CAPABILITIES ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5089) to improve threat information sharing, integrated operations, and law enforcement training for transportation security, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BACON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 1, not voting 31, as follows:

[Roll No. 129]

YEAS—397

Abraham
Aderholt
Aguilar
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clever
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comer
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Rodney
DeGette
Delaney
DeLauro
DeBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel

DeLauro
DeBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
DesJarlais
Dunne
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Fox
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa

Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa

Nolan	Royce (CA)	Taylor
Norcross	Ruiz	Tenney
Norman	Ruppersberger	Thompson (CA)
Nunes	Rush	Thompson (MS)
O'Halloran	Russell	Thompson (PA)
Olson	Rutherford	Thornberry
Pallone	Ryan (OH)	Tipton
Palmer	Sánchez	Titus
Panetta	Sanford	Tonko
Pascarella	Sarbanes	Torres
Paulsen	Scalise	Trott
Payne	Schakowsky	Tsongas
Pearce	Schiff	Turner
Perlmutter	Schneider	Upton
Perry	Schrader	Valadao
Peters	Schweikert	Vargas
Peterson	Scott (VA)	Veasey
Pittenger	Scott, Austin	Velázquez
Pocan	Scott, David	Visclosky
Poliquin	Sensenbrenner	Wagner
Posey	Serrano	Walberg
Price (NC)	Sessions	Walden
Quigley	Sewell (AL)	Walker
Ratcliffe	Shea-Porter	Walorski
Reed	Sherman	Walters, Mimi
Reichert	Shimkus	Waters, Maxine
Renacci	Simpson	Watson Coleman
Rice (SC)	Sinema	Weber (TX)
Richmond	Sires	Welch
Roby	Smith (MO)	Wenstrup
Roe (TN)	Smith (NE)	Westerman
Rogers (AL)	Smith (NJ)	Williams
Rogers (KY)	Smith (TX)	Wilson (FL)
Rohrabacher	Smith (WA)	Wilson (SC)
Rokita	Smucker	Wittman
Rooney, Francis	Soto	Womack
Rooney, Thomas	Speier	Woodall
J.	Stefanik	Yarmuth
Ros-Lehtinen	Stewart	Yoder
Rosen	Stivers	Yoho
Roskam	Suozzi	Young (AK)
Rothfus	Swalwell (CA)	Young (IA)
Roybal-Allard	Takano	Zeldin

NAYS—1

Amash

NOT VOTING—31

Adams	Jones	Polis
Bridenstine	Massie	Raskin
Collins (GA)	McHenry	Rice (NY)
Comstock	McMorris	Ross
Cramer	Rodgers	Rouzer
Cummings	Murphy (FL)	Shuster
Davis, Danny	O'Rourke	Vela
DeFazio	Palazzo	Walz
Demings	Pelosi	Wasserman
Espallat	Pingree	Schultz
Higgins (LA)	Poe (TX)	Webster (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1313

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCHENRY. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 129.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4851. An act to establish the Kennedy-King National Commemorative Site in the State of Indiana, and for other purposes.

MOMENT OF SILENCE FOR THE VICTIMS OF THE AUSTIN BOMBER

(Mr. McCAUL asked and was given permission to address the House for 1 minute.)

Mr. McCAUL. Mr. Speaker, over this last month, my hometown of Austin, Texas, was terrorized by a serial bomber, a serial killer. Mr. Speaker, fortunately, this nightmare that my hometown of Austin has lived through has come to an end, and now is the time to heal the wounds for the victims and their families.

I want to thank the 500 Federal agents who descended upon my hometown of Austin for their great work and magnificent job working with my Texas Department of Public Safety and my Austin Police Department—many of whom I have worked with when I was in the U.S. Attorney's Office down there—for their incredible work bringing this killer to his final justice.

Mr. Speaker, I now ask for a moment of silence for the victims and their families of this horrible tragedy.

The SPEAKER pro tempore. All Members and guests in the gallery will please rise and join us for a moment of silence.

PROTECTING SOUTHWEST WASHINGTON COMMUTERS

(Ms. HERRERA BEUTLER asked and was given permission to address the House for 1 minute.)

Ms. HERRERA BEUTLER. Mr. Speaker, since the first time I heard about Oregon's scheme to impose tolls on the I-205 and I-5 bridges at the State line with Washington without providing any benefit to my constituents, I have fought to protect southwest Washington commuters.

This is nothing but a money grab by Oregon to improve its infrastructure projects that would rarely, if ever, be used by the vast majority of the folks paying the tolls, those from southwest Washington.

This was certainly a creative and politically expedient funding source dreamed up by Oregon, but it is a raw deal for hardworking Washingtonians whose jobs happen to be located across the river. This does nothing to fix the I-5 bridge. In fact, it actually makes that task harder.

That is why I secured an amendment in this Chamber to prohibit these tolls until Oregon goes back to the drawing board and comes up with a plan that doesn't use Washingtonians as a piggy

bank. However, through the negotiations of the omnibus spending package, my amendment lacked support from the United States Senate. Without that support, my amendment to protect southwest Washington commuters did not move forward.

It is a disappointment, but I am not going to give up on this issue. In fact, it is critical that Oregon come to a solution with Washington that benefits both sides of the river without unfairly targeting just one side. Until we get that result, Mr. Speaker, I am not done fighting on this issue.

HAPPY BIRTHDAY WISHES TO SKY AND SAGE

(Mr. RUIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUIZ. Mr. Speaker, today I rise to say happy birthday to my daughters, Sky and Sage. There is no greater love than the love I have for my twin girls, Sky and Sage, and for my wife, Monica.

There is no greater role or responsibility I have than to be their father and Monica's husband. There is no greater title more honorable and more meaningful in my life than the title of father and husband.

There is no greater joy than to hear my girls sing with happiness, play with vigor, and laugh with gusto. There is no greater medicine for my soul than feeling their bear hugs when I arrive home after being away at work for days.

Today, I celebrate their birth, their 3 years of life, and their future with the highest hopes and aspirations any father can have throughout all generations of fatherhood.

Today I sing our love story, and I sing Happy Birthday to my Sky Bear and Sage Monkey.

Happy birthday. I love you a lot—te amo mucho.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 1625

Mr. FRELINGHUYSEN. Mr. Speaker, I send to the desk a concurrent resolution providing for a correction in the enrollment of H.R. 1625, and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. CURTIS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 116

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 1625, the Clerk of the House of Representatives shall make the following correction: Amend the long title so as to read: "Making appropriations for the fiscal year ending September 30, 2018, and for other purposes."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

60 YEARS OF THE PIONEER CENTER FOR HUMAN SERVICES

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, I rise today to thank and congratulate the Pioneer Center for Human Services for 60 years of serving the people of McHenry County, Illinois.

The Pioneer Center was founded in 1958 out of a mother's desire to provide greater opportunities for her daughter with Down syndrome. Since then, it has provided services for members of the community facing developmental disabilities, homelessness, and behavioral health issues.

I am always impressed by the compassion and energy of Pioneer Center employees when I visit their facilities, which now include 17 group homes, a homeless shelter, a transitional home, and a family and child therapy center.

Mr. Speaker, 4,500 men, women, and children are served every year, including 95 who are annually employed in local jobs through the Community Employment Services Program. Last year alone, individuals logged 8,500 hours of community activity, everything from attending classes at the gym to visiting a farmer's market and taking community college courses.

I am proud to celebrate with the Pioneer Center for Human Services as they continue to empower individuals to achieve their full potential.

RUSSIAN INVESTIGATION

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFMAN. Mr. Speaker, despite the Kremlin's lies, all facts lead to the conclusion that Vladimir Putin tried to murder Sergei Skripal, a former Russian double agent, in broad daylight on British soil.

Great Britain strongly condemned Russia, and because Britain is our closest ally, our Secretary of State, Rex Tillerson, did what we would expect from him: he forcefully condemned the crime and vowed the U.S. would hold Russia accountable. But within hours, Tillerson was fired.

Now, we know about the strains between President Trump and Tillerson: Trump has mocked him for favoring diplomacy with North Korea; they have disagreed over the Iran nuclear deal; and it didn't help when Tillerson reportedly called Trump a moron. But none of that cost Tillerson his job. It was only when he aggressively condemned Putin that he crossed the reddest of redlines for Donald Trump.

Why is Trump so afraid of Putin that he would fire his own Secretary of State for talking tough on Russia? Why does he constantly fawn over Putin, even calling to congratulate him for winning a fake election this week?

You would think the House Permanent Select Committee on Intelligence would be asking these questions, but, instead, they have shut down their Russia investigation.

This stinks, Mr. Speaker. What are they trying to hide from the American people?

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

PAYING TRIBUTE TO PRIVATE RUDOLPH JOHNSON

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, today I rise to pay tribute to Arkansas native Rudy Johnson. Former Private Rudy Johnson will be laid to rest at the Arkansas State Veterans Cemetery in North Little Rock this Friday, 73 years after he was killed in action during World War II.

Private Johnson was drafted into the Army in 1943 and was assigned to the 93rd Division, nicknamed the Buffalo Soldiers and the only African-American division to see combat in Europe during World War II.

Rudy was stationed in northern Italy, fighting against German forces when his unit reported that he was killed in action in 1945 at the age of 20. Private Johnson's remains were finally identified after DNA analysis in 2016, and he was flown home this week to rest where his journey began.

Rudy's sacrifice for Arkansas and America will never be forgotten, and I join his family and all Arkansans in welcoming him back home for his final rest.

HONORING THE LIFE OF JESSICA KLYMCHUK

(Mr. KIHUEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIHUEN. Mr. Speaker, today I rise to remember the life of Jessica Klymchuk.

Jessica was the mother of three daughters and one son. She was an edu-

cational assistant, bus driver, and librarian at St. Stephen's School in Valleyview, Alberta, Canada, for 4 years.

She went to the Route 91 festival in Las Vegas on October 1 with her fiancé, Brent. The couple had recently been engaged and looked forward to their wedding.

Jessica always put her family first and loved camping with them. She is remembered for being a loving woman who always worked hard and dedicated her life to her children.

I would like to extend my condolences to Jessica's family and friends. Please know that the city of Las Vegas, the State of Nevada, and the whole country grieve with you.

PROTECT MINNESOTA'S LIBERIAN COMMUNITY

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, time is running out. Unless the administration takes action by March 31, members of Minnesota's Liberian community who have been here for more than 20 years after fleeing a vicious civil war and making new lives here in the United States could be forced to leave.

Minnesota is home to one of the largest Liberian communities in the country. More than 16,000 Liberians, including 4,000 children, have made Minnesota their home, and for decades, they have been productive members of our society and our economy.

Since the early 1990s, Presidents of both parties have ensured that they can stay. A bipartisan group of my colleagues and I are asking and joining together to ask the President to act to do the same.

I have also coauthored bipartisan legislation to allow these families to stay because, Mr. Speaker, we are asking the President: Don't let this happen. Do the right thing. These families are fundamentally American, and they are a part of the very fabric of what we have in Minnesota as a community.

HONORING DR. MARTIN LUTHER KING, JR.

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, while we are on recess, the city of Memphis, Tennessee, will be the center of civil rights history as the 50th anniversary of the tragic assassination of Martin Luther King, Jr., will be memorialized on April 4 in Memphis, where he was slain.

At the Lorraine Motel where he was staying and killed, a great civil rights museum has sprung up like a phoenix from the ashes, the great history of the civil rights movement. At that spot, at the same time he was killed, there will

be a bell ringing, and there will be civil rights leaders from all over the country in Memphis to mark the occasion: our own JOHN LEWIS, Andrew Young, Danny Glover, and Cary Kennedy. There are so many that I shouldn't start, but they will be there to honor Dr. King's memory.

Dr. King's dream is not fulfilled yet. We need to continue to work to make his dream fulfilled in this country to where everybody, regardless of their race or their gender, for that matter, or their sexual orientation, has an opportunity to climb ladders of opportunity to participate in the American Dream and have a successful life and be a part of the middle class, if possible.

I hope everybody will give some thought to Dr. King and his dream on April 4.

THE OPIOID EPIDEMIC

(Mr. MESSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESSER. Mr. Speaker, I rise today to support President Trump's plan to tackle the opioid epidemic, a crisis that has plagued communities and devastated families all across Indiana.

In Indiana, roughly 40 percent more people die from drug overdoses than they do from car accidents. Since 2010, opioid-related deaths have nearly tripled in my State.

It is past time to address the opioid epidemic and get serious about saving lives.

Growing up in the 1980s, Nancy Reagan's Just Say No campaign had a real impact on my life, and I applaud President Trump's plan to do more to educate young people about the horrific effects of drug use.

I also support the President's plan to address the opioid crisis by securing our border, stopping the flow of drugs pouring into our country, and reducing rampant prescription drug abuse. The President is right. For the worst drug traffickers, the death penalty should be an option.

Today we took a big step in the right direction, but more must be done to help families dealing with the devastating effects of opioid abuse.

□ 1330

FRIENDSHIP CIRCLE WALK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I rise in support of the annual Walking 4 Friendship event.

This past March 18, friends, families, and neighbors from my congressional district walked three kilometers to promote awareness and acceptance of children, teens, and young adults with special needs.

More than 1,000 of my constituents walked to raise support for The Friendship Circle of Miami. This volunteer organization provides a number of social, recreational, and educational programs for some of the most vulnerable members of our society and helps them build lasting friendships.

Mr. Speaker, the positive impact of The Friendship Circle is felt widely throughout our community and brings so much joy and comfort to young people with special needs and their families.

I would like to thank the countless volunteers and local sponsors who make this organization and this wonderful annual event possible. Let us not forget their theme: Together, we can perform miracles.

MARY'S CUPBOARD

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to bring attention to the issue of food insecurity, affecting nearly 1.6 million people in my home State of Pennsylvania. In our district, that is 1.6 million too many.

I am proud to recognize the efforts of Mary's Cupboard in Levittown, Pennsylvania, a food pantry which has served nearly 86,000 individuals since its inception in 1976. Operating in conjunction with Catholic Social Services, Mary's Cupboard offers both perishable and nonperishable food items. Their standard practice is to provide a family with 5 days' worth of food.

I would like to recognize founder Marion Slack and operations coordinators Betty Rommet and Ann Hyjurick, who, along with the assistance of partnering parishes St. Ignatius in Yardley, St. Andrew in Newton, St. Cyril of Jerusalem in Jamison, and St. Michael the Archangel in Levittown, bring hope and peace of mind to their neighbors on a daily basis.

Mr. Speaker, I encourage all of us to follow their lead and work to eradicate hunger in all of our communities.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4760

Mr. COFFMAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4760.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

NEW HARTFORD, NEW YORK, CELEBRATES ITS 230TH ANNIVERSARY

(Ms. TENNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, I rise today in recognition of the 230th anni-

versary of the settlement of my hometown, New Hartford, New York.

New Hartford was settled in early 1877 by Jedediah Sanger, who was in search of the American Dream. By 1789, Jedediah had brought his entire family to New Hartford and built a sawmill and gristmill. The village began to flourish with farmers who provided New Hartford and the surrounding communities with fresh produce and a variety of dairy products.

Today, the town of New Hartford strives to maintain Jedediah Sanger's original vision and ideas. It is home to numerous retail stores, restaurants, and churches, while remaining an extremely civic-minded and generous community.

In fact, our own New Hartford Central School District, my alma mater and the same school from which my son graduated from 30 years later, consistently ranks as one of the very best schools in New York State and among the top public schools in the country.

Fun fact: I actually live across the street from the house I grew up in, my childhood home, and I now live in a home that I purchased from our former Congressman, Alexander Pirnie, who once served in this great Chamber.

Please join me in honoring and celebrating the 230th anniversary of New Hartford, New York.

SALUTING CAREGIVERS OF ALZHEIMER'S DISEASE

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I rise today to salute the caregivers who support those living with Alzheimer's disease or a related dementia in our community.

Over 5 million Americans have Alzheimer's disease, including 5,000 in my home county of Butte in northern California. It is also the most expensive disease in America. Medicare and Medicaid pay two-thirds of all the costs. This is unacceptable and unsustainable.

This is a tremendous burden to our country. From my perspective, if we are going to have a shot at reducing government spending, we have to advance the movement to cure Alzheimer's and do something to lower the cost of care and also reduce the burden on families who suffer as they watch their loved ones dealing with this disease.

This is why I joined 32 of my House colleagues in cosponsoring the BOLD Infrastructure for Alzheimer's Act. This would create a public health response to Alzheimer's and would help educate community members and doctors on dementia detection, diagnosis, symptom management, even brain health and prevention of dementia.

I will continue to fight for quality, affordable healthcare for seniors nationwide. We must do everything in our

power to preserve Medicare and Medicaid for future generations.

FUNDING ISSUES

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, just a few minutes ago, we passed a major omnibus appropriations bill, of which I had the privilege of submitting over 30 requests. Frankly, I am thankful for the funding I received on behalf of the 18th Congressional District of Texas. It is a tradition that I pride myself in. I also take pride in the work of the Appropriations Committee in working on behalf of the American people.

It is also important to take note of the fact that—as we have done positive things, it is also important to note some issues that I have concern with.

First of all, I want to acknowledge that there is no limit for the funding for Planned Parenthood, which is part of my constituency, which helps young women with their health. There is opioid funding and VA funding. I am most happy with the childcare funding and for TIGER grants.

But what we need more of, even though we had 450,000 new certificates for the disabled, is Section 8 vouchers for seniors and families. We need to be able to insist that the quality of housing is best.

As I finish, Mr. Speaker, let me just say that in the effort to stop school gun violence, I am disappointed that there are no civil rights protections to make sure we aren't pointing out Hispanics and Latinos differently from other children, as well as no DACA relief for our children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the resumption of legislative business.

NORTH KOREA DIPLOMACY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON LEE. Mr. Speaker, I wanted to come to the American people because I truly believe that when it comes to the national security of this Nation, we are of one belief, one faith, and singularly committed to the security of each and every American. I know that because our hearts break when any of our men and women fall in battle while wearing that uniform.

I have spent a lot of time with families who have lost loved ones throughout the wars that have occurred during

my tenure in the United States Congress. I have been to the veterans' cemetery. I have joined my neighbors on Memorial Day. I have held my own Memorial Day commemoration for at least the last 5 years. Neighbors have come out from all over the community to honor those who live and served our Nation, but those who have fallen as well.

I believe it is important, then, to evidence in your congressional work as well as evidence in this country, through the leaders who are serving this Nation, being truthful as well as diplomatic. I have no quarrel with the issues of diplomacy.

GENERAL LEAVE

Ms. JACKSON LEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON LEE. Mr. Speaker, I have no quarrel with the idea of diplomacy. I believe that even your enemies deserve the opportunity to explain themselves.

So, as Secretary Tillerson had mentioned some months ago, he was interested in some encounter with North Korea. He described that it would take some time and that some initial meetings make sense.

We have not been able to change the minds of the North Koreans and their attitudes toward nuclear proliferation for decades, though we came close during the time of President William Jefferson Clinton, but counsel advised him not to go further. I am sure he reflects on that. All of us wonder. That was with the father, Kim Jong-un.

Diplomacy is a reputable and reasonable approach to safeguard and secure the American people. I have taken on the responsibility as someone who has served on the Homeland Security Committee since the heinous, tragic terrorist act of 9/11—and I now serve on the Counterterrorism and Intelligence Subcommittee and the Cybersecurity and Infrastructure Protection Subcommittee, having served on the Transportation and Protective Security Subcommittee as chair, and on the Immigration and Border Security Subcommittee—and I share the importance of our national security.

Now, as the ranking member of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee, where it is important as well to assess the threats against United States, I have come to believe the importance of developing an expertise in these national security issues so that we can share with our constituents and also advocate here in the Congress what more we should be doing. I truly believe that we should be doing more.

So, before I frame the complete aspects of my discussion that will involve

Trump and the need to protect the independence of the special counsel, but, more importantly, Trump and Russia and the intertwining of the highest office in the land and the actions of Vladimir Putin, most of us have known the idea of the Soviet Union and Russia for most of our lives. Russia is somewhat of a new phenomena, as the Soviet Union was broken up. The memories of the Soviet Union and the Iron Curtain and the idea of an insulated, frightening, frozen land that did not allow any of its subjects, including the many countries that came under the Soviet Union, to speak a word, silent or not, against the government, was a fearsome and fearful place.

If history recounts, that was the Cold War. That was a moment in time for schoolchildren taking cover under. That was the time of President Kennedy's actions and almost the brink of war with Khrushchev. Those were moments the American people could understand. They demanded that the United States not be frail or a failure against Russia.

I do not ignore World War II, when Russia was a collaborator in the efforts of the allies. I don't ignore that. But after that time, it was their choice to stand up against the world and to stand up in a frightening way until the doors seemingly began to crack open.

I, for one, as a student, welcomed and cherished that possibility that Russia would turn to democratic ways—at least, ways of giving opportunity to its people, giving them free speech, giving them the ability to make decisions for themselves, and to vote in fair elections.

For a period of time, that was seemingly the direction that they were going after President Reagan said: "Tear down that wall."

What a bright light. I think it is important to note these Republican and Democratic Presidents who understood what our role was and is.

What is America's role?

If you travel in the most limited way, no matter what continent you go to, you will find that the people of the continent look to America for hope, for the standard bearer of democracy and human rights.

□ 1345

And if no one else turns on the light and shines it on the dastardly behavior of the despotic leaders, they can always count on America to make a difference.

That is what I have grown to know as a Member of the United States Congress. That is the side of the line on which I have stood. Not out of anger, not out of disregarding the differences of world leaders, but of recognizing what America's responsibility is and how disappointed and hurt I am that we find ourselves perplexed.

The world is perplexed. Ask any diplomatic traveler coming back from any conference, country, meeting, outside

of the United States. Do a poll at the international airports from New York to Washington to Houston. They will tell you that the world asks: What in the world is going on? Because, for one, they don't have that voice of reason in the United States foreign policy coming out of the White House. They do not see that standard bearer of standing up for human rights and women's rights, of understanding their plight. And in particular, they don't understand why our voice is silence.

Now, let me compliment many of the former members of Cabinets, going as far back, I guess, as Reagan and beyond, who are still speaking about our true values, of the whole issue of dealing with those who are evil and confronting them outright. Mr. Speaker, I am not suggesting that we turn toward every moment. We all have our differences of opinion on the Iraq war and Afghanistan, although we never disagree on the blood that was shed by our soldiers and those who are on the battle line. We ask the question: What was the ultimate result?

But still, people, even in those times of consternation, they said, well, America was trying to do right, trying to bring democracy or stability or speaking out against the despotic leaders and not shying away from doing that. They were speaking out against Saddam, Gaddafi, without any embarrassment. They weren't congratulating them on their elections. They were acknowledging, from the continent of Africa, to Asia-Pacific, to South and Central America, to the halls of Eastern Europe and beyond, and any other place I have not mentioned, that America would comment, either in the United Nations or elsewhere, on its disappointment on how countries treated their people.

Before this recess wherein we will be working with our constituents, we were working very hard to do one thing. Not to undermine the executive branch. There are three branches of government. I pride myself in the acceptance of the Constitution, I guess because my predecessor was the Honorable Barbara Jordan. She trained us well, as she held up that book during the Watergate proceedings, that this was not personal; it was that she was not going to see the Constitution and the rights of the people diminished.

That is where I stand today. This is not a personal commentary on the executive, meaning the branch that is called the executive, or a commentary on the branch that is the legislature or the judiciary, but it is a critique, and it is to recognize that they have failed.

And so I was disappointed when there was no bill dealing with the protection of the special counsel, Special Counsel Mueller in this instance, but this bill is not directed toward a name. It is to ensure that, if we select a special counsel, there be the guidelines and protections that do not subject that office to the whims and personalities of those who feel, "I am being investigated."

Wouldn't all of us like to be able to stand and block anyone who makes us uncomfortable?

My bill, H.R. 3654, will now be at the desk for a discharge petition. It is a simple bill that is not an angry bill. It is to limit the removal of a special counsel and for other purposes. It complements the bill of Mr. COHEN of Tennessee. His bill deals with the after-review of a firing. H.R. 3654 deals with the initial attempt to fire, so as not to disrupt the investigation.

What would be required is that this individual would have the opportunity, if they were sought to be removed, to file an action in the district court, only if the Attorney General would do so, the district court of the District of Columbia, and file a contemporaneous notice of action with the Committee of the Judiciary in the House and Senate. Therefore, the court would have to determine whether there was cause for this individual to be removed, and that cause would include misconduct, dereliction of duty, incapacity, conflict of interest, or other good cause in violation of the policies of the Department of Justice—simple, not punitive, but factual.

There was no reason why the omnibus could not have included a simple summary or a simple statement of that fact. One would argue, or one would raise the question: Why?

Well, the question is well explained. The most immediate are the rumblings coming from the White House and the White House counsel about Director Mueller's investigation should end; Director Mueller is conducting a witch hunt; Director Mueller has 13, or whatever number, Democrats and no Republicans; Director Mueller is, in essence, not doing what he is supposed to do.

I would take issue with that, and I would take issue because the investigation started with the collusion question with the Trump campaign. Unfortunately, the heightened question has grown exponentially since the beginning of the current Presidential administration. It has grown in such a way that it causes you to have a number of questions.

The intelligence community, in January of 2017, stated that Russian efforts to influence the 2016 U.S. Presidential election represent the most recent expression of Moscow's longstanding desire to undermine the U.S.-led liberal democratic order, but these activities demonstrated a significant escalation in directness, level of activity, and scope of effort compared to previous operations.

I applaud the omnibus bill, for it enhanced, by millions of dollars, the amount, which I supported, that will be used for election security in 2018. It is confirmed that the Russians are continuing their interference and, as well, that they plan to continue it in 2018 and 2020.

As we well know, the company based in Europe that snatched and used the technology of Facebook and the data of

millions and millions of Americans in an abusive manner and to skew the election toward one candidate versus another—in this instance, the Trump campaign—we know that that is still an open book. The company still exists. We know as well, even though the CEO was suspended, to the applause of the CEO and leader of Facebook, who has expressed his concern, that this is still a real possibility. We look forward to Mr. Zuckerberg engaging with the United States Congress and also the creativity to deal with that crisis.

But the ICA, intelligence community, assesses that Russian President Vladimir Putin ordered an influence campaign in 2016—let me be very clear, ordered an influence campaign in 2016 aimed at the U.S. Presidential election—not stood by as a leader of a particular nation and ignored, if you will, the individuals who were doing it but, in fact, ordered an influence campaign in 2016 aimed at the U.S. Presidential election. Russia's goals were to undermine public faith in the U.S. democratic process, denigrate the former Secretary of State, and harm her electability and potential Presidency.

The intelligence community further assesses that Putin and the Russian Government developed a clear preference for our President-elect, who is now the President of the United States. The ICA has high confidence in these judgments.

The intelligence community also assesses Putin and the Russian Government aspired to help elect the present President and to increase that President-elect's chances, Mr. Trump, when possible, by discrediting the former Secretary of State and publicly contrasting her unfavorably to him.

Now we know Putin has been attempting to do this for a long time. In 2014, the Russian Government pursued a campaign called The Translator Project, which endeavored to use social media to manipulate and engage in information warfare, plain and simple. And as I will mention later, Putin has been engaged in truly despicable acts for many years. But since before the election and over his time in office, the President has never criticized him.

Now, the basis of not criticizing another head of state is not the basis of Special Counsel Mueller's investigation, and I am glad of that. Because you disagree with a personality or someone's behavior, that is not what should be the basis of any investigation. But let me give you what the special counsel has accomplished in the time that he has been engaged in the work that he was assigned to do.

Madam Speaker, I would inquire of the time I have remaining.

The SPEAKER pro tempore (Ms. TENNEY). The gentlewoman from Texas has 40½ minutes remaining.

Ms. JACKSON LEE. Madam Speaker, I think I was in the middle of saying that, because of different personalities or the different way that an individual leads, that is not the basis of anyone having to be investigated.

I was talking earlier about The Translator Project. We know that Mr. Putin has been attempting to intrude in our elections for a very long time, and in 2014, the Russian Government pursued a campaign called The Translator Project. This is the Russian Government's campaign, not the campaign of the United States, which endeavored to use social media to manipulate and engage in information warfare, plain and simple.

□ 1400

They, obviously, were more than successful in the 2016 election. And as I will mention later, Putin has been engaged in—I said this before, but it is worth repeating—truly despicable acts for many years.

I just paused for a moment to say that many people don't realize the kind of direct involvement that Vladimir Putin has over the most minute things happening in Russia as it pushes out to what is perceived as Russia's enemies.

The Russian people are wonderful people. I look forward always to engaging with them. There is a large Russian population in Texas and all over the Nation. We welcome them who have come, some fleeing persecution, others in other matters. But I think it is important to note that there are Russian spies here in the United States every day trying to co-opt and turn an American citizen to work for them.

Tragically, there were any number of individuals, seemingly, that wound up in the campaign of Mr. Trump that warrants investigation by Mr. Mueller.

These despicable behaviors are not just with elections, because elections are won and lost. We don't like losing elections. But if we do lose them, we like to lose them fair and square. When you run for President of the United States, you run on your own merits, your own strategy, your own outreach, your own missteps and mishaps. But how impossible is it to run when a foreign nation is conspicuously, with money, collaborating and working to skew the election to one candidate versus another?

Now, let me be very clear. This is not looking backwards. Nothing I say today will alter who the President is of the United States, and as Americans, we adhere to the order of government, regular order. That gives me such great pride that we are not a nation that marches up to the home of the executive and asks—or not asks—but demands that person leave in a coup d'état. That is not the American way. But it does bear well that we know who we are dealing with, and that we are honest about the fact that the election was turned and won on a simple fact, not three States, or not—I didn't go there—not who is a blue collar and who is not—because I love all of the people. It was squarely skewed because of the direct intrusion of Vladimir Putin and his data. And the question is: What kind of collusion, collaboration, or criminal elements happened?

But in the course of those kinds of actions, I would make the point on my comment about truly despicable acts. How do you welcome, guarantee, give applause to an individual whom I am glad to say that the former President Obama stared down in the midst of our election and said, "Cut it out," cut it out from interfering in our elections? And from the words and the reaction of Mr. Putin, I didn't see a denial. I didn't see a: Hey, let's sit down and talk about it; if you think I am doing this, let me find out who is doing this in my country and I am putting a stop to it immediately.

None of that happened. It continued to intrude, and skew, and manipulate the data of millions of Americans of what they were receiving on Facebook, and many others who were getting poison pills in their inboxes about the election, skewed against the former Secretary of State.

It never stopped. But at the same time, the ions and ions of persons who disappear in Russia, who are imprisoned in Russia, and the individuals, the long list of individuals who have been poisoned, I have met with some of them; miraculously, even one who was poisoned and survived, was still fighting for human rights, went back again, and, as my memory serves me, was poisoned again.

But his passion for civil rights and human rights and saving Russia, the beautiful Russia that he loved, and bringing her into the 21st century, made him drive toward the danger.

But what about right now in the last 2 months? Not on Russian soil, but on our friend's, Great Britain, in London, two Russians: one a father, one a daughter. The daughter left Russia to celebrate or to visit her father. Poisonous gas took them down. Took them down. No mea culpa. No comment.

I thank Prime Minister May for standing up and saying, eye-to-eye: You will not do this in my country. I believe it is important for our foreign policy to be both diplomatic but forceful. For if you are in meetings with Russians who are able to speak openly, they will tell you that Vladimir Putin listens to nothing but power. Not any glad-handing, and I am a genius, and he is a genius, and he called me a genius. He doesn't respond to that. He only responds to looking you in the eye and showing that you have power.

And as I just heard over the last couple of days, most of the Russian people don't have internet. They can only hear what is given to them. They don't see what is going on. And they are living in their world without the exposure to the beauty of democracy, the beauty of human rights, and women's rights, and the freedom to go anywhere I want to go. And they get their thrills through what is told to them, to maybe the wins and losses in an Olympic game, or the exploits and expeditions of their leader who they just voted for. Maybe that is the level of their excite-

ment. I don't believe, however, that we as Americans can fall into that trap.

In the instance of the Commander in Chief, he refuses to criticize the geopolitical belligerence of Vladimir Putin and the Russian Federation. And to add insult to injury, just this week, as I indicated, here comes a congratulations on an election that many observers of elections admit was rigged. I think we all saw a video where it looked like someone was stuffing the ballot box. I have no reason to know why it was stuffed, but the opponent was popular that was running, but, of course, that opponent did not win.

But I just step back for a moment on despicable acts. I have been to Ukraine. It broke my heart to see the war that was going on, Russian-backed rebels, and to have the representation that the small part did not want to be in Ukraine, so Vladimir Putin was not going to encourage the unity of Ukraine. They were going to implode Ukraine. Let them fight. But how sad that he was never held accountable for the shooting down of a civilian airplane full of hopeful travelers, baby shoes, and suitcases of hopes and dreams.

That is what we are contending with. And that is why the overall investigation of Director Mueller is not personal. It is not purposely chosen to pick on an executive that someone does not like. It is done for the integrity of this Nation.

Let me tell you how we can look back over more recent actions. Russia occupied cities in the Republic of Georgia in 2008. They have imprisoned and suppressed journalists and dissidents. They have been so brazen so as to use, as I just said, a nerve agent, a chemical weapon on the soil of our great ally, a true partner for peace and progress.

Look at the actions that we took, including Russia, in Syria when the charges were using a nerve gas. What deadly silence from this executive, this administration, except for some other line officers—not lying, line, l-i-n-e—who probably said some things. They were obstructive in President Obama's efforts to bring peace in the devastating civil war in Syria by propping up Assad, which had killed untold numbers of people, including so many innocent children. That gas was used many years ago.

In an even greater escalation, they launched a missile at a civilian passenger plane, killing 298 on board, Malaysia Airlines Flight 17, as I said.

While they were doing all this, the Russians were impervious to criticism, beyond reproach, as far as they were concerned. Power is what they understand, firmness and sternness, and a solid policy. Oh, we will negotiate. We will deal with diplomacy, but you have to stop your bad behavior.

While they were doing all this, people were suffering. In 2011, Russians went to the polls for seats in the Duma. After the election, there were allegations and questions surrounding the integrity of the vote. This soon turned to

protest. Mr. Putin, for some bizarre reason, blamed the former Secretary of State for this. This has been a grudge he has held against her, and he was committed to doing anything to destroy her.

The former Secretary has said before on the floor of the Chamber—or I have said—she is a stateswoman. If the words that she provided gave any comfort to those protesting, that is fair game. There were no weapons. There was no nerve gas. It was people clamoring and holding on to positive words by a person of status during the time of her leadership that what was happening in Russia was wrong.

And the reaction of President Putin should have been, let me move my nation into the 21st century, let me not attack a woman of stature and excellence, a true public servant. Because she was not shy to point out injustices and improper behavior, which we should do for despots around the world.

While she was Secretary of State, this body passed and Obama signed the Magnitsky Act which imposed sanctions on many Russian oligarchs, long overdue. 2013 was a big year for the United States' relationship with Russia. It was in 2013 that Secretary Clinton left her post. Also in 2013, a company named the Internet Research Agency registered in Russia, and they are a social media troll farm. The IRA would form the basis of the translator project announced in April 2014.

The IRA's job is to spread disinformation and misinformation through fake social media profiles. They were at their peak in the 2016 election. This was done in order to manipulate public opinion and engage in information warfare.

Later that year, the present President decides to have a beauty pageant. While in Moscow in November 2013, Donald Trump meets with Agalarov and Rob Goldstein in order to try to build a tower in Moscow. The sanctions President Barack Obama imposed following Russia's annexation of Crimea stopped the Trump Tower deal.

How dare anyone say that the past administration was weak on Russia. Yes, power is what they understand. But it has to be a persistent, determined power, not power that is stopped by a new election. I assume this was not a happy time for those who wanted that Trump Tower.

While this was going on, the present President is developing a track record, trafficking conspiracy theories for his birtherism, the ugly smear that Barack Obama, the 44th President of the United States, was not born in the United States, and, therefore, was ineligible to be President.

I watched this smear through videos and interviews, and just to the point that many of you recall, that in the midst of his Presidency—only because he desired to do so—President Barack Obama showed his birth certificate. What an ugly attack.

I was also there at the television, radio, and journalists event when both

President Obama and the present President were there. When the President—with a sense of humor—had a video played of “Lion King” and said to the laughing audience: There is my birth place.

□ 1415

I am glad he had a sense of humor, but it was an ugly attack on a legitimate President of the United States who will have a wonderful history to look back on.

The present President rode this lie of his birth—President Obama's birth and concluded he could use it to win the Republican nomination for President, so he announced it. And in that announcement, he dismisses Mexicans as drug dealers and rapists.

Everyone has all kinds of people as their neighbors, and who would ever say that?

But shortly after his announcement, questions about his connections to Russia continued. It is right around then, in September 2015, the Democratic National Committee is told that its computers have been hacked.

Despite all the information that we knew and, more importantly, all the information that only Donald Trump knew, he continued to deny any involvement with Russia.

Meantime, corporations were gathering the information of Americans through Facebook and poisoning the well, and sending biting, wrongheaded misinformation to many voters all over the Midwest and elsewhere.

While he was denying his connections to Russia, we now know that agents working with this President, Michael Cohen and Felix Sater, were trying yet again to build a tower in Moscow.

Let me repeat this fact. While he was actively running for President of the United States, there were business agents actively pursuing a real estate project in Russia and denying it.

As I have said in my commentary, it is well known that the only thing that Vladimir Putin understands is power; and any time you are going to beg, you can be assured he will use that against you or use that to manipulate you and anyone else that is associated with it.

Mr. Speaker, I am concerned about the safety and security of the American people. This Congress should be concerned. Today, I said that the investigation by Special Counsel Mueller is not a red line being drawn or a blue line. It is red, white, and blue lines, which represent the American people.

None of us should, for political reasons, attempt to quash the truth. And the truth about Mr. Putin is all he wants is power, and all he wants is to dominate the democracy and the greatest democracy in the world, and to quash the leadership position that America holds, and the admiration that the world has for America, and the desire for most of the world not to be Russia, but to be America. And all we do is fuel his ability by subordi-

nating ourselves to him, his so-called greatness, his phony election, and his tampering with our election.

This is a difficult time. Many of you remember the name of General Flynn. He was a senior adviser to the Trump campaign, and one of his most unfortunate episodes was his time at the Republican National Convention, shouting “Lock Her Up, Lock Her Up.”

That might be the core reason why some of my colleagues, even today, are sneaking through a subpoena to try and sneak through and bring back documents to attack the former Secretary again, a unilateral subpoena, not one that was joined in or even asked to be joined in by Democrats and Republicans. That is unfortunate because we have never, in the Judiciary Committee, issued subpoenas without a vote.

But now, to make havoc because of the very fine work of Special Counsel Mueller, it is going to be a tit for tat. So here we are with the tit for tat.

But if we recall, in December 2015, Mr. Flynn went to Moscow, sat at a dinner with Mr. Putin and Jill Stein, the 2016 Green Party candidate, to mark the 10-year anniversary of RT, the Russian TV. Just months later, in February 2016, the Translator Project, the endeavor to weaponize social media information revealed their theme, to support a number of candidates and to ruin the former Secretary.

March 2016 was a critical month, too. March 2016 was the month when the campaign manager of the former Secretary had his emails hacked. March 2016 was also when the present President had a meeting of his national security team. Present was this famous man, George Papadopoulos, unfortunately, one of those indicted, sitting in a famous meeting of great leaders for national security and foreign affairs. He was a foreign affairs aide and even mentioned publicly as a great mind of foreign affairs by the present President.

But in May of 2016, he got drunk, a little inebriated at a London wine bar and told a diplomat of a friendly country of ours that the Russians had dirt on the former Secretary.

Then, in June 2016, we have the infamous Trump Tower meeting, where operatives of the Trump campaign were told about derogatory information about Russia, and one of them said, famous words: “I love it.”

At the GOP convention, the GOP actually changed its platform to be more friendly to Russia, a foreign despotic power that is aggressive around the world, that has shot down airplanes, support rebels to undermine governments, and even prop up the leader in Syria as people die in the streets.

It is a question of how a Republican platform at their convention, quite contrary to all of what most know of Republicans, to be friendly, and have a friendly pro-Russian platform, and friendly to a Ukraine that would oppress her people.

Then, after another operative name appears on foreign logs, that person resigned from the campaign. Another Trump associate encourages WikiLeaks to hack the Clinton emails. We know this because we have heard of direct messages between WikiLeaks and operatives of the Trump campaign. Their names are famous.

Even predicted that leaders of the former Secretary's campaign would have their time in the barrel. This tweet was sent on the same day as the infamous Access Hollywood tape, where Trump boasted about actions that all of us find appalling.

The election happens in the backdrop of the poisonous emails, the tampering by Russia, the spewing out of millions of Facebook connections, skewing the election, and the person they wanted to win wins. Yet, even after the election, the connections to Russia do not stop.

Rather than using the power that Putin needs to see from the United States to protect the American people, we just fall into the molasses and continue to throw sugar on this leader. We hire the National Security Advisor, who was sitting at the table with Mr. Putin. In some way related to advocating for Mr. Putin's high level of respect in the country, he was accused of lying to the FBI about meetings with Russians. When that news was made public, he was fired.

In between, of course, a person known as a public servant with no other agenda but to serve in the Department of Justice briefed the President of that information and other information 2 or 3 weeks before. They ultimately were fired, Deputy Attorney General Sally Yates, and it took a long time for there to be an acknowledgment to fire the National Security Advisor.

Don't you think Mr. Putin watches this and says, Boy are we successful? Boy, are we doing well?

We are not only inside the White House; we are entrenched.

After the former FBI Director testified that the FBI was investigating connections between the present President and the Kremlin, that same person who had offered a letter regarding the former Secretary a couple of days out of the election, an unheard action, and no pronouncement was made about other investigations regarding the present President, but, unfortunately, he was fired.

I want to pause for a moment. I have said that this cannot be about personalities or who has wronged one person or the other. I disagree with General Sessions. I disagree with his blocking of real, fair, criminal justice reform, his opposing civil rights, his supporting bad voter ID laws, his eliminating community consent decrees, and his attack on cities because they don't want to harm innocent families labeled the city as sanctuary cities.

But I would not hold to the position of supporting his firing, undermining the rule of law and the Constitution.

The law and the Constitution will be undermined if, for some reason, during this recess, while the special counsel is doing their in-depth work, that the Attorney General is fired, an interim appointment is made, that person fires the Deputy Attorney General, may fire the FBI Director, and may fire the special counsel. That is the midnight massacre of the 21st century, 2018.

I hope it does not happen. I hope that we, as members of the Judiciary Committee, today, in our press conference, have put the White House on notice; even though I understand now that one of the White House lawyers, Mr. Dowd, who was known as the reasonable lawyer, just resigned. That frightens me even more.

What more is going to happen? What else is going to be our lot?

That is why we have the discharge position on Mr. COHEN's bill and my bill, and my members will be getting letters to join those two bills together and sign them upon their return; though they can also ask their office to sign them, or they can be signed during the pro forma session.

This is the journey that we have taken. After former FBI Director testified that the FBI was investigating connections, I have said that, we note that that FBI Director was fired.

Thereafter, the special counsel was appointed because that is what you call obstruction of justice possibly. The special counsel was appointed to begin his investigation around that firing.

But if anyone understands prosecutors and special counsel, they can go where the facts lead them because they do not work for any elected officials. They work for the American people.

The special counsel was threatened by termination, as reported by the President, only to have this move blocked by the White House Counsel. Early in his tenure he was threatened with termination.

Last summer, the President indicated the special counsel should keep his family's private business dealings out of the investigation. Red line.

This month, Mr. Mueller subpoenaed business records from the Trump organization implicating the President's red line on the issue. This news coincides with an increase in erratic behavior, tweets. But most importantly, one of the lawyers saying, yes, it should end. He should be closed down.

The House Intelligence Committee singly, not in a bipartisan manner, decided to shut down the Russia investigation without any consultation with our friends on the other side of the aisle, the Democratic members.

Just as I indicated, a subpoena may be being issued by Republicans of my committee, the Judiciary, with no consultation of Democrats. We don't know what Mr. Mueller may discover, but we do know that there has been much discussion on a number of operatives.

□ 1430

We also know that the minority had to release their own report for the

House Intelligence Committee. In the opening paragraph, it says: "The HPSCI majority's move to release to the House of Representatives allegations against the FBI and the Department of Justice is a transparent effort to undermine those agencies, the Special Counsel and Congress' investigations. It also risks public exposure of sensitive sources and methods for no legitimate purpose."

It goes on to say: "DOJ met the rigor, transparency, and evidentiary basis needed to meet FISA's probable cause requirement, by demonstrating: Contemporaneous evidence of Russia's election interference"—I am reading from an unclassified document concerning Russian links and outreach to Trump campaign officials—"Page's history with Russian intelligence"—and that, we would assume, would be Carter Page—and Carter "Page's suspicious activities in 2016, including in Moscow."

These are all individuals affiliated with the Trump campaign.

It further says: Christopher Steele's raw intelligence reporting did not inform the FBI's decision to initiate its counterintelligence investigation in late July 2016."

By the way, it reinforces my statement that they were investigating the Trump campaign. No one bothered to offer that in a public setting. That was seemingly unimportant to the American voters.

But this document is unclassified, and most Members have had a chance to peruse it, as I have done, and, frankly, it is tied up into our weak response to the despotism of Vladimir Putin.

So as I said, this is not about a personality challenge. It is important to take note of the fact that we have an obligation, just as the Cold War Presidents had an obligation, to protect the American people at what they perceived to be an attack from the Soviet Union, although they collaborated in World War II, the attitude changed. The people were frozen in time.

Those Presidents, Secretaries of State, Secretaries of Defense, although they did not clamor to go to war—and I, by no means, in this commentary today, in any way, am suggesting any form of war dealing with Russia. It is, though, saying that power must be met with power. Sanctions must be kept, and sanctions must be strong, and strong words must be clear.

Mr. Putin, your interfering with the elections and the desires and the decisions of the American people will stop. Your intelligence agencies and your operatives will be booted out, en masse, of the United States, and your attack, if you will, on individuals attempting to secure them as agents will cease.

I have every confidence in the intelligence community of this Nation. I do not look at them as political or partisan. From Mr. Clapper to Mr. Brennan, formerly, and to those who serve us now, their job is to tell the truth. In

fact, even those in the Trump administration, in the intelligence community, have enthusiastically and loudly declared that Russia interfered with the 2016 election, and they may and are preparing to do so in the 2018 election and 2020.

So the President's private behavior and efforts to cover it up have now generated three separate lawsuits. I don't particularly call upon that as a crucial element, except for those of us who know security and intelligence issues. Anything that can weaken you makes you vulnerable to individuals who need your information or need you to work for them. That is a well-known fact. If it is not well known, go to any spy movie and know that the vulnerability is what your operatives attack.

Now we have no fewer than three separate lawsuits dealing with his inappropriate behavior. In each case, his exposure grows. A particularly unseemly aspect of this silencing campaign is the enforcement of onerous nondisclosure agreements. So we will see a long journey of these particular items, these particular individuals coming before the cameras.

But I do want to say that there are women across the Nation who may not have this high-profile perpetrator, and I want to say to them and to the athletes who told their story in a Michigan courtroom that the Me Too movement is not temporary and fleeting, and the Me Too movement will continue to embrace you and secure you and safeguard you, and we hope that you will continue to do and tell the truth so that you can be healed and that you can be heard.

Over the last couple of days, the constant berating—constant berating of this special counsel has been frivolous, and let me tell you why. Although the special counsel has since indicted—or let me rephrase that. The special counsel is not doing frivolous work. The special counsel has since indicted three companies and 19 individuals, including the President's former National Security Advisor, his former campaign chairman, his deputy campaign chairman, and secured guilty pleas from five individuals, including three senior members of the Trump campaign. Trump continues to decry the special counsel's investigation as a hoax.

Republican colleagues would not even allow simple language in the omnibus bill to protect the special counsel to allow him to do his work; although, TREY GOWDY has indicated that his work should go on. And then, to attempt to suggest that the special counsel is going after him personally as a Republican, a Democrat, or that it is a witch hunt, I argue vigorously against it.

We need to find out the truth about Russia. We need to find out the truth about those who are surrounding this administration. We need to have an administration, whether it is his or anyone else, to be pure in their commitment to the American people. And the

truth should come out, and no one, regardless of their party affiliation, should try to undermine Special Counsel Mueller.

So I would make the argument: We leave on a recess; we are on our phones; we are on our emails ready to launch back to Washington to respond to any constitutional crisis; but over and above that issue, though that is juxtaposed right alongside, is the plea to this administration that we cannot and you cannot adhere to two leaders or two bosses. Either you adhere to the boss of the American people, whose safety and security are in your hands, or you play footsies with a dictator who is not unwilling to kill his own citizens with nerve gas on foreign soil.

Which will you choose, to be associated with this person who has wounded his own nation with human rights violations, women's rights violations, with an economy, with people locked up in jail, with family members who can never be found, with poisoning his own citizens, or are you going to stand with the American people and the men and women in the United States military who are on the front lines every day fighting against those despots and standing for the American people?

That is what we need to hear. And until we hear something different—and a mea culpa about the 2016 election, no one should put their hands on Director Mueller. All I can say is that his work should continue. I should not be involved with it; committees should not be involved with it; other leaders should not be involved with it.

Mr. Mueller should proceed with his work. It is painful. All of us would say so. But, frankly, it is the red, white, and blue. It is on behalf of the American people, Mr. Speaker.

And with that and my plea for power towards Mr. Putin on behalf of the American people and for dignity for this President on behalf of the American people, I yield back the balance of my time.

KENNEDY-KING NATIONAL COMMEMORATIVE SITE

Mr. CURTIS (during the Special Order of Ms. JACKSON LEE). Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4851) to establish the Kennedy-King National Historic Site in the State of Indiana, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

In section 3, strike subsection (d).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

A motion to reconsider was laid on the table.

ISSUES OF THE DAY

The SPEAKER pro tempore (Mr. ESTES of Kansas). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, it is always an honor to address this Hallowed Hall, sometimes more hallowed than others, but today was a bit of a sad day for some of us. The Federalist reported the headline: Congress Rushes Towards Spending Vote to Prevent a Shutdown.

"Congressional leaders released a \$1.3 trillion government spending plan for the rest of the fiscal year and asked lawmakers to begin voting on it with only hours to read and analyze the 2,232-page text.

"The measure is wide ranging, with funds for fencing on the U.S.-Mexico border, combating opioid addiction and building new roads, along with incentives to bolster reporting to a database for gun-buyer background checks."

I have got to assert, Mr. Speaker, that this fix NICS bill, as it's been called, leaves in place a practice that has been going on. It grieved me greatly that Republicans would rush to embrace this thing, which allows the practice that the Obama administration started that administrative procedures by unelected, unaccountable-to-voters bureaucrats could decide people were not, in their opinion, entitled to have their Second Amendment right to keep and bear arms.

We have heard accounts of people who didn't realize that they were being questioned in a way that would be used to take their guns away and their right to keep and bear arms to protect themselves, to engage in self-defense, and the VA is the most notorious. Simply asking a question like, "Who takes care of your checkbook finances?" and answer anything like, "Oh, my wife takes care of that," then a matter of weeks later, a letter is received saying you don't have a right to have a gun.

It is amazing that the Obama administration would start such an unconstitutional practice, and it is, to me, even more grievous that Republicans would participate in a bill that says it is going to correct a problem and make America safer when, actually, what it does will not make a difference in the mass shootings that have occurred.

But in the tradition of Congress, if there is a problem, too often people in this body feel it is not important that we do something that will make a difference; it is just important that we look like we are doing something. That is really where the fix NICS bill came into play.

It really wouldn't make people safer. It will add some restrictiveness, and it allows this heinous practice of having some bureaucrat at the VA just decide that a veteran who served his or her

Nation valiantly, qualified to use a weapon, can't have a weapon.

□ 1445

Forget the Constitution. We are the VA, and we decide you don't get one. Rather egregious.

But most egregious of all, we have about half a year to go, and we just voted \$1.3 trillion to be spent between now and the end of the fiscal year, which ends midnight September 30. Quite tragic.

And we are told, over and over, by pollsters that the American public doesn't want to hear about process, how laws are made, or if some rules are violated. They don't care about those things.

But the fact is, just like America and each State has laws, and if those laws are not observed, we hasten the demise of a Democratic Republic, this little experiment in self-government.

And when it comes to the rules of the House, when we don't go through the normal regular orders, it is called, which just means following the rules for how we pass a law, then the product is not going to be nearly as good.

And that is what we have in the bill that was passed today. It is really immoral. Going back as far as we are aware in North America, parents have traditionally wanted for their child or their children more opportunity, better opportunity, a better life, than the parent had growing up and going forward.

Yet, now for the last 50 years, we have had generations engaged in being all about themselves, and that includes my generation. Not all of us, but enough that we could pass a bill a month or so ago and then pass another one today that heaps hundreds of billions of dollars of debt onto our children, our grandchildren, that they didn't run up.

This is totally different. It is so immoral. It is totally different from what generations of Americans have wanted: something better for their kids.

Yet here we are. It is as if we go into a bank and say: I need a loan. Well, what is your collateral? How are you going to pay? Oh, I am not going to pay. I can't pay. But I have got all my children, got some grandchildren someday, and they will pay.

Well, what do you need the money for? Because I can't stop spending money. I just can't control myself. So I am going to have my kids and grandkids pay someday, because all I can do is spend, and that is where we are.

There is an obligation for each generation to be accountable for their actions to future generations. And there has been so much debt run up.

Of course, when I got here 13 years ago, we had crossed over into \$10 trillion in debt, \$11 trillion, and all of a sudden, in 8 years, we hit \$20 trillion. It was incredible.

The biggest part of that hit during the 4 years where the Democratic majority controlled the House and the

Senate, and those 2 years in which the Democrat majority in the House and Senate was also linked up with President Obama, a Democrat in the White House, and the debt exploded.

But when we bring a bill to the floor like came today, didn't go through regular order, it did not go through committee process, and I can't know for sure, I heard there were two, I heard there were four people negotiating. I heard that it was staff members who were doing the negotiation. And for heaven's sake, if we are going to have staff members negotiating numbers that involve \$1 trillion that our children and grandchildren will have to pay, let's at least get better staff members to do the negotiation for the sake of our kids. It is really tragic what has been going on.

I was just reading an article a moment ago with a statement from Minority Leader PELOSI, in which she indicated they had won the negotiation, they got lots more of what they wanted than did those in the majority and than did the President himself.

Unfortunately, though the President is an amazing negotiator, he graciously allowed the House leaders and the Democratic leaders to do the negotiating. And I would encourage the President, I know he wants better deals than this atrocity, but we need his negotiating skills involved to get a better product.

This article from Chad Pergram says: "With \$1.2 trillion omnibus bill topping 2,200 pages, Congress needs CliffsNotes."

I have another from Jacob Sullum: "Fix NICS bill would help block gun sales to peaceful people." And Jacob Sullum is right about that.

This from August 11, 2016, they are pointing out that the background checks, which were proposed in part of this bill that passed in the House today, would not be effective. The headline says: "Background Checks: Ineffective, unconstitutional, and dangerous."

It says: "Background checks were sold to gun owners as a bill of goods in the 1990s. But consider how ineffective, and dangerous, they have become to our Second Amendment rights:

"Number 1, roughly 95 percent of NICS denials are 'false positives,' which means most of the people who are being denied are not the people that want to hold up the neighborhood grocery store.

"Number 2, for the last year on record, only 13 prohibited persons were convicted for trying to illegally purchase a gun—when more than 10 million guns were sold."

Pretty amazing. Only 13. And this was back in the Obama administration. Of course, we know they weren't enforcing the law. They had the weakest gun violation enforcement of any administration in the last 50 years, all the while demanding tougher laws, gun laws and gun restrictions, when they were doing the worst job of just enforcing the laws we had.

So out of 10 million guns that had background checks and were approved for sale, only 13 were convicted of trying to illegally purchase a gun.

The article continues: "And the inspector general's report in 2016 found that the Justice Department"—and again, this is during the Obama administration—"only refers an average of 32 prosecutions per year under the Brady Law."

"That is not surprising, since good people can be denied their Second Amendment rights for outstanding traffic tickets, that result in a bench warrant . . . for having the same name as a bad guy . . . or for having engaged in a bar fight 50 years ago.

"Number 3, because of the NICS system, there are now more than 250,000 military veterans who cannot purchase firearms from a gun dealer—and the Obama administration tried to disqualify tens of thousands of otherwise law-abiding seniors in similar fashion."

I want to inject here. Just because a senior citizen has his or her adult child take care of their checkbook, it does not mean that that senior citizen does not know when their home is being broken into and they need to protect themselves.

Number 4 in this article says: "And what if you're blocked from buying a gun because you're illegitimately denied by the NICS check? Well, according to USA Today, the Obama administration illegally diverted every single one of its FBI appeal examiners to other duties, making it impossible for the agency to overturn people's denials and creating a huge backlog.

"Number 5, every time a gun dealer contacts the NICS system and a background check is conducted, there is the potential that gun buyers' names will be retained—despite prohibitions to the contrary. This data retention and the potential for gun owner registration is a constant concern for gun owners, given the expansive backup system at the FBI. Not only that, the General Accounting Office found in 2016 that the ATF had illegally retained the names of thousands of gun owners.

"Number 6, forcing law-abiding citizens to get 'permission' to exercise a constitutionally protected right can result in harmful delays—and even death. Consider Carol Bowne of New Jersey who tried to get a gun for protection . . . was forced to wait several weeks during the screening process . . . and was ultimately stabbed to death by the man she wanted to defend herself against.

"Gun control is denying the rights of law-abiding Americans, while not making us any safer."

And that is the thing. We hear these constant proposals for more background checks. A proposal that is being pushed, we have got to have background checks when someone gives or sells a gun to another individual when that person selling or giving the gun is not a firearms dealer, they are not in the business, which means a father to a

son, or a mother to a daughter. This push to get background checks when, as my friend John Lott's research has shown not one mass shooting in the last 100 years has resulted from a gun that was given or purchased in a lawful transfer person to person. So that kind of idea wouldn't help save any lives.

If we are going to do something, at least do something that saves lives, makes a difference.

But we know that, in Rwanda, there was a horrendous period in which 800,000 human beings were slaughtered with machetes. We know that the worst attack with the most horrendous murders in our U.S. history, on our soil, happened on September 11, 2001, and the weapon that was used was a box cutter.

We know that the Boston Marathon bombing, in which people were killed and maimed, a pressure cooker was used.

We know that in Austin, Texas, a sick criminal mind killed two people and wounded a number of others.

There is a lot of talk about ending gun violence without a thought about ending violence.

Oklahoma City, that was ammonium nitrate, that was fertilizer, used as a bomb.

I keep coming back to the quote of President John Adams in 1798, when he said so prophetically and analytically: "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

□ 1500

That is really where we are. Do we want to end gun violence or do we want to end violence? Some of us would like to end violence. 800,000 human beings that are killed with machetes are just as dead as 800,000 killed with a bomb or a gun. Actually, they most likely suffered a great deal more than if they were killed with a gun.

A gun is like the law itself. It can be used to protect. During my 4 years in the Army, we were trained to use a weapon for protection of the United States and our Constitution. We took an oath to do that. We were never in combat in my 4 years, but that is what we were trained for. It was not an assault weapon. It was a protective weapon to protect our country.

So when we hear all this talk that maybe it is time to again ban assault weapons, any weapon is an assault weapon. Any weapon is also a defensive weapon. It is all about the hands of those who are holding the weapon.

We also know for a fact that the years in which so-called assault weapons were banned, it made absolutely no difference. We also know that in cities where there is the most strenuous gun laws, you often find the most violent number of gun attacks.

The Wall Street Journal had an article some time back talking about the mentality of those who use a gun and kill and engage in a mass shooting.

They said that almost invariably these are control freaks. Their idea, their thought is "I have got to be in control," so they want to go to a place where no one else will have a gun. They intentionally want to be somewhere where nobody else has a gun. That is their mentality. They want to be in control.

It is not uncommon to have happen what happened in Austin, when the bomber there was about to be captured, he took his own life because of the fear they are going to lose control, so they take that one last act of control and kill themselves.

So will we save more lives if we let law-abiding people have guns and do what the Obama administration refused to do more than any other administration in modern history, and that is prosecute people who violate the law in trying to obtain a gun illegally? I submit to you that the latter is the best way to go. We are better off allowing law-abiding citizens to have the guns just as the Constitution intended.

Coming back again to John Adams' quote, we have suffered through a time in American history where people on the far left politically have been saying, in essence, there is no real right or wrong. What may be wrong for you may be right for somebody else, so it is all relative. There is no absolute right and wrong.

C.S. Lewis pointed out that it is like music. Although some people will come closer to singing the proper note, just because many can't doesn't mean that note does not exist. The law does exist, and some will come closer to following the law more easily.

The law exists, and it must be enforced. That is one of the things that has made the United States so successful, to become as it was, the greatest country in the history of the world—I would humbly submit, even greater than Solomon's Israel, because Americans had more freedoms, more opportunities, and more assets.

This is the first time that I can find in history, anywhere, anytime, that the number one health problem for a nation's poor was obesity. That just doesn't happen through history, but it is happening here in the United States.

If you go back to the founding, you had people, most of whom were Christians, but all of whom wanted to have a country where Christians were not persecuted for their Christian beliefs. Now we have had the Christian religion so slandered and defamed that, even by government entities, it has been called a hate group. Evangelical Christians—which just means these are Christians who so love and honor God and believe they are going to Heaven when they die that they want others to have the opportunity to go to Heaven to be in paradise with Jesus. Yet in this perverse time, we have people belittling Christianity and Christian beliefs like has never happened in the history of this country.

I think a majority of Americans believe we have been blessed beyond measure because a majority of Americans did have an abiding faith in God Almighty, and you had a majority that believed that Jesus was not a liar, that He was not a lunatic, but that He was the Lord just as He said:

I am the way, the truth, and the life. No one goes to the Father but by Me.

So a believer in Christianity believes if you don't believe in Jesus Christ, you can't go to Heaven.

So either Jesus meant what He said and He was the Son of God, or He was a lunatic, because that is a crazy statement if it is not true, or He is just a liar, like David Koresh.

Yet now the perversion has come and the attack has come that this religion, the one religion that is completely and truly based on love, that God so loved the world He sent His Son, and His Son so loved the world He laid down His life so that anyone who believed in Him could be in paradise in the next life, that is being called a hate religion, and Christians are being persecuted.

For the first time in American history, America doesn't seem to care about Christians being slaughtered and a type of genocide going on in the Middle East of Christians. The prior administration made very, very clear that their priority was not the Christians who were being slaughtered by the thousands in the Middle East; it was Muslim refugees. And that is why there was such a tiny, tiny percentage of Christian refugees who were allowed into the United States when compared to the percentage of Christians living in the Middle East where the refugees were coming from.

It is a sobering time, and it only makes sense that, when we reach a time when Christianity is maligned, defamed, and persecuted, that it is a time the Bible talks about: Right is wrong; wrong is right. Those that try to hold to the right as God gives them to see the right, that, gee, those folks are said to be crazy, and if not crazy, hatemongers.

They are not hatemongers. But when we get into that period of time, it made sense. Priorities are completely askew, and the generation in charge thinks of themselves and does not think about what is going to happen to that generation's children.

When one thinks about it, and with the scientific advancements we have, we know that a heart is beating inside that little child in the mother's loving womb. It is a real person with a beating heart. Janet Porter and others have talked about, with regard to the Heartbeat bill: What happens if you see someone appearing to be unconscious, lying down? You run over and check: Is there a heartbeat? If there is a heartbeat, then you call the ambulance and you do everything you can to save that life.

Mr. Speaker, it is a dangerous time, and it is time to become a moral nation again.

Mr. Speaker, I yield back the balance of my time.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1865. An act to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and

State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

H.R. 3731. An act to provide overtime pay for employees of the United States Secret Service, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2040. An act to designate the facility of the United States Postal Service located at 621 Kansas Avenue in Atchison, Kansas, as the "Amelia Earhart Post Office Building".

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on March 20, 2018, she presented to the President of the United States, for his approval, the following bill:

H.R. 2154. To rename the Red River Valley Agricultural Research Center in Fargo, North Dakota, as the Edward T. Schafer Agricultural Research Center.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows. The Explanatory Statement regarding House Amendment to the Senate Amendment on H.R. 1625 will be continued in Book II and Book III.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, March 23, 2018, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Natural Resources. S. 466. An act to clarify the description of certain Federal land under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 to include additional land in the Kaibab National Forest; with an amendment (Rept. 115-615). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 3008. A bill to authorize the Secretary of the Interior to conduct a special resource study of the George W. Bush Childhood Home, located at 1412 West Ohio Avenue, Midland, Texas, and for other purposes (Rept. 115-616). Referred to the Committee of the Whole House on the state of the Union.

Mrs. BROOKS of Indiana: Committee on Ethics. In the Matter of Allegations Relating to Representative Luis V. Gutiérrez (Rept. 115-617). Referred to the House Calendar.

Mrs. BROOKS of Indiana: Committee on Ethics. In the Matter of Allegations Relating to Representative Bobby L. Rush (Rept. 115-618). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DUNN (for himself and Mr. PAMNETTA):

H.R. 5379. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to update the Biotechnology and Agricultural Trade Program, and for other purposes; to the Committee on Agriculture.

By Mr. KATKO (for himself and Mr. CUELLAR):

H.R. 5380. A bill to establish a Commission on Securing our Nation's Children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE of California (for himself, Mr. LUETKEMEYER, and Mr. ROSS):

H.R. 5381. A bill to reduce and minimize the credit, guarantee, and insurance risk of all Federal Government programs by transferring such risk to the private sector at market terms, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CURBELO of Florida (for himself, Mr. DEUTCH, and Mr. BUCHANAN):

H.R. 5382. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of the families of the slain or injured victims of the Marjory Stoneman Douglas High School shooting, and for other purposes; to the Committee on Ways and Means.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. HASTINGS, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. SIREs,

Ms. JAYAPAL, Ms. FRANKEL of Florida, Ms. SCHAKOWSKY, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. MOORE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARK of Massachusetts, Ms. TSONGAS, Mr. COURTNEY, Mr. DESAULNIER, Mr. COHEN, Mr. YARMUTH, Mr. HIMES, Ms. LOFGREN, Mr. SERRANO, Mr. VARGAS, Mr. KEATING, Mr. CLEAVER, Mr. ESPAILLAT, Mr. LEWIS of Georgia, Mr. RUIZ, Mr. TAKANO, Ms. HANABUSA, Mr. TONKO, Mr. MOULTON, Mr. CUMMINGS, Mrs. CAROLYN B. MALONEY of New York, Mrs. WATSON COLEMAN, Ms. CASTOR of Florida, and Mr. MCNERNEY):

H.R. 5383. A bill to prevent the purchase of ammunition by prohibited purchasers; to the Committee on the Judiciary.

By Mr. POCAN (for himself, Mr. ELLISON, Mrs. WATSON COLEMAN, Mr. GRIJALVA, Mr. TAKANO, Mr. NOLAN, Ms. JUDY CHU of California, Ms. CLARKE of New York, Mr. CROWLEY, Ms. DELAURIO, Mr. DESAULNIER, Mr. GOMEZ, Ms. NORTON, Ms. JACKSON

LEE, Mr. KHANNA, Ms. LEE, Mrs. CAROLYN B. MALONEY of New York, Ms. MOORE, Mrs. NAPOLITANO, Mr. PALLONE, Mr. RASKIN, Mr. WELCH, and Mr. HUFFMAN):

H.R. 5384. A bill to establish State-Federal partnerships to provide students the opportunity to attain higher education at in-State public institutions of higher education without debt, to provide Federal Pell Grant eligibility to DREAMer students, to repeal suspension of eligibility under the Higher Education Act of 1965 for drug-related offenses, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas (for himself and Mr. BURGESS):

H.R. 5385. A bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Iowa:

H.R. 5386. A bill to ensure that taxpayers are provided access to case files prior to conference with staff of the Internal Revenue Service Office of Appeals; to the Committee on Ways and Means.

By Mr. CARTWRIGHT (for himself, Mr. TONKO, and Mr. GRIJALVA):

H.R. 5387. A bill to provide for the establishment of clean technology consortia to enhance the economic, environmental, and energy security of the United States by promoting domestic development, manufacture, and deployment of clean technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 5388. A bill to require certain entities who collect and maintain personal information of individuals to secure such information and to provide notice to such individuals in the case of a breach of security involving such information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KILMER (for himself, Mr. JONES, and Mr. CARBAJAL):

H.R. 5389. A bill to amend title 5, United States Code, to provide that civilian service as a temporary employee after December 31, 1988, may be creditable service under the Federal Employees Retirement System, and

for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CUMMINGS:

H.R. 5390. A bill to amend the Higher Education Act of 1965 to amend the process by which students with certain special circumstances apply for Federal financial aid; to the Committee on Education and the Workforce.

By Mr. BEYER (for himself, Mr. WITTMAN, Mr. GARAMENDI, Mr. SERRANO, Mr. DESAULNIER, Mr. POCAN, Mr. BRADY of Pennsylvania, Ms. NORTON, Mrs. COMSTOCK, Mr. KILMER, Ms. BARRAGAN, Mr. PERLMUTTER, Ms. SHEA-PORTER, Mr. CONNOLLY, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CUMMINGS, Mr. SCOTT of Virginia, Ms. MENG, Mr. LOWENTHAL, Ms. PINGREE, Mr. TAKANO, Mr. BROWN of Maryland, Mr. HOYER, Mr. RASKIN, Mr. DELANEY, Mr. LYNCH, Mr. VARGAS, Mr. SARBANES, Mr. MEEKS, Mr. PRICE of North Carolina, Ms. DELAURO, Mr. PAYNE, Mr. VEASEY, Mr. BLUMENAUER, Ms. KUSTER of New Hampshire, Mrs. CAROLYN B. MALONEY of New York, Mr. BEN RAY LUJÁN of New Mexico, Mr. COLE, Ms. CLARKE of New York, Mr. LANGEVIN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. LOWEY, Mrs. BUSTOS, Ms. MOORE, Mr. SOTO, Ms. MCCOLLUM, Mr. CLAY, Ms. ESHOO, Mr. RUPPERSBERGER, Mr. MCEACHIN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. MCGOVERN, Mr. FOSTER, Mr. O'HALLERAN, Mrs. WATSON COLEMAN, Mr. COURTNEY, Ms. LEE, Mr. YARMUTH, Mr. WELCH, Mr. COOPER, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Ms. ADAMS, Mr. COHEN, Mr. VIS-CLOSKY, Mr. HASTINGS, Mr. RYAN of Ohio, Mr. DANNY K. DAVIS of Illinois, Mr. CARTWRIGHT, Ms. HANABUSA, Ms. STEFANIK, Mr. VELA, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. PLASKETT, Mr. GRIFFITH, Mr. GRIJALVA, Mr. CARSON of Indiana, Mr. LAWSON of Florida, Mr. MCNERNEY, Ms. ESTY of Connecticut, Mr. EVANS, Mr. PALLONE, Ms. ROYBAL-ALLARD, Mr. COSTA, Ms. BLUNT ROCHESTER, Mr. PANETTA, Mr. JONES, Mr. CORREA, Mr. CRIST, Ms. BORDALLO, Mrs. DEMINGS, Mr. PETERSON, Ms. LOFGREN, Mr. NORCROSS, Mrs. NAPOLITANO, Mr. SMITH of Washington, and Mr. SIREs):

H.R. 5391. A bill to provide for the compensation of Federal employees furloughed during a Government shutdown; to the Committee on Oversight and Government Reform.

By Mr. CARTER of Texas:

H.R. 5392. A bill to direct the Secretary of Defense to enter into memoranda of understanding with State and local prosecuting authorities concerning the adjudication of criminal offenses committed by minors; to the Committee on Armed Services.

By Mr. ROYCE of California (for himself, Ms. MAXINE WATERS of California, Mr. STIVERS, and Mrs. BEATTY):

H.R. 5393. A bill to reauthorize the United States Interagency Council on Homelessness, and for other purposes; to the Committee on Financial Services.

By Mr. BRENDAN F. BOYLE of Pennsylvania:

H.R. 5394. A bill to amend the reporting requirements under the Iran Threat Reduction and Syria Human Rights Act of 2012, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLLINS of New York (for himself, Mr. ZELDIN, Mr. KING of New

York, Miss RICE of New York, Mr. MEEKS, Ms. VELÁZQUEZ, Mr. JEFFRIES, Ms. CLARKE of New York, Mr. DONOVAN, Mr. ESPAILLAT, Mr. SERRANO, Mr. SEAN PATRICK MALONEY of New York, Mr. FASO, Ms. STEFANIK, Ms. TENNEY, Mr. REED, Mr. KATKO, and Mr. HIGGINS of New York):

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 116 Main Street in Dansville, New York, as the "Staff Sergeant Alexandria Gleason-Morrow Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. RODNEY DAVIS of Illinois (for himself and Mr. CAPUANO):

H.R. 5396. A bill to amend the Internal Revenue Code of 1986 to allow graduate students to exclude tuition reductions from gross income; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. LARSON of Connecticut, Mr. COURTNEY, and Mr. HIMES):

H.R. 5397. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish, at the request of an eligible veteran, nursing home care and hospital care at State licensed or certified residential care facilities; to the Committee on Veterans' Affairs.

By Mr. DEUTCH (for himself, Mr. THOMAS J. ROONEY of Florida, Mr. CRIST, Mr. CURBELO of Florida, Mr. KING of New York, and Ms. JAYAPAL):

H.R. 5398. A bill to amend title 18, United States Code, to increase the age at which a rifle or shotgun may be acquired from a federally licensed firearms dealer, and for other purposes; to the Committee on the Judiciary.

By Ms. GABBARD (for herself, Mr. GARRETT, Ms. BORDALLO, Mrs. RADEWAGEN, Ms. HANABUSA, and Mr. YOUNG of Alaska):

H.R. 5399. A bill to amend the Homeland Security Act of 2002 to clarify that grants made pursuant to the Urban Area Security Initiative and the State Homeland Security Grant Program may be used to increase the preparedness of high-risk State, local, territorial, and tribal governments against weapons of mass destruction and biological and chemical attacks, and for other purposes; to the Committee on Homeland Security.

By Mr. GROTHMAN (for himself, Mr. ROKITA, Mr. MEADOWS, Mr. DESANTIS, Mr. CONAWAY, Ms. STEFANIK, Mr. PERRY, Mr. ROE of Tennessee, Mr. KING of Iowa, Mr. FLORES, Mr. LAMALFA, Mr. HARRIS, Mr. SANFORD, and Mr. GOSAR):

H.R. 5400. A bill to prohibit the Secretary of Education and the Attorney General from encouraging certain policies or agreements between elementary and secondary schools and local law enforcement agencies; to the Committee on Education and the Workforce.

By Mr. KRISHNAMOORTHY (for himself, Ms. LOFGREN, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. DESAULNIER, Ms. MOORE, Mr. HECK, Ms. VELÁZQUEZ, and Ms. WILSON of Florida):

H.R. 5401. A bill to amend title 41, United States Code, to require executive agencies to give priority to entities with on-site child care for employees in awarding certain contracts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LOUDERMILK (for himself and Mr. CONNOLLY):

H.R. 5402. A bill to require the establishment of Federal customer service standards, to improve the service and customer experience provided by Federal agencies, and for

other purposes; to the Committee on Oversight and Government Reform.

By Mr. MESSER:

H.R. 5403. A bill to establish a competitive bidding process for the relocation of the headquarters of Executive agencies, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOONEY of West Virginia:

H.R. 5404. A bill to define the dollar as a fixed weight of gold; to the Committee on Financial Services.

By Mr. ROUZER:

H.R. 5405. A bill to amend the Agricultural Act of 2014 to provide a limited exception to the prohibition on price loss coverage payments or agriculture risk coverage payments when the sum of the base acres on a farm is 10 acres or less; to the Committee on Agriculture.

By Mr. WELCH (for himself and Mr. SENSENBRENNER):

H.R. 5406. A bill to amend section 1105 of title 31, United States Code, to require that the annual budget submissions of the Presidents include the total dollar amount requested for intelligence or intelligence related activities of each element of the Government engaged in such activities; to the Committee on the Budget.

By Mr. YOHO (for himself, Mr. POE of Texas, Mr. POSEY, Mr. FLEISCHMANN, Ms. TENNEY, Mr. LAMALFA, Mr. KING of Iowa, Mr. FLORES, Mrs. WAGNER, and Mr. DUNN):

H.R. 5407. A bill to direct the Secretary of Homeland Security to develop educational materials relating to human trafficking in schools; to the Committee on Education and the Workforce.

By Mr. FRELINGHUYSEN:

H. Con. Res. 116. Concurrent resolution providing for a correction in the enrollment of H.R. 1625; considered and agreed to.

By Mr. BUDD (for himself, Mr. MEADOWS, Mr. LOWENTHAL, Mr. ROUZER, Mr. KHANNA, and Ms. LOFGREN):

H. Res. 797. A resolution recognizing the contributions of the Montagnard indigenous tribespeople of the Central Highlands of Vietnam to the United States Armed Forces during the Vietnam War, and condemning the ongoing violation of human rights by the Government of the Socialist Republic of Vietnam; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H. Res. 798. A resolution commemorating the 50th anniversary of the assassination of Dr. Martin Luther King, Jr., through the teaching of nonviolence; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CÁRDENAS (for himself, Ms. BARRAGAN, Mr. CAPUANO, Mr. CARBAJAL, Mr. CARSON of Indiana, Mr. CASTRO of Texas, Mr. CORREA, Mr. CUELLAR, Mrs. DAVIS of California, Mrs. DINGELL, Mr. DOGGETT, Mr. ESPAILLAT, Mr. EVANS, Mr. GALLEGO, Mr. GOMEZ, Mr. GONZALEZ of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr.

HUFFMAN, Ms. JAYAPAL, Ms. KAPTUR, Mr. KIHUEN, Mr. LEWIS of Georgia, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. BEN RAY LUJÁN of New Mexico, Ms. MATSUI, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAL-LONE, Mr. PASCRELL, Mr. RASKIN, Ms. ROYBAL-ALLARD, Ms. ROSEN, Mr. RUIZ, Mr. SABLAN, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Mr. SIRE, Mr. SOTO, Ms. SPEIER, Mr. TAKANO, Ms. TITUS, Mr. VARGAS, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. FOSTER, Mr. VELA, Mr. AL GREEN of Texas, Mrs. TORRES, Ms. BROWNLEY of California, Mr. AGUILAR, Mr. COSTA, Mr. SMITH of Washington, Mr. TED LIEU of California, Ms. LEE, Mr. ELLISON, Mr. PETERS, and Ms. GABBARD):

H. Res. 799. A resolution recognizing March 31 as “César Chávez Day” in honor of the accomplishments and legacy of César Estrada Chávez; to the Committee on Oversight and Government Reform.

By Mr. COOPER:

H. Res. 800. A resolution amending the Rules of the House of Representatives to require the House to replace the Speaker on the first day of the second session of a Congress if the most recent fiscal year ended with a significant Federal budget deficit, and for other purposes; to the Committee on Rules.

By Mr. GARRETT:

H. Res. 801. A resolution amending the Rules of the House of Representatives to prohibit the consideration of legislation in the House unless the text of the legislation which will be considered has been made publicly available in electronic form for a mandatory minimum review period; to the Committee on Rules.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. BLUMENAUER):

H. Res. 802. A resolution supporting the goals and ideals of World Water Day; to the Committee on Foreign Affairs, and in addition to the Committees on Science, Space, and Technology, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE (for himself and Mrs. DAVIS of California):

H. Res. 803. A resolution expressing support for designation of the weeks of March 25, 2018, through April 7, 2018, as National Young Audiences Arts for Learning Weeks; to the Committee on Education and the Workforce.

By Mrs. CAROLYN B. MALONEY of New York:

H. Res. 804. A resolution expressing the sense of the House of Representatives that the former Yugoslav Republic of Macedonia should work within the framework of the United Nations process and in good faith with Greece to achieve longstanding United States and United Nations policy goals by finding a mutually acceptable name that must apply for all internal and international uses (erga omnes), for the former Yugoslav Republic of Macedonia; to the Committee on Foreign Affairs.

By Ms. ROYBAL-ALLARD (for herself, Mr. WITTMAN, Mr. GENE GREEN of Texas, Mr. MCGOVERN, and Ms. GRANGER):

H. Res. 805. A resolution supporting the goals and ideals of National Public Health Week; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DUNN:

H.R. 5379.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. KATKO:

H.R. 5380.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. ROYCE of California:

H.R. 5381.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States

By Mr. CURBELO of Florida:

H.R. 5382.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Ms. WASSERMAN SCHULTZ:

H.R. 5383.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. POCAN:

H.R. 5384.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. GENE GREEN of Texas:

H.R. 5385.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution: The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. YOUNG of Iowa:

H.R. 5386.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 and 18 of the Constitution of the United States.

By Mr. CARTWRIGHT:

H.R. 5387.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 (To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes).

By Mr. RUSH:

H.R. 5388.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: “The Congress shall have Power To . . . provide for the . . . general Welfare of the United States;”

Article 1, Section 8, Clause 3: The Congress shall have Power “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;” and

Article 1, Section 8, Clause 18: The Congress shall have Power “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . .”

By Mr. KILMER:

H.R. 5389.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following:

The “necessary and proper” clause of Article I, Section 8 of the United States Constitution

By Mr. CUMMINGS:

H.R. 5390.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. BEYER:

H.R. 5391.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of section 9 of Article I of the Constitution of the United States.

By Mr. CARTER of Texas:

H.R. 5392.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

(14) The Congress shall have the power to make Rules for the Government and Regulation of the land and naval Forces.

(1) The Congress shall have the power to pay the Debts and provide for the common Defence and general Welfare of the United States.

By Mr. ROYCE of California:

H.R. 5393.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States

By Mr. BRENDAN F. BOYLE of Pennsylvania:

H.R. 5394.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution under the General Welfare Clause.

By Mr. COLLINS of New York:

H.R. 5395.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. RODNEY DAVIS of Illinois:

H.R. 5396.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Ms. DELAURO:

H.R. 5397.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution and Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. DEUTCH:

H.R. 5398.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 3 and Clause 18 of Section 8 of Article I of the United States Constitution.

By Ms. GABBARD:

H.R. 5399.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Mr. GROTHMAN:

H.R. 5400.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the U.S. Constitution

By Mr. KRISHNAMOORTHY:

H.R. 5401.

Congress has the power to enact this legislation pursuant to the following:

The authority to offer this bill derives from Article I, Section 8, Clause 3, of the US Constitution.

By Mr. LOUDERMILK:

H.R. 5402.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: Necessary and Proper Clause

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MESSER:

H.R. 5403.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17 and Clause 18 of the Constitution of the United States

By Mr. MOONEY of West Virginia:

H.R. 5404.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 5 of the U.S. Constitution

By Mr. ROUZER:

H.R. 5405.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. WELCH:

H.R. 5406.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. YOHO:

H.R. 5407.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 51: Mr. HASTINGS.

H.R. 303: Mr. NORCROSS.

H.R. 500: Mr. SMITH of New Jersey.

H.R. 754: Mr. RUPPERSBERGER, Mr. WILSON of South Carolina, and Mr. CURTIS.

H.R. 778: Ms. TENNEY.

H.R. 846: Mr. ZELDIN, Mr. MEADOWS, Mrs. BLACK, and Mr. JOHNSON of Louisiana.

H.R. 881: Mrs. ROBY.

H.R. 898: Mr. MESSER.

H.R. 930: Mr. ROGERS of Kentucky and Mr. HUIZENGA.

H.R. 1017: Mr. SHERMAN, Mr. WOMACK, Mr. BANKS of Indiana, Mr. CORREA, Mr. DANNY K. DAVIS of Illinois, Mr. BERGMAN, Mr. ROGERS of Alabama, and Mr. COLLINS of Georgia.

H.R. 1120: Mr. MOULTON.

H.R. 1136: Mr. GARRETT.

H.R. 1225: Mr. LAHOOD.

H.R. 1318: Mr. LARSON of Connecticut and Ms. SHEA-PORTER.

H.R. 1406: Mr. LEWIS of Minnesota.

H.R. 1421: Mr. HASTINGS.

H.R. 1439: Mrs. CAROLYN B. MALONEY of New York.

H.R. 1562: Mr. ENGEL.

H.R. 1602: Mr. MOOLENAAR.

H.R. 1612: Mr. CONNOLLY.

H.R. 1692: Mr. LOWENTHAL.

H.R. 1697: Mrs. BLACKBURN and Mr. WITTMAN.

H.R. 1818: Mr. BISHOP of Michigan.

H.R. 1820: Mr. CRIST.

H.R. 1825: Mr. GALLAGHER and Mr. DUNCAN of Tennessee.

H.R. 1841: Mr. KIHUEN.

H.R. 1861: Ms. KUSTER of New Hampshire, Mr. HUFFMAN, Mr. ROYCE of California, and Mr. FERGUSON.

H.R. 1898: Ms. LOFGREN.

H.R. 1903: Mr. CARTWRIGHT.

H.R. 1957: Ms. DELBENE.

H.R. 2106: Ms. BLUNT ROCHESTER.

H.R. 2135: Mr. LAWSON of Florida.

H.R. 2150: Mr. POLIQUIN, Mr. PALLONE, and Ms. STEFANIK.

H.R. 2259: Ms. BROWNLEY of California.

H.R. 2345: Mrs. WAGNER.

H.R. 2358: Mr. MESSER, Mr. COLE, and Mr. CORREA.

H.R. 2566: Mr. COHEN, Ms. SPEIER, and Mr. HASTINGS.

H.R. 2584: Mrs. LOVE and Mr. PANETTA.

H.R. 2640: Mrs. CAROLYN B. MALONEY of New York.

H.R. 2740: Mr. KELLY of Pennsylvania and Ms. BORDALLO.

H.R. 2862: Mr. LARSON of Connecticut.

H.R. 2899: Mr. DESAULNIER.

H.R. 3207: Mrs. DAVIS of California, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mr. SMITH of Washington, Mr. LANGEVIN, Mr. KRISHNAMOORTHY, and Mr. PANETTA.

H.R. 3464: Mr. GRIJALVA.

H.R. 3513: Ms. ROS-LEHTINEN.

H.R. 3569: Mr. PASCARELL, Mr. POCAN, and Mr. NORCROSS.

H.R. 3654: Mr. GENE GREEN of Texas, Mrs. TORRES, Mr. HUFFMAN, Mr. MCNERNEY, Mr. COURTNEY, and Mr. DELANEY.

H.R. 3682: Ms. BARRAGAN.

H.R. 3738: Mr. BUTTERFIELD and Mr. NOLAN.

H.R. 3894: Mr. CARTWRIGHT.

H.R. 4016: Ms. DELBENE.

H.R. 4022: Mr. PETERS, Mrs. COMSTOCK, Mr. BROWN of Maryland, and Ms. SCHAKOWSKY.

H.R. 4025: Mr. LOWENTHAL.

H.R. 4099: Mr. ESPAILLAT, Ms. MATSUI, Ms. ESHOO, Mr. BLUMENAUER, and Ms. ROYBAL-ALLARD.

H.R. 4143: Mr. SERRANO.

H.R. 4198: Mr. MCNERNEY.

H.R. 4240: Mr. ROSKAM.

H.R. 4327: Mr. BANKS of Indiana.

H.R. 4392: Mr. AGUILAR.

H.R. 4426: Mr. CARTWRIGHT.

H.R. 4489: Mr. CARTWRIGHT.

H.R. 4509: Mr. MEADOWS.

H.R. 4527: Mr. KHANNA.

H.R. 4536: Mr. SERRANO.

H.R. 4548: Mrs. LOWEY, Mr. CARTWRIGHT, Ms. MCCOLLUM, Ms. BARRAGAN, and Ms. JAYAPAL.

H.R. 4647: Mr. CARTER of Georgia, Mr. BLUMENAUER, Mr. AUSTIN SCOTT of Georgia, and Mr. JEFFRIES.

H.R. 4659: Mr. GOTTHEIMER.

H.R. 4732: Mr. COSTA, Mr. GARAMENDI, and Mrs. TORRES.

H.R. 4737: Ms. SHEA-PORTER.

H.R. 4770: Mr. GALLAGHER.

H.R. 4811: Mr. ROSKAM.

H.R. 4835: Mr. AGUILAR.

H.R. 4854: Mr. UPTON.

H.R. 4889: Mr. CARSON of Indiana, Ms. JUDY CHU of California, Mr. POCAN, and Mr. GRIJALVA.

H.R. 4902: Mr. DUNCAN of Tennessee and Ms. BLUNT ROCHESTER.

H.R. 4943: Mr. EMMER.

H.R. 4973: Mr. YOUNG of Alaska and Mr. BANKS of Indiana.

H.R. 4989: Ms. TITUS.

H.R. 4997: Mr. DONOVAN.

H.R. 5001: Ms. NORTON and Mr. CORREA.

H.R. 5011: Mr. DEFazio, Mr. CLYBURN, Mr. BEYER, Ms. ROYBAL-ALLARD, Mr. ENGEL, Mr. HOYER, Mr. HIGGINS of New York, Mr. HUFFMAN, Mrs. TORRES, and Ms. ESHOO.

H.R. 5015: Mr. JEFFRIES.

H.R. 5076: Mr. SHERMAN.

H.R. 5086: Mrs. COMSTOCK.

H.R. 5097: Mr. LARSEN of Washington.

H.R. 5096: Ms. MOORE.

H.R. 5109: Ms. SHEA-PORTER.

H.R. 5113: Mr. CORREA.

H.R. 5141: Mr. WITTMAN, Mr. SCHRADER, Mr. TAKANO, Mr. FOSTER, Mr. HIMES, Mr. LOWENTHAL, Ms. STEFANIK, Mr. NORCROSS, Ms. SINEMA, Mr. MEEKS, and Mr. MOULTON.

H.R. 5179: Ms. JAYAPAL.

H.R. 5192: Mr. DUFFY.

H.R. 5199: Mr. DUNCAN of Tennessee.

H.R. 5202: Mr. ROUZER.

H.R. 5222: Mr. PASCARELL, Mr. CARTWRIGHT, and Mr. CORREA.

H.R. 5244: Mr. FASO.

H.R. 5270: Mr. GIBBS.

H.R. 5310: Mr. ROUZER.

H.R. 5324: Mr. ROE of Tennessee and Mr. MITCHELL.

H.R. 5336: Mr. WEBSTER of Florida.

H.R. 5356: Mr. LANGEVIN and Mr. AUSTIN SCOTT of Georgia.

H.R. 5357: Mr. CONNOLLY.

H.R. 5358: Mr. GIBBS and Mr. ROUZER.

H.R. 5359: Mr. POCAN.

H.R. 5374: Mrs. MURPHY of Florida.

H.J. Res. 1: Mr. SMUCKER.

H. Res. 128: Mr. PAYNE.

H. Res. 356: Mr. MCGOVERN, Mr. KHANNA, Mr. COHEN, Mr. HASTINGS, and Mr. MOULTON.

H. Res. 433: Mrs. LOVE.

H. Res. 673: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 763: Mr. WEBER of Texas, Mr. LAMBORN, Mr. NEWHOUSE, Mr. ROUZER, Mr. POSEY, Mr. COLE, Mr. GIBBS, Mr. PITTINGER, Mr. STEWART, Mr. ROE of Tennessee, Mr. FLORES, Mr. PETERS, and Mr. BROWN of Maryland.

H. Res. 774: Mr. LANCE and Mr. MACARTHUR.

H. Res. 777: Mr. KENNEDY, Mr. KING of Iowa, Mr. PALLONE, Mr. KELLY of Pennsylvania, and Ms. JACKSON LEE.

H. Res. 786: Mr. KRISHNAMOORTHY, Mr. KIND, Mrs. TORRES, Mr. AUSTIN SCOTT of Georgia, Mr. WENSTRUP, and Mr. ESPAILLAT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 4760: Mr. COFFMAN.



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No. 50

Senate

The Senate met at 10:31 a.m. and was called to order by the Honorable ROY BLUNT, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, may life's seasons teach us that You stand within the shadows keeping watch above Your own. We praise You that You are our refuge and strength, a very present help in turbulent times.

Lord, cultivate within our lawmakers the grace of gratitude as they seek to stand for right for the glory of Your Name. May they refrain from hasty speech, as they labor to treat others as they would have others treat them. Empower them to grow in Your grace and in a greater knowledge of Your will and wisdom.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 22, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROY BLUNT, a Senator

from the State of Missouri, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. BLUNT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

OMNIBUS APPROPRIATIONS BILL

Mr. MCCONNELL. Mr. President, yesterday evening, the House filed a landmark appropriations bill for the remainder of fiscal year 2018. Months of in-depth, bicameral, bipartisan negotiations and committee work have led us to this point. The result is legislation that neither side sees as perfect but which contains a host of significant victories and important achievements on behalf of the American people.

First and foremost, in my view, this bill will mark the end of disproportionate and harmful cuts to the Department of Defense. It delivers the largest year-on-year increase in defense spending in 15 years. These new funding levels will ensure that the training and tools available to our servicemembers remain on the cutting edge, and at long last, veterans will receive more transparent and more accessible care. This has been a top priority, on our side of the aisle especially, to deliver for our men and women in uniform, to deliver for the future of national security. This bill will get it done.

Of course, our Armed Forces aren't the only vital priority this measure will address. It is a victory for families caught in the grip of the opioid epidemic. This bill scales up research, treatment, and prevention funding and provides for grants to first responders.

It will confront the scourge of addiction head-on and help save lives. For rural communities, like many in my home State of Kentucky, this is a big deal.

The measure is also a victory for safe, reliable, 21st century infrastructure. It will fund long overdue improvements to roads, rails, airports, and inland waterways to ensure that our growing economy has the support system that it needs.

Importantly, the bill will also contain a number of provisions to provide more safety for American families. It expands funding for Federal law enforcement. It allocates new resources to border security and immigration enforcement, including an important step forward for President Trump's proposed wall. The total miles of new and upgraded walls and barriers funded by this bill exceeds even the administration's initial request for this fiscal year, and it also provides the necessary funds to keep Guantanamo Bay open and operating.

The legislation also delivers for students and teachers across our Nation, who deserve to learn and work without fear of violence.

At the insistence of the Speaker and me, this bill will include two important bipartisan, commonsense measures to address real issues facing the Nation: the Fix NICS bill and the STOP School Violence Act. Thanks to the leadership of Senator HATCH, this bill represents a major step forward for school safety. It provides millions of dollars in new funding for early intervention and prevention programs to stop school violence before it happens. These grants will include funding for training of students and school personnel for identifying and responding to safety threats, as well as for implementing enhanced technology and equipment to improve school safety. Thanks to the dogged efforts of Senator CORNYN, the Fix NICS

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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provision to repair and improve fire-arm background checks is also included. Both of these bipartisan accomplishments are the direct result of tireless work by those who have been most tragically affected by violence in America's schools.

Here is how Mark Barden, a co-founder of Sandy Hook Promise, described the school safety provision: "This legislation will save lives."

Likewise, the Parkland, FL, families recently wrote all four congressional leaders to ask that we include these two particular measures in this piece of legislation. I am proud that we could deliver for them and for the safety of schools around our country.

Let's take one more look at just a few of the good things this bill will accomplish: No. 1, the largest year-on-year funding increase for our warfighters in 15 years; new resources for the fight against opioids and for border security and the President's wall; major enhancements for law enforcement and school safety. These provisions and the entirety of this omnibus represent months of bipartisan work. I look forward to considering it very soon.

TAX REFORM

Mr. MCCONNELL. Mr. President, on another matter, the good news about tax reform continues to sweep across the Nation. But recently, as special bonuses, wage increases, and expanded employee benefits continue to make headlines, they have had to share the front page with a series of late winter storms. This prolonged cold weather can mean high heating costs for working families. Fortunately, tax reform has an answer for that as well.

Ratepayers in many States are looking forward to smaller utility bills, thanks to our country's new Tax Code. In my home State, the public service commission announced early this week that Kentucky Utilities and Louisville Gas & Electric will be passing along savings to customers to the tune of a 6-percent decrease in monthly bills. That means real savings for the middle-class families I represent.

We have heard a similar story from our neighbors in Indiana. The Northern Indiana Public Service Company reports that thanks to tax reform, it will be able to pass \$26 million in new savings on to its customers. That is just one of a long list of ways that tax reform is helping Hoosiers.

Pat Williams, who lives in Southern Indiana, recently shared another tax reform success story with my friend, Senator YOUNG. Pat's husband, Jim, works part-time in the U-Haul service center across the river in Louisville. He received a \$500 tax reform bonus.

Over in Converse, IN, tax reform enabled the First Farmers Bank & Trust to raise its starting wage for hourly workers, guarantee a year-end bonus for all full-time employees, and announce a big investment in employee

development and community programs.

My friend, the junior Senator from Indiana, knows the folks at First Farmers. In fact, he was so impressed by their proactive response to the new Tax Code that he invited them to the President's State of the Union back in January. There aren't enough seats in the House Gallery for all the American families that tax reform is already helping—not even close. But if there were, I would bet the working families and small businesses from Indiana would come with questions. Why did only one of their Senators vote for these tax savings? Why did their senior Senator vote in lockstep with Democrats to block their tax cuts, bonuses, raises, and benefits? Those would be tough questions to answer. Fortunately, Republicans stayed focused on empowering the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 165, S. 1519.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 165, S. 1519, a bill to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senators be permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

TRIBUTE TO THAD COCHRAN

Mr. SCHUMER. Mr. President, I have a few items I would like to address this morning, but first I would like to recognize our dear friend from Mississippi, the senior Senator, who will be delivering his farewell speech today.

Senator THAD COCHRAN has served in this body for decades with a sense of

dignity, decorum, and respect for his colleagues. That was always appreciated but never confused for lack of fierceness or conviction. When his issues were on the line, Senator COCHRAN fought for Mississippi as hard as any Senator. After all, he was first bitten by the political bug in his run for head cheerleader at Ole Miss, and he shares that distinction with Trent Lott. So if you want to be a Senator for Mississippi, join the cheerleading squad for Ole Miss. Of course, for New Yorkers, we like Eli Manning too. Senator COCHRAN never stopped being a cheerleader for Mississippi.

Chairman COCHRAN and I certainly had our differences. The chairman once said:

I don't call a lot of news conferences. I just don't see that as a necessary part of my responsibilities.

Well, we will agree to disagree on that one, but there are many things we have in common, and there is a particular part of his legacy I admire.

After Hurricane Katrina buffeted his State, he convinced the recalcitrant lawmakers to deliver aid to the gulf coast—far exceeding the administration's request—and he did it by working Members on his side of the aisle and across the aisle behind the scenes. That is how he earned the nickname the "quiet persuader." It is a skill I greatly respect after going through something similar when Hurricane Sandy hit my home State of New York.

At the time, Chairman COCHRAN was the ranking member on the Appropriations Committee. He and his staff were extraordinarily helpful throughout the process. Ultimately, Senator COCHRAN voted for the Sandy relief bill when many of his colleagues opposed it. I will never forget that.

Under his stewardship of the Appropriations Committee, we have just completed the text of an omnibus spending bill, which I will address in a moment. Once the bill passes, it will be a fitting legacy that Senator COCHRAN will retire with another bipartisan accomplishment under his belt.

I wish him and his family the best, and I thank him for his distinguished service to the State of Mississippi, to his beloved country, and to the U.S. Senate. He will be missed in the Senate.

OMNIBUS APPROPRIATIONS BILL

Mr. President, I am pleased to say the four congressional leaders have reached an agreement on the omnibus spending bill that is now public. It didn't happen until last night. It took a long time. There were painstaking weeks of negotiations, more than a few of which we went past the midnight hour. Before I go further, I want to thank Leader MCCONNELL, Speaker RYAN, and their staffs, Leader PELOSI and her team, Chairman COCHRAN, Vice Chairman LEAHY, the Appropriations Committee staff, and many others for all the hard work that went into this bill.

It certainly doesn't have everything Democrats want, and it contains a few

things Democrats aren't thrilled about. The same is true of our Republican friends. That is true of all compromises. If each of us stood on our hind legs and said "If I don't get everything I want, I am voting no," we would be totally paralyzed, and that happens far too often in this body, but on this appropriations bill, this omnibus, somehow that didn't happen. There was a remarkable spirit of give-and-take in the room.

Overall, we Democrats are very happy with what we have been able to accomplish on a number of very important priorities to the middle class in America: infrastructure, education, opioid treatment, mental health, childcare. For nearly a decade, the middle class in this country has suffered from a needless and self-imposed austerity, limiting investment of all of the things that create good-paying jobs and improve the working conditions of Americans, improve the lives of Americans. This spending bill, this spending agreement, brings that era of austerity to an unceremonious end and represents one of the most significant investments in the middle class in decades.

So many of the middle class are frustrated, and they don't know why. Well, one of the reasons is quietly, but unfortunately and quite decisively, this Congress cut back on the very ladder that helps the middle class climb in education, in infrastructure, in healthcare. It was cut and cut and cut. The help that the Federal Government has given to the middle class since the progressive era of the early 1900s was taken away quietly but decisively. It is back. It is going to help middle-class people stay in the middle class. It is going to help those aspiring to the middle class climb that ladder and get there. It is really a good thing, and I am excited about it.

As the Republican leader mentioned, it robustly funds our military, giving our men and women in uniform the resources they need; it also improves our ability to respond to wildfires; it makes a critical downpayment on election security; it provides a reliable pathway for the essential infrastructure projects in our country; and it makes an incremental but important progress on the issue of gun violence—a debate this Congress must resume soon.

Again, that era of austerity, which so hurt middle-class Americans, is coming to an unceremonious end because this bill respects one of the most significant investments in the middle class in decades. For these reasons, I am confident this agreement will pass both Houses of Congress; hopefully, with comfortable margins; hopefully, in a bipartisan way.

Again, I thank the Republican leader for his part in reaching this agreement, and I look forward to passing this legislation as soon as possible.

CHINA AND PROTECTING AMERICAN INTELLECTUAL PROPERTY

Mr. President, now on a final issue, while we are talking about agreement and bipartisanship, I don't agree with President Trump on a whole lot, but today I want to give him a big pat on the back. He is doing the right thing when it comes to China.

For many of us, since Senator GRAMM and I went and visited China over a decade ago, we have watched China rapaciously take advantage of America, American jobs, American workers, and America's intellectual property. China is ruthless in how they go after us. They do it quietly. They do it with a smile. Unfortunately, previous Presidents—Democratic and Republican—just stood by as China did what it did to us.

President Trump is exactly right when, this afternoon, he will propose a plan designed to punish China for its most flagrant trade abuses.

I have called for such action for years and have been disappointed by the inactions by both President Bush and President Obama. I am very pleased this administration is taking strong action to get a better deal on China because China has stolen and extorted the intellectual property of American companies for years without repercussion.

Our intellectual property is our family jewel. The American way of openness, of thinking, of debate has created the kind of place where great thinkers come, think of great ideas, and those ideas are often translated into millions of middle-class, good-paying jobs. China knows this, but China is not a free and open society. To achieve the kind of gains and advancements in technology, in biomedical science, and so many other things, they have to steal what we do sometimes by buying our companies, sometimes by cyber theft, sometimes by just these joint ventures, and they tell American firms: You can only come to China if you give away your intellectual property. China is taking huge advantage of us.

Intellectual property is the lifeblood of emerging industries and the good-paying jobs they provide. The American advantage of intellectual property is one of the main things that will keep us No. 1 economically in this century but not if we allow it to be stolen and taken advantage of, and the country that does that more than any other is China.

As I said, intellectual property is the lifeblood of emerging industries and the good-paying jobs they provide, so it is impossible to overstate the cost of IP theft to our economy and our workers. This sentence pains me, and I think about it often: GEN Keith Alexander, a four-star general, nonpolitical, was in charge of cyber security in America, and here is what he said: China's theft of our intellectual property is "the greatest transfer of wealth in history." We are letting them do it. The crown jewel of America, our free

and open society that allows great thinkers to create great ideas and products, they steal it, and we do nothing. It is one of the things that aggravates me more than most others. Finally, President Trump is doing something, unlike his predecessors, so I commend him.

The WTO—they have been grossly inadequate for this problem. We cannot continue to ignore flagrant cheating by China, whether WTO likes it or not. So the administration's announcement today is a leap forward. If this new push is going to be successful, we need our allies to work with us—Germany, Italy, France, Britain, open and free societies, unlike China. They know their stuff is being stolen too. Join with us. If we are a united, strong front against Chinese activities on intellectual property, we can force them to change their ways, but they will not do it by persuasion; they will not do it by smiling; and, frankly, they will not do it by diplomacy when some of our diplomats come in and say: We need China for this thing; ignore the economic theft; ignore the economic disadvantage. So I support what the President is doing.

When it came to the tariffs on steel and aluminum, I supported the thrust, I supported the President's instinct, but it wasn't focused enough on China and hurt too many of our other allies, like Canada, where we have a trade surplus. I hope the President corrects his thinking on that, but, here, this is aimed at China and one of the ways China hurts us the very most. It is smart. It is good. I salute our Trade Rep Lighthizer for pushing this issue; I salute our Commerce Secretary Ross for pushing this issue.

By the way, to help support the administration's efforts to crack down on China, we will fully fund the USTR's trade enforcement fund at \$15 million in the omnibus. So let's make sure China starts playing by the rules, and intellectual property is certainly at the top of the list. Today's announcement by the President will be a great start in that direction. Democrats, Republicans, Americans of every ideology and every region of the country should support these actions.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Tennessee.

OMNIBUS APPROPRIATIONS BILL

Mr. CORKER. Madam President, I rise today to speak about the omnibus bill that we are going to be voting on either later today or tomorrow.

I came to the Senate almost 12 years ago. I have 9 months left in my term. I told folks back home that I couldn't imagine serving more than two terms. Yet it has been an incredible privilege to be here. When I ran, I ran concerned about our Nation's fiscal issues, and I ran on the combination of pro-growth tax reform and entitlement reform and dealing with the tremendous deficits that our country has. I really thought we would do something about it.

We had the financial crisis that took place back in 2007, 2008, 2009—building in 2007 and occurred in 2008. We dealt with much of it over 2009. I remember talking to people around our country not just about the financial crisis but about the tremendous deficits that our Nation was creating. I was still hopeful in my first term that we would rise to the occasion and actually deal with the fiscal issues that are going to haunt these young people who are our pages sitting before me. We have \$21 trillion in debt today and over \$100 trillion in unfunded liabilities with our long-term programs, our mandatory spending programs. So during that period of time, near the end of my first term, I kept saying to people around the country: There is no question that the Senate and the House, with leadership from the executive branch, will deal with this fiscal issue.

I am convinced today that that is not going to happen until there is a crisis in our Nation. Let me say it one more time. Without extreme leadership at the very top, I do not think we will deal with this issue until there is a crisis, because I just don't see the will here to do the things that need to be done.

During December we had a debate on the pro-growth tax reform side of this, and I think it is well documented that I had concerns about it. As a matter of fact, when the bill came through the Senate, I voted against it. I continued to work with some of my counterparts on the Democratic side—CHRIS COONS and others—and the White House, to see if there was some way to potentially alter the bill so that if growth projections didn't achieve what we thought they might be, we had some way of ensuring that we would not have deficits. At the end of the day, when it came to the floor, I supported it—pro-growth tax reform, again, being one of those things that I ran on back in 2006.

What concerns me is that today, or maybe tomorrow, we have a 2,232-page omnibus bill before us that sets a base in spending that will be about \$2 trillion in deficit spending over the next 10 years. By the way, that doesn't include some of the supplemental items. I am talking about just the baseline in spending.

I think everyone knows that, like the Presiding Officer, I am a very strong supporter of our men and women in uniform. No doubt we all understand that the defense numbers in this bill are way beyond even what the executive branch asked for. Somehow, in these negotiations, we have ended up, over a 2-year period, with an average increase in base spending of about \$150 billion. When you multiply that times 10, that is \$1.5 trillion. We know there are going to be increases over that 10-year period. Then, if you look at the interest on the debt that it is going to create, we are voting on a bill tonight or tomorrow that is going to add—there is no question—a minimum of \$2

trillion in deficits over the next 10 years.

What was fascinating during the month of December, when we were dealing—let me stop for a second.

Let me just say this. There are a lot of discussions about the fact that maybe the Republican Party has lost its soul. There is a lot of discussion about that around the country—that maybe the Republican Party has lost its soul.

I will say that for the Republican Party to have the Presidency, for the Republican Party to have the Senate, and for the Republican Party to have the House of Representatives, and for us to be passing a bill today—obviously, it couldn't happen without us; we control the agenda here—for us to be in this situation where we are getting ready to pass a bill that adds \$2 trillion in deficits over the next 10 years, or sets the stage for that by passing the first 2 years with a huge increase in base spending with no offsets to speak of, does have to be a wake-up call for people as for whether that is the case.

I can't imagine, for instance, had the 2016 election gone a different way and we had a Democratic President and we controlled the House and Senate, our being in a situation where we would vote tonight or tomorrow for a bill that is going to add \$2 trillion in debt without offsets. As a matter of fact, I can just tell my colleagues, absolutely, that would not be the case.

So here we are. There are going to be all kinds of things in this bill that people don't even know about. It is just human nature. When you have the pen in your hand and you are working in a back room some place—and I don't criticize back rooms; that is how these bills get written—people do things that benefit themselves. They just do. That is the way it works. I don't even want to speak to that. That will be something I hope the media will speak to over the next two or three weeks, when we find, in these 2,232 pages that no one has read, the things in this bill that are going to be egregious to the American people—highly egregious.

I hope people will find them. I hope the media will report them. I know they are in there. I just don't know what they are yet because the bill has just been produced. That is of concern.

What is of grave concern to me is that we have made no attempt whatsoever to create any kind of offsets and no attempt whatsoever to try to solve our fiscal issues. Together, Republicans and Democrats are running off a cliff and passing a bill.

Now, let me speak to Democrats. I am criticizing Republicans, as I should, with this piece of legislation, when we control the executive branch, we control both Houses of Congress, and we are getting ready to pass a bill that will add \$2 trillion for these young people to pay for down the road, which will compound, compound, compound. We have \$21 trillion in debt today, not

to speak of the \$100 trillion of unfunded liabilities.

My Democrat friends, raised unmitigated H-E-L-L over the tax bill that was potentially going to create some deficits if growth projections didn't occur. I have not heard a word from them—not a word, not a word—about the fact that there is no question that we are adding \$2 trillion in debt here—no question. This is money gone, down the tube, out the door, and no way to pay for it. I haven't heard a word from them—not a word. My friends in the media were beside themselves—beside themselves—in December. I mean, the world was going to come to an end if the growth projections that were laid out didn't occur, and the deficits that might be created by this tax bill if we didn't have the growth projections. They were just beside themselves. I have not heard a word from them. It is amazing. Somehow or another, spending more money than we have is different than hoping to create pro-growth tax reform.

So let me just say this. I am optimistic about our future. I see young people around our country who are just so impressive. I go to schools. I go to colleges. I see people in townhall meetings, in restaurants, at the grocery store and in other places, and I could not be more upbeat about the generation of people coming after us—who care about others, who care about the future, and who are engaged in issues. We will have a big crowd up here this weekend, caring about a particular issue that they should care about.

But I could not be more discouraged about where we are today with our adult leadership here in Congress and at the White House.

This is one of the most grotesque pieces of legislation I can remember.

One of the best votes I ever made was the Budget Control Act. It was criticized, but it kept domestic and discretionary spending on a level. We should have done the rest of it. The rest of it was people getting together to solve our long-term problems. That didn't happen. We created sequester, and I know that has built some of the pressure that leads us to where this bill is today.

This is a grotesque piece of legislation—grotesque—that we would pass a piece of legislation that would set the standard for \$2 trillion in deficit spending not offset.

I am discouraged. I am discouraged about where we are today. I am discouraged about the fact that we continue to be engaged in generational theft—my generation.

We will not deal with mandatory spending—mandatory spending that benefits my generation. To these young people sitting in front of me, we are engaged right now in generational theft because we are transferring from you to us your future resources, because we don't have the courage or the will to deal with issues.

By the way, unfortunately, the American people are not there. The

American people do not care about this issue because we are living fat and happy today and because the crisis has not yet occurred and because we can slough it off on you and keep ourselves from making these tough decisions.

By the way, these tough decisions play themselves out in the polls because people get angry about the fact that we need to be responsible and that we need to make sure that you guys are not going to pay these huge tabs. By the way, your standard of living, when we pass this bill, will be diminished. When you go on to college and graduate and start working in your job, just know that what we are getting ready to do tonight or tomorrow is going to diminish your standard of living, because we are going to pass a huge bill, unpaid for, that you are going to pay for and your children are going to pay for. That is what we are doing.

That is what we are doing because we don't have the will as a body to say: OK, if we are going to spend this additional money, what is it that we are going to cut over here? What are we going to do relative to the fact that right now Medicare recipients take about three times out of the program what they put in. What are we going to do about that?

Well, see, we are going to do nothing about it because that is unpopular, and people don't want to hear the truth about these things. Instead, what they would rather do is say: Well, let's worry about that down the road.

But let me tell you who is going to be worrying about it. You are going to be worrying about it.

I know you have seen some outstanding people. I serve with outstanding people in this body. I really do. They are intelligent, hard-working people. I really do. It has been a great privilege. But what you are going to see tonight and tomorrow is a bunch of hard-working people pass a piece of legislation that is going to make your lives and your kids' lives worse.

I will not support this piece of legislation. I know it is going to pass overwhelmingly because there is too much in it to make people happy for the moment. But let me just say that down the road the American people are going to be very unhappy with our lack of responsibility.

Not only do I question the soul of my own party, I question the soul of the other party, and I wonder where the media is and why they are not out crying over what we are getting ready to do.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I use the term loosely, but last Saturday, the 17th of March, was one of the high holy days in Chicago—St. Patrick's Day. They color the Chicago River green. Everybody wears green. There are great parades, great celebrations. I look forward to it each year—going back to my parish, Old St. Pat's, for mass and celebration and having a wonderful day of a lot of good feelings.

During the course of the St. Patrick's Day Parade, I walked along with various groups who were going to march and came upon the Chicago Police Department's bagpipe and drum band. I noticed that the banner they were carrying for the day was in honor of a wonderful man by the name of Commander Paul Bauer.

Paul Bauer, a commander of the Chicago police force, was downtown in the Loop of Chicago on February 13. He was attending an important meeting, and he heard over his radio that a fugitive was trying to escape. He dropped what he was doing, joined in, and participated in trying to catch this fugitive. He was cornered in the stairwell by this man and shot dead. The man who shot him got off six rounds and killed this wonderful man who had served not only the city of Chicago but our Nation in his role with law enforcement. He left behind a young wife and beautiful teenage daughter. He was from the Bridgeport community of Chicago, and when his funeral was held, massive crowds showed up, people paying tribute to Paul Bauer.

The reason I raise that is because they traced the gun that was used to kill this brave policeman. It was a gun that was originally sold legally through a federally licensed dealer in Madison, WI, and then the person who purchased it sold it, without a background check, to a member of his gun club. We don't know whether that person was disqualified, under the law, from owning a handgun, but we do know that the next purchase was the purchase that made a difference. That person decided to sell the gun on the internet, with no background check, and ended up selling it to a convicted felon—a person disqualified, under the laws of this country, from owning a gun. That is when that handgun got into the world of crime. It was used in the commission of a crime months before the shooting of Commander Bauer, and it was used to kill him on that day, February 13.

The reason I raise that is we know what we need to do. We need universal background checks—no ifs, ands, or buts about it. Whether selling to a person at a gun show or over the internet, there ought to be a background check. There is no excuse for selling a gun legally in the United States to someone who is prohibited by our laws from owning it—none. That is what happened. That is why that wonderful man, that brave policeman, lost his life.

The reason I raise that is we have a bill before us now. It is an Omnibus ap-

propriations bill, and it includes some provisions about gun safety. They are good. I don't argue with them. One is called Fix NICS—try to make sure more information is put into the background check system. There is another one related to school violence, which provides grants to schools to make them safer and such. I have no objection whatsoever. But we are not getting to the heart of the issue.

This is the heart of the issue: We have a Second Amendment that gives rights to Americans to legally own guns and use them responsibly, and the Supreme Court has made clear that we can draw clear lines as to what is permissible in that gun ownership and gun usage. We can draw lines that say: Yes, if you have been convicted of a felony, you cannot own a gun. You cannot assert a Second Amendment right. You have disqualified yourself. We can say: If you are mentally unstable, you can't legally own a gun in America. You can't assert Second Amendment rights in that circumstance. We can put provisions in the law relating to the type of gun that you own, how old you have to be to buy that gun, what kind of background check takes place. But none of that—none of that—is included in this omnibus bill.

My fear is that many Members of Congress will say: Well, we got a lot of contacts after the Parkland, FL, situation, and met with a lot of people. Now we have taken care of our constitutional obligation with the provisions in this omnibus bill.

It will be a sad day if that is the case because what we have done in this omnibus bill would not have stopped that killer from taking the life of Commander Paul Bauer—not at all. So as far as I am concerned, we have fallen far short from where we need to be when it comes to gun safety.

Something is about to happen this Saturday, a week after our St. Patrick's Day Parade. There are going to be marches and parades across the United States on March 24. Tens of thousands of students and their supporters are going to march right here in Washington, in Chicago, where I will join them, and in cities and towns all across America, including Springfield, IL. They will march to urge lawmakers—like me—to finally pass meaningful gun reforms that help keep our children safe and our communities safe.

There are things that happen in our personal lives that we bring to our professional lives, and I will share one of them with you.

After the terrible shooting that occurred in Florida, my daughter, who lives in Brooklyn, NY, was talking to her daughter, my little granddaughter, a first grader. Her daughter, that first grader, said: Mom, the teacher told us that if there is a shooter in our school, stay away from the windows and get down on the floor.

In first grade, they are being warned about shooters coming into their classroom. Who would have dreamed that

America would reach this point? It has. Who would possibly argue that the Second Amendment envisioned that possibility, that we would arm teachers so we could have some sort of a shootout in a first grade classroom anywhere in this country?

The marches that will take place on Saturday are a sign that perhaps America has reached a tipping point on gun safety. The fact that a majority of gun owners have stepped up and said that we should have universal background checks is an indication that we are reaching that point. The younger generation is standing up, speaking out, and, frankly, confronting us—those of us who are in positions of power, elected office—confronting us to do something and stop talking about it.

These young people are tired of living in fear, as are many students across this country. They are fed up with the status quo, in which hundreds of Americans are getting shot every day while politicians sit on their hands in fear of the gun lobby and the National Rifle Association.

I don't care what my scorecard is with the National Rifle Association. I know, incidentally, it is a failing grade, which I wear with pride. I don't care about my scorecard there. I care about my scorecard with the people I represent in Illinois, and I particularly care about the students and the parents who are worried about whether the school for their kids will be the next site of gun violence.

These young people who are going to march on Saturday are fed up with lawmakers who ignore the overwhelming majority of Americans who want to close loopholes in the background check system. Through their powerful advocacy and eloquence, these juniors and seniors in high school are already bringing about change.

Listen to what businesses across the country are doing. They are distancing themselves from the National Rifle Association. It is no longer considered just another political organization. They are voluntarily changing their business practices so they don't give a break to a gun lobby that will not give a break to honest Americans who want to be safe in their homes and schools. The students from Parkland, FL, have helped these businesses recognize that they need to be part of this effort.

We are seeing new gun safety reforms passed in State legislatures—not so much here in Washington but in States like Florida that have a long tradition of voting the other way on gun issues.

Unfortunately, the Republicans, who control the House, the Senate, and the White House, still haven't gotten the message. What we have included in this omnibus bill is weak soup; 17 lives in Parkland, FL, are worth more than what we are putting in this bill. Even after Parkland, after all of the lives that have been lost to violence, even as the school shootings continue, including a shooting in a Maryland high

school this week, President Trump and the Republican majority of Congress are still unwilling to push for universal background checks and an end to high-capacity magazines and assault weapons.

There were modest measures included in this bill. Is that all we get? Is that it? Is that the end of the national debate on gun safety for another 5, 6, or 8 years?

There is important language that I included in the defense portion of the bill, directing the Department of Defense to not only submit all its relevant records for NICS background checks but also to flag and prevalidate the records that would prohibit a person from buying a gun. It is a step in the right direction. It is necessary, but it is not sufficient to really make a difference when it comes to gun safety.

The prevalidation and flagging are important for the FBI to help us and will help them quickly confirm whether a person should be blocked from a gun sale. But let's be honest; this omnibus bill that we are considering today and tomorrow doesn't address the fundamental challenges our Nation faces when it comes to gun violence. It takes a pass.

It is time for Congress to start considering legislation on gun violence that the gun lobby might not like. We can't let the National Rifle Association have veto power over gun policy in this Nation. Politicians need to recognize the obvious. The gun lobby is increasingly angry, sometimes paranoid, often isolated in its political positions. It no longer speaks for the majority of people who own guns responsibly in America.

Remember, the gun lobby cares about one thing more than anything: selling firearms. It is all about the business side of the ledger—the bottom-line profit margin.

Violence prevention is not the focus of the gun lobby's agenda. In fact, the gun lobby usually opposes violence prevention legislation just in case it might hurt gun sales. It has reached the point where the NRA endorsement of gun reform proposal is typically a sign that the proposal is not meaningful.

We can't settle for the status quo anymore. We are facing a public health crisis of gun violence, and half-hearted measures are not enough. We need to fight for meaningful gun safety reforms. We need to call up measures like universal background checks and ending high-capacity magazines.

Tell me why a person who owns a firearm, whether it is handgun or a semiautomatic weapon, needs to have a high-capacity magazine so that they can fire 30 or 60 rounds at a time. Tell me why. You might need that if you are in the military. You might need it when it comes to police work and keeping our communities safe. There could be circumstances where they are needed, but why would an individual citizen need the capacity to fire 30 or 60 rounds

at one time? Those are the clips that are being used, incidentally, by these shooters. Those are the clips that are being used for mass killing in America. Those clips do one thing: They take human lives. It is not a question of sport or hunting or target practice.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DURBIN. Madam President, I ask unanimous consent to speak for 3 additional minutes, if the Senator from Utah will give me that opportunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Let me close by saying, on March 24, students and Americans of all ages will march in the streets to honor those who have been lost to senseless gun violence and to call on their elected representatives to step up. I support the marchers. I will continue to work for meaningful action to help reduce gun violence. I am going to keep doing everything I can to put the safety of our kids and our neighborhoods ahead of the gun lobby's agenda.

I don't have any obligation to the National Rifle Association whatsoever, but I do have an obligation to a granddaughter living in Brooklyn, NY, in the first grade, who has been warned about what to do if a shooter comes into her classroom.

I hope my colleagues from across the aisle will join me. It is time to take a stand and show leadership. America is waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF RYAN NELSON

Mr. LEE. Madam President, I wish to speak for a few minutes about Ryan Nelson, who has been nominated by the President to serve as the Solicitor of the Department of the Interior. Ryan is a fantastic choice for this position at Interior. As a native and current resident of Idaho Falls, he is a fellow westerner who understands the issues confronting the West, confronting the region, confronting the entire country as it relates to the U.S. Department of the Interior.

Ryan would not just work on behalf of the West. I know he is someone who is going to serve honorably on behalf of the American people as a whole. In order to do that, he first has to be confirmed.

By my count, it has been 232 days since Ryan Nelson was nominated. There should be no further delays. The American people deserve to have qualified professionals in the executive branch, and Mr. Nelson is qualified, to put it very mildly. He is someone who has worked in notable posts of responsibility in all three branches of government.

During the George W. Bush administration, Ryan worked as Deputy Assistant Attorney General in the Department of Justice's Environment and

Natural Resources division. In that position, he personally argued 13 appellate cases. He also oversaw 700 attorneys and staff, who touched on all aspects of energy and environmental issues within the Department of Justice.

Later, Ryan worked in the White House as deputy general counsel for the OMB and as special counsel to then-Senator Jeff Sessions. That is just his experience in government.

Ryan has acquired senior management experience in the private sector as well. For the past 8 years, he has worked as general counsel for Melaleuca, which is a very successful billion-dollar Idaho business.

Ryan does not just know what it is like to work in government, what it is like to work in Washington. He knows that, but he also understands the challenges that businesses and workers face in the modern world.

I have known Ryan for many years. Ryan and I got to know each other while we were both in law school at BYU. I got to know Ryan and his wife Barbara, who have 7 lovely children. After law school, I ended up recruiting him to work at the law firm where I was then employed, Sidley Austin. After pulling all-nighters alongside Ryan, I can confirm what nearly 50 of his former colleagues wrote about him in a recent letter of support: He is an excellent choice to serve as solicitor.

Ryan has outstanding analytical skills, and he pays immense attention to details. These are qualities that will serve him well as the Department of Interior's top lawyer.

As you know, this administration has made it a priority to repair the relationship between the Federal Government and the Western States, where the Federal Government owns so much land. Too many workers in the West still don't feel as though they are treated fairly by their government. We can help restore that trust by confirming impartial, well-qualified nominees. Ryan Nelson is such a nominee. We need him at the U.S. Department of the Interior.

The Interior Department needs to have a Solicitor. Ryan Nelson is an exceptionally qualified nominee for that position. Let's confirm Ryan Nelson today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS APPROPRIATIONS BILL

Mr. CORNYN. Madam President, I rise to mention one piece of legislative business and then will pay tribute to the senior Senator from Mississippi, Senator THAD COCHRAN.

Last night, the Appropriations Committee, which Senator COCHRAN chairs,

released the 2018 Omnibus appropriations bill. It includes a proposal that I feel very strongly about, and I am grateful to him and all of our colleagues for their support. I particularly want to acknowledge the advocacy of the majority leader, MITCH MCCONNELL, to make sure this provision is included in the omnibus bill. The House will soon vote on the omnibus, and then I hope we can quickly follow suit here in the Senate.

The provision I am referring to is, in shorthand, called Fix NICS. NICS, of course, is the National Instant Criminal Background Check System. I think it is a reasoned and reasonable response to the shootings that have, appallingly, occurred in our schools, our churches, and in our public spaces.

Just this last week, a gunman opened fire at a high school in Maryland, not far from here, and, of course, shootings have occurred in Florida, Texas, Nevada, Charleston, SC, and elsewhere. Our constituents are frustrated, frightened, and fed up. They want us to do something. More importantly than that, they want us to do something that will be effective and save lives. I am happy to say the Fix NICS bill fits that description.

People who haven't been active on this issue now are raising their voices and demanding that they be heard. Students are worried, understandably, and parents of students are worried. They simply don't want what happened in Parkland, FL, to occur to them. We need to listen to all of these voices, including to these students, who obviously will shape our Nation's future. They don't want to go to school and wonder whether bullets will rain down their hallways or whether their friends might be the next victims.

In a recent interview, one teenager said something that was trite but true. She said: "Guns are not the problem. The people are the problem." I happen to agree with that.

One question about school shooters is, How did they get to the point at which they thought that shooting up public places was what they really wanted to do? How did they justify it in their own minds, as warped as that might be? Also, what is it about our culture, their home environments, or their mental states that allows them to rationalize violence that does such tremendous harm? How does slaughter—because that is what it really is—become justified in their warped perspectives? I admit that those are tough questions to answer, and they are tough to even ponder, but we still can and have to do what is possible to protect our schools, our churches, parents, teachers, and our children.

Recently, 13 families from Parkland, FL, wrote in support of this particular legislation—legislation that would improve school safety, that has been sponsored by our colleague, the senior Senator from Utah. Senator HATCH's bill would fund the creation of and provide training for threat assessment

teams—in other words, to evaluate beforehand where people are vulnerable. It includes security measures and anonymous reporting systems. This bill is widely supported and shows that even on a divisive issue, there is plenty of room for common ground.

In that same letter, the 13 Parkland families said they supported Senator HATCH's school safety measures. They also expressed support for the Fix NICS bill, which they said is desperately needed to improve compliance with firearms purchasing background check systems.

A recent Gallup Poll showed that the public broadly supports proposals like Fix NICS. More than 9 in 10 see the importance of background checks.

Over the last few weeks, there has been a true groundswell of support for this bill that I and the junior Senator from Connecticut, Mr. MURPHY, cosponsored. The supporters now include not only victims' rights advocates, gun violence prevention groups, and prosecutors, but also the U.S. Conference of Mayors, the National League of Cities, the Major County Sheriffs of America, as well as other law enforcement groups. All of these organizations have endorsed Fix NICS and signed a letter that asks that the majority and minority leaders put this measure to a vote. Now, in its having been included in the Omnibus appropriations bill, we will finally have a chance to do that—first in the House and then in the Senate.

These organizations and the general public agree that fixing our background check system should be a national priority and that we should better ensure that convicted criminals with past histories of violence and mental illness do not purchase or possess firearms, as the law currently in effect provides. They see merit in trying to fix our system that currently has allowed these same people to slip through the cracks and purchase firearms in order to kill innocent people, like the 26 who were gunned down inside the First Baptist Church in Sutherland Springs, TX, just outside of San Antonio.

Some have said that Fix NICS doesn't go far enough, that it is a modest measure. I have to question that sort of description. Is it really a modest measure if it will, in fact, save lives? I think not. It is a necessary measure and one that brings people together across the political spectrum, Republicans and Democrats alike. Even if Fix NICS were to save just one life, that would be reason enough to enact it, but I think that is unlikely. I think it will save many lives once it is enacted into law and signed by the President.

We have 78 cosponsors of this legislation. I can't think of another piece of legislation that has enjoyed such broad bipartisan support, including by the majority leader and the Democratic leader, Senator SCHUMER. In today's hyperpolarized environment, that kind of support speaks for itself.

I look forward to its passing in the House as part of the funding bill, and I hope the Senate will do the same before the end of the week.

TRIBUTE TO THAD COCHRAN

Madam President, I close by saying a few words about our friend and trusted colleague, the senior Senator from Mississippi, THAD COCHRAN, who has announced his retirement from the Senate. I know the real tributes are about to kick off in a minute when the majority leader comes out, but since I am up here, I thought I would take the opportunity to say a few words.

Senator COCHRAN has represented the State of Mississippi in the U.S. Senate since 1978. He is one of the longest serving Members of Congress in the history of the United States. His career and his life speak for themselves.

He is the son of a school principal and math teacher. Not surprisingly, he was a gifted high school athlete. He is a piano player and a former college yell leader. Yes, even like me, he is a recovering lawyer, but we will not hold that against him.

Before he joined Congress, he served in the U.S. Navy because he loves this country and the opportunities it has afforded him and his family. He is a man with a strong sense of duty and gratitude for the opportunities he has been given in life. After ROTC at the University of Mississippi, he received orders to join the USS *Macon*, and after that he joined the staff of the Navy commandant in New Orleans. Later, he ran for public office. He first served in the House of Representatives. He then, of course, came here to the Senate, where he quickly established himself as a cordial but formidable presence.

Before I came to the Senate, Senator COCHRAN was chairman of the Senate Republican Conference. He has chaired the Senate Agriculture, Nutrition, and Forestry Committee too. Most recently, he has alternated between serving as ranking member and chairman of the all-powerful Appropriations Committee.

Throughout his 45 years in Congress, he has participated in crafting and enacting historic legislation, but his main focus has always been on the people of Mississippi. His highest priority has always been on the men and women he was elected to represent in places like Jackson, Gulfport, Greenville, Starkville, and Hattiesburg. One example is when he fought so hard for recovery funding after Hurricane Katrina had destroyed large swaths of the southern part of Mississippi. Many people forget that that awful storm was much bigger than New Orleans'. Mississippi was hit almost equally as hard, and Senator COCHRAN made sure his State got the help it needed to get back on its feet.

His storied career is one of service and collegiality even amidst the fractious debates. He treats friends and political adversaries with respect. He listens to what people have to say. We need more people like that in public life.

The majority leader has called him the "quiet persuader," one who knows "there's a big difference between making a fuss and making a difference."

Judge E. Grady Jolly, of the U.S. Court of Appeals for the Fifth Circuit, who has known Senator COCHRAN as long as anyone, said that back home, he is known for his "modesty and his retiring nature"—not attributes you would normally associate with somebody in politics, but he is a class act. He is also known for the consistent attention he has paid to the Mississippi Delta—one of the poorest regions in the Nation's poorest State. The judge calls Senator COCHRAN the "ultimate model of sincerity," one who "never engages in ad hominem or personal attacks" and always "keeps a sense of humor about himself."

My office spoke to one Mississippi resident this week because we wanted to learn a little bit more about what Senator COCHRAN has meant to her. That woman, who had met Senator COCHRAN only a handful of times, said she had always respected and admired Senator COCHRAN's statesmanship and the dignity with which he represented Mississippi. Her comments are a good note to end on—statesmanship and dignity. Those traits never go out of style.

I know I speak for my other colleagues—and they will speak for themselves—when we all say thank you to THAD COCHRAN for setting a higher standard for the Members of this body. The U.S. Senate will not be the same without him.

KENNEDY-KING NATIONAL COMMEMORATIVE SITE ACT

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4851, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4851) to establish the Kennedy-King National Commemorative Site in the State of Indiana, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. Madam President, I ask unanimous consent that the Young amendment at the desk be agreed to; the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2215) was agreed to, as follows:

(Purpose: To strike a provision relating to a special resource study)

In section 3, strike subsection (d).

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 4851), as amended, was passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

TRIBUTES TO THAD COCHRAN

Mr. ALEXANDER. Madam President, I rise to say a word about my friend THAD COCHRAN, who is retiring from the U.S. Senate.

In 1968, I had the job of recruiting State chairman for Citizens for Nixon-Agnew. I was a very young, wet-behind-the-ears former legislative assistant to Senator Howard Baker. We were working in the Willard Hotel in the fall of 1968. The idea was to try to find outstanding citizens who weren't necessarily Republicans because in the southern part of our country, there weren't a lot of Republicans, especially in the State of Mississippi.

So I called around the State of Mississippi to find out who might be willing to head up this Nixon-Agnew campaign. Everybody I called said: Well, there are two young men here who are just the most outstanding young men, both are cheerleaders at Ole Miss, or had been, and both are going to grow up to be the Governor of Mississippi, which was, at that time, I guess, the nicest thing one could say about some aspiring young man because nobody thought the two U.S. Senators, Eastland and Stennis, would ever retire. So growing up to be the Governor of Mississippi was really a great compliment to a young man in Mississippi at the time. One of those young men was named Trent Lott, and one of those young men was named THAD COCHRAN.

I telephoned THAD COCHRAN, and I invited him to become chairman of the Citizens for Nixon-Agnew. He was a Democrat, but he agreed to do that. We met in October of that year in Indianapolis. The mayor of Indianapolis then was Richard Lugar, a young mayor at that time and later a Member of this body. That was the beginning of THAD COCHRAN's Republican Party activity.

He and that other young man—who were so promising—both ran for U.S. Congress in 1972, and to the surprise of a great many people, they were elected, the first Republicans since Reconstruction, I suppose, from Mississippi—THAD COCHRAN and Trent Lott.

In 1978, THAD COCHRAN did something nobody had done from his State since the Reconstruction; he became a Republican who was elected to the U.S. Senate, and he has been here ever since.

The reason he was able to be successful is not surprising. THAD was and is an engaging, pleasant person. His parents were educators. He learned to play the piano. He was a terrific baseball player—good enough to play professional baseball. He joined the Navy. He was, in every respect, an outstanding young man, just as he has been a distinguished public servant throughout his life.

He has been widely respected here by his colleagues, elected to be chairman of the Republican conference, and most recently he has been chairman of the Appropriations Committee, which is as important as any position in this body.

In an era where not everybody seems to think it is important to act like a gentleman, THAD COCHRAN is a gentleman, and we respect that and the example he has set.

So he has been a pioneer for the Republican Party, he has been a good example for young people, and for all of us, really, in terms of what we should expect and try to emulate in public life, and, to me, he has been a great friend.

So my wife Honey and I would like to say to him and to Kay, his wife, that we respect him, we look forward to the next chapter in his life, and we honor his service to this country.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I, too, wish to join my colleagues in a tribute to our retiring statesman, Senator THAD COCHRAN.

First of all, I have been asked by Phyllis J. Anderson, Tribal Chief of the Mississippi Band of Choctaw Indians, to have printed in the RECORD a proclamation that was adopted only recently about Senator COCHRAN in appreciation for his 46 years of public service as a Member of the House and of the Senate, and I ask unanimous consent that the proclamation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MISSISSIPPI BAND OF CHOCTAW INDIANS

A TRIBAL PROCLAMATION IN RECOGNITION AND APPRECIATION OF THE HONORABLE THAD COCHRAN—MARCH 2018

WHEREAS, the Mississippi Band of Choctaw Indians recognizes and honors The Honorable Thad Cochran for his 46 years of dedicated public service as a Member of the U.S. House of Representatives and distinguished U.S. Senator representing the State of Mississippi, including Choctaw citizens of our great Tribe; and,

WHEREAS, Senator Cochran has faithfully served, as both Chairman and Member, on Committees important to Mississippi and to the Mississippi Band of Choctaw Indians, including the Committees on Appropriations, Indian Affairs, Agriculture, Nutrition, and Forestry, Judiciary, Rules and Administration, Ethics and the Labor and Human Resources; and,

WHEREAS, Senator Cochran has achieved a wide-ranging legislative record and valuable legacy that reflects the needs of Mississippi, the Mississippi Band of Choctaw Indians, and the nation.

WHEREAS, Senator Cochran's work has helped to create jobs and spur economic growth in Mississippi and has continuously supported tribal sovereignty and self-determination which has contributed to the Mississippi Band of Choctaw Indians being one of the largest employers in our State; and,

WHEREAS, Senator Cochran's work has also promoted progress in our nation's rural communities, including on our nation's Indian reservations, through various programs for economic and educational development teacher training, vocational education, li-

braries, university-based research and development, conservation of the environment and our wetlands, forestry, health care and criminal justice; and,

WHEREAS, Senator Cochran, who also served in the U.S. Navy, has worked to protect the U.S. Armed Forces and our men and women in uniform, as well the Navy's ship-building programs and military bases and installations in Mississippi. Now, therefore, be it

RESOLVED, that I, Phyllis J. Anderson, by the authority vested in me as Tribal Chief, do hereby honor the legacy of the Honorable Thad Cochran and extend the sincere gratitude, appreciation, and many blessings of the Mississippi Band of Choctaw Indians to Senator Cochran upon his retirement after five decades of public service in the U.S. Navy, U.S. House of Representatives and U.S. Senate.

PHYLLIS J. ANDERSON,
Tribal Chief, Mississippi Band
of Choctaw Indians.

Mr. WICKER. Madam President, I would note that the last paragraph of this document says: "Resolved, that I, Phyllis J. Anderson, by the authority vested in me as Tribal Chief, do hereby honor the legacy of the Honorable THAD COCHRAN and extend sincere gratitude, appreciation, and many blessings of the Mississippi Band of Choctaw Indians to Senator COCHRAN upon his retirement after five decades of public service in the U.S. Navy, U.S. House of Representatives and U.S. Senate."

Signed by Phyllis J. Anderson, Tribal Chief.

Back in December of 1937, THAD COCHRAN was born in the little town of Pontotoc, MS, population 1,832. He was born in the delivery room of the Rayburn Clinic. Some 13½ years later, I was born in the delivery room of the Rayburn Clinic in Pontotoc, MS.

During the campaign, some years later in 1994, when I was first trying to be a Member of the House of Representatives, Senator THAD COCHRAN and I went around the northern part of the State and told many people that he and I were born not only in the same town and not only in the same clinic but born in the same room, the delivery room of the Rayburn Clinic. We thought that was the truth. As it turned out, we found out later from our moms, the Rayburn Clinic had moved down the street; so while we were both born in the delivery room of Rayburn Clinic, that clinic itself had moved. It just points out how long Senator THAD COCHRAN and I have been friends and how long our families have been friends and how well associated we have been down through the years.

Senator ALEXANDER mentioned that campaign in 1968, and then he mentioned that he was a candidate for Congress successfully in 1972. I was honored, as a college student, to go door-to-door for Senator COCHRAN during that 1972 campaign.

Yesterday was National Poetry Day. Perhaps it is appropriate for me, today, to quote a couple of poets, the first being Henry Wadsworth Longfellow who said:

Lives of great men all remind us

We can make our lives sublime;
And departing, leave behind us
Footprints on the sands of time.

As THAD COCHRAN departs the Senate in a few days, I think it is appropriate for us to reflect, as my friend from Tennessee and my friend from Texas have already done, and as others will do, about the great footprints Senator THAD COCHRAN will have left in the sands of time for our Nation.

Because of THAD COCHRAN, our Nation's defense is stronger today.

Because of the efforts of our colleague from Mississippi, my senior Senator, Americans are healthier today and will continue to be healthier.

American agriculture is stronger today because of the efforts of this "quiet persuader" in the field of agriculture; and our economy, as a whole, is stronger because of the many efforts of Senator THAD COCHRAN and before that, Representative THAD COCHRAN in the U.S. House.

I am just very grateful. We are all grateful for all he has done.

Senator COCHRAN acknowledged in his statement about his impending retirement that health had become an issue for him, and it was time to move on.

I told reporters and I told Members who asked me—I said it is a bitter-sweet moment, it is a poignant moment for me to hear such things. These sorts of things happen, and we all face health issues at some point.

Alfred Lord Tennyson, in his magnificent poem "Ulysses," said:

Tho' much is taken, much abides; and tho'
We are not now that strength which in old
days

Moved earth and heaven; that which we are,
we are;

One equal temper of heroic hearts,
Made weak by time and fate, but strong in
will

To strive, to seek, to find, and not to yield.

I say to my friend THAD that we appreciate the fact that he has been strong in will and, though time and fate have happened to THAD COCHRAN and will happen to me and to all of us, what abides is the legacy he has left of being a "quiet persuader," of being a person of accomplishment, of being a gentleman who has made this country and its citizens better off, and I thank him.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The majority leader.

Mr. McCONNELL. Mr. President, when I learned that our distinguished colleague from Mississippi would be retiring this month, I found it difficult to imagine the Senate without him.

That is for good reason. THAD COCHRAN arrived here in 1978. Two hundred and fifty-four Senators have since followed in his footsteps. Of those currently serving, 97 of us are newer at this than THAD is, and every single one of us has been treated to a first-rate example of honorable service, a master class in the art of legislation, and living proof that unwavering principle

and unflappable collegiality can and should coexist.

We all know THAD has a knack for making things look easy. So many graces and talents seem second nature to him, but appearances can be deceiving.

Take the start of his political career. When we think about it, it is only natural that Senator COCHRAN liked to work on conservation issues. I expect his adventures as a Mississippi Republican in the early 1970s helped him understand just what it feels like to be an endangered species.

In 1972, THAD was a rising-star attorney when he was asked to try and become just the second GOP Congressman from his State since Reconstruction. The possibility seemed so remote that when he asked Rose how she would like being married to a Congressman, she replied, "I don't know—which one?"

Long odds, indeed.

But true to form, THAD won in the end—and again and again—and then he became the first Republican Senator from Mississippi in a century.

It is safe to say service is in THAD's DNA. Both his parents were devoted educators. His father, W.H., served as superintendent of a large, rural public school district. His mother Emma was a pioneering mathematics teacher who wrote new curricula.

In Pontotoc, MS, their two boys grew up with a healthy appreciation for the power of good schooling.

THAD graduated as high school valedictorian, then came a naval commission, and then law school, where he graduated at the top of his class, but no amount of success can take the kindness and courtesy out of this quintessentially southern gentleman. A deep respect for others is THAD's calling card.

Just a few weeks after he arrived in Washington, he brought his staff together and he said:

We're going to treat everyone the same. We're here to find answers for everyone, even if they disagree with us. We're here to serve the people of Mississippi.

Even at a time when the wounds of segregation were still raw, he made it clear this meant all—all—Mississippians. In fact, he hired the first African-American congressional staffer to work in a Mississippi office since reconstruction—Nehemiah Flowers. And for all his staff, THAD took the time to pen a detailed memo laying out high expectations for serving constituents and treating everyone with dignity. That temperament led to a litany of accomplishments.

Mississippians knew that in THAD they had a quiet persuader, a steady workhorse, and a dogged advocate who almost never made a fuss but almost always made a difference. Indeed, the policy achievements of this mighty Appropriations chairman are so numerous as to defy easy summary.

I know this schoolteacher's son is particularly proud of his work on edu-

cation. Senator COCHRAN carried the banner for research partnerships that raised the profile of historically Black colleges and universities. He delivered critical funding to expand scholarship access. He spearheaded the Delta Education Initiative. He inspired the Cochran Fellowship Program, which has changed the lives of more than 17,000 agriculture professionals from around the world.

It is no exaggeration to say that THAD COCHRAN's work has broadened the horizons of millions, but it didn't stop there. There were the landmark bipartisan bills, like the Cochran-Inouye National Missile Defense Act. There is his partnership with his dear friend, Senator LEAHY, on the Farm to School Program. The list just keeps growing.

When he first ran for the Senate in 1978, THAD's stump speech included a line that Mississippians deserved a Senator who would work full-time for them. They certainly got one. THAD didn't come to Washington to curry favor, win praise, or hog the limelight. When I say he preferred making a difference to making a fuss, I really mean it. This man served in the Senate for seven terms and only appeared on Meet the Press twice.

No, THAD had other business to attend to. He spent his 39 years in this body working full-time for students and educators, full-time for farmers and ranchers, full-time to deliver funding for our brave servicemembers and our veterans who returned home.

It is rare, even in the halls of Government, to meet someone as influential as Senator THAD COCHRAN. It is even rarer to meet someone as kind, as even tempered, and as concerned for the welfare of others. It is almost unheard of that this same man would be both. That is just who THAD is.

He wrote the book on composure under pressure. He served as the careful custodian of billions of taxpayer dollars without losing an ounce of humility. On the Senate floor and in committee, he tackled heated debates and complicated legislative challenges with true servant leadership. On the tennis court, by all accounts, he offered his colleagues a different and altogether less hospitable sort of service. But true to form, I hear THAD always combined winning and graciousness. He has certainly had enough practice at both.

From Pontotoc, MS, to the Senate floor, THAD COCHRAN's story has grown but it hasn't changed. It is a story about putting others first. It is about doing the right thing every step of the way. It is a story that will continue to teach and inspire those of us who now must carry on our work without him.

I know that THAD's devoted staff are sorry to see him go. Their allegiance to him, famous throughout the Senate, is further testimony to his own principled professionalism. This is exemplified by nobody quite so well as Doris Wagley, Senator COCHRAN's personal secretary, who has served THAD ever since 1973,

when he was first sworn in as a Congressman. She planned to take the job for just a year or so and then reassess—enough said. She, along with all of Senator COCHRAN's excellent staff, has our admiration and our gratitude.

I would particularly like to thank two men who have led teams in service to Mississippi and Senator COCHRAN so well—Brad White, his chief of staff, and Bruce Evans, his longtime staff director on the Appropriations Committee. I am grateful for their hard work on behalf of the Senate. I know the early mornings and late nights were many, including just these last few weeks.

THAD's friends know that retirement will allow him more happy times with his wife Kay, his beloved children, Clayton and Kate, and the three grandchildren he adores. He departs with our warmest wishes.

We will miss our great persuader. We will miss our loyal friend. We stand with Mississippians and a grateful nation in honoring the service of Senator THAD COCHRAN.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader and the distinguished other Senator from Mississippi for their comments.

I have often thought that THAD COCHRAN and I would serve here together straight through whatever time we have in the Senate. Because he is such a dear friend, I have often felt that Senator THAD COCHRAN was plucked from a central casting to fill the role of a devoted public servant. More than most of us, he looks the part, but more than most of us, he embodies the best of what the Senate can be. Currently, in this body, I have served longer here than anybody else, but I have never felt closer to a Senator than I do to THAD COCHRAN, my dear friend.

Our country needs more public servants like THAD. As Congress has become more partisan in recent years, THAD has stood by his values. He brings substance, not sound-bites, to the upper Chamber. His leadership, as has been described, as "the quiet persuader" is going to be missed.

They talk about his being the son of a schoolteacher. So it is no shock that he devoted his life to public service. He joined the Navy after graduating from Ole Miss. He went on to earn a law degree from the University of Mississippi and then became engaged in Mississippi politics, often traveling with his father to help with voter registrations in campaigns around the State. He worked on campaigns from county sheriff to the Governor's race.

THAD then went to the House in 1972—here to Washington, a couple years ahead of me—and then we became Senate partners in 1978.

He and I both became chairmen of the Senate Committee on Agriculture, Nutrition, and Forestry. Today in the committee's hearings room, our official portraits hang together. It is easy to tell them apart. He is the one with the hair and better looking.

Marcelle and I have joined THAD in Mississippi to visit sprawling cotton farms and fish farms, and twice THAD joined me in Vermont to visit small family dairy farmers. I even introduced him to my mother in Montpelier.

Now, I have to make a confession here, and I hope this doesn't go out of this room. It was during one of those trips to Vermont—to St. Johnsbury, VT—in 1985 that I had extolled the beauty of Vermont in the wintertime. When we arrived, I think the southern gentleman was not ready for temperatures that dipped down to around 20 below zero. That is cold weather even by Vermont standards. This wonderful southern gentleman turned to me and he said: PAT, this is not Mississippi weather. Then, he made a few other suggestions of what I was trying to do to him, but we had a wonderful visit just the same. We stayed in what is called the Rabbit Inn, with fireplaces going. The next day at our meetings, I think Vermont was ready to elect THAD COCHRAN as its third Senator, because he was so impressive.

We also traveled beyond Vermont and Mississippi. We met with leaders around the world. As senior Members of the Senate, we could go in a bipartisan way to see what they thought about the United States and to answer their questions. We and our wives became closer in these fact-finding visits. No matter how long the trip was—and some were to the other side of the Earth—THAD, through his conversation and his friendship, made even the longest trip seem short.

In our travels, one of the things I could always count on was that THAD would always check in on the Cochran fellows in whatever country we were in. Starting in 1984, the Cochran Fellowship Program has provided training for more than 17,500 people from 125 different countries to develop agricultural systems and to strengthen trade between our countries. The program also strengthens understanding between the United States and other countries.

THAD is leaving a legacy that is tied to our Nation's agricultural development. When he was chair of the Agriculture Committee, he left his fingerprints on the farm bill, which are still there today. More recently, we championed the reauthorization of the Farm to School Program, which provides Federal resources to bring fresh and nutritious local food from local farmers to more than 40,000 schools across the country, including 83 percent of the schools in Vermont—what a legacy, as the son of a teacher and a great advocate for Mississippi farmers. THAD knows how important this program is to strengthening local farm economies and educating young kids and their families about the importance of eating locally grown and nutritionally dense food. This picture was taken as we were visiting a farm—obviously not when it was 25 below zero. It was probably a warm summer day. So that is why we only have on light sweaters.

Even though we are on the opposite ends of the political spectrum, THAD and I have crossed the aisle to work hand-in-hand for the American people—from our work in the Senate to our work for years as regents at the Smithsonian. In every bill and program on which we have worked, he has been a Senator with integrity, decency, civility, and, most importantly, a dear and cherished friend. THAD will always keep his word, and I tell that to the Senate because that is a quality that is becoming too rare sometimes in both parties. He is old school. Many of us would say the best school.

When I became vice chairman of the Senate Appropriations Committee, I knew I would have a steadfast partner in Senator COCHRAN. He has earned the moniker of “the quiet persuader.” He was also referred to by one of the members of the Appropriations Committee once—a moniker that should be appreciated—as a workhorse, not a show horse. That is why he has been so successful—the quiet persuader. Well, the quite persuader, when Hurricane Katrina struck, used his leadership to direct nearly \$100 billion to communities on the gulf coast to rebuild.

THAD will leave this Chamber having cast more than 13,000 votes and becoming the 10th longest serving Senator in the history of our country. A constant champion of Mississippi and the American people, I don't think many people truly understand how much Senator COCHRAN has accomplished for his State and his country.

Marcelle and I count THAD and Kay among our dearest friends. His leadership on the Appropriations Committee in the Senate will be sorely missed. Our country needs more devoted public servants like THAD COCHRAN, and I am sad to see my dear friend leave. But I know his legacy is a presence that will be felt in this Chamber, in Mississippi, and across the country for generations to come. I will enjoy looking at the photographs of my dear friend taken in Vermont, Mississippi, and around the world. He is one of my heroes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I, too, would like to start by thanking my good friend, Senator THAD COCHRAN, for the tireless dedication and public service he has brought forth here throughout some 40-something years—45 years.

As has been said, he was elected to the U.S. House of Representatives over 45 years ago, and he was elected to the U.S. Senate in 1978. As all of us know, THAD was a practicing attorney in Jackson, MS, and a graduate of the University of Mississippi School of Law. He also studied abroad at Trinity College in Dublin, Ireland, where we visited one time.

We have served together in the U.S. Senate for over 30 years. He has been an excellent colleague, and I have been honored to have worked with him. We represent neighboring States, Mis-

issippi and Alabama, and we have both worked on some of the same priorities. But, mainly, he has served Mississippi with the utmost dignity and respect.

He has an excellent staff. We are all grateful for their hard work, their help, and their coordination with all of us.

As chairman of the Appropriations Committee, he has been a remarkable negotiator. As the majority leader will tell you—he is one himself—we need those traits at this point in time.

THAD has provided critical funding for various Mississippi priorities over the years. He hasn't forgotten where he is from. Right here, with a lot of help, he led the restoration of the gulf coast after Hurricane Katrina. As I have understood them, his major priorities have always been the defense of this Nation; education, as Senator LEAHY talked about; agriculture, where he served as the chairman of the Ag Committee for a long time; rural issues, not only in Mississippi but all over America. THAD also spent many years serving on the Rules Committee, where I now chair.

I believe history will reflect THAD COCHRAN's long legacy of strong leadership, and I, myself, believe that he has made an extraordinary impact here in the U.S. Senate.

THAD, as we all know, is very courteous, well-mannered, and has a low-key demeanor most of the time. He is quiet, he is patient, and he has built seniority through power and perseverance.

Some people say that THAD COCHRAN is the last true southern gentleman, and I think there is a lot of truth to that. Some people say that he represents the lost art of being nice; we all need to work on that. He always has been and will be a hero both here and back home in Mississippi.

THAD, I wish you and your wonderful wife, Kay, well. I think all of us should strive to continue on the wise path that you have paved for us here in the Senate.

I believe we are all grateful for his service to Mississippi and our Nation. We wish him God's speed.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I have known and admired THAD COCHRAN for 40 years—since he first came to the Senate. At the time, I was a young staffer for Senator Bill Cohen, who also was elected to the Senate that same year.

I saw from the start that this gentleman from Mississippi was so bright, insightful, and creative yet also humble, kind, and devoted to helping others. He treated everyone with such dignity. He was nice to everyone, from the elevator operators to the highest officials around the world. He truly is one who leads by example.

Those qualities are his legacy, and I have seen them time and again as a member of the Senate Appropriations Committee when THAD was an important member and, of course, when he became the chairman.

Last year was the 150th anniversary of the creation of the Appropriations Committee, and THAD marked that occasion by reminding all of us of our great responsibility to make thoughtful and informed decisions in the allocation of public funds. In managing appropriations bills, he was always so inclusive, willing to incorporate ideas and priorities from everyone who could make a persuasive case. The fact is, THAD has always placed careful consideration and compromise above partisan politics. That really reflects how THAD has led his life.

He has excelled at everything he has ever undertaken. When he joined the Boy Scouts, he became an Eagle Scout. In his high school, he was valedictorian. In college, he had the highest scholastic achievements. He excelled in serving in the Navy, and, of course, we know how much he has accomplished as our esteemed and dear colleague here in the Senate.

When THAD served as chairman of the Appropriations Agriculture Subcommittee, he traveled to the State of Maine with me, and we met with Maine's potato farmers and blueberry growers—not exactly staple crops of Mississippi. THAD listened intently to these farmers and growers. It was clear that he cared about them and that he valued our family farms and our rural communities.

That night, we had a lovely Maine lobster dinner at an inn on the coast. During that dinner, THAD shared with me his passion for good literature, his love of music, and his passion for education that had been instilled in him by his parents.

Of course, another issue that brought THAD and me together was making sure that our naval fleet was strong. As a U.S. Navy veteran who served for a time in Boston, MA, THAD has always been a dedicated advocate for his shipyard in Mississippi, as I am for Bath Iron Works in the State of Maine. THAD has twice visited BIW with me to see the great work done there.

In 2013, THAD received the Navy's Distinguished Public Service Award in recognition of his longstanding commitment to American sea power.

Through four decades in the Senate, plus three terms in the House of Representatives, THAD has compiled an admirable legislative record on issues ranging from education to libraries, the arts, our national defense, scientific and biomedical research, conservation initiatives, and civil rights. But perhaps his greatest legacy is that he taught us how a Senator should act, and that legacy will live on forever.

THAD, our Nation is so grateful for your service, and I, personally, am so appreciative of your friendship. I offer my best wishes to you and to Kay. You will be greatly missed.

The PRESIDING OFFICER. The minority leader.

Mr. SCHUMER. Mr. President, I had the privilege to speak at some length about THAD in leader remarks, but I

wanted to add one point. I know my colleagues are waiting.

Another trait of THAD's, which has made him so successful, is that he has a long memory and knows how to work the legislative process. I remember, after the devastation of Katrina, THAD came over to me and talked to me about the need for so much, including a rail line that was somewhat controversial in the southern part of the State. He convinced me that it was desperately needed, and I voted for it.

Well, the wheel always turns, and 6 years later, we were devastated by Sandy. We needed all the help we could get, and I went to THAD. I didn't have to say a thing. He said: I remember what you did for me. I am going to help you all the way with Sandy, and he did.

This is just one of many great traits about this man and why he was so amazingly successful for the country and, most of all, for his beloved State of Mississippi. He made people want to help him and help his State, even though we don't have—as the Senator from Maine has said, our States are so different. We wanted to help each other, and we are bound by it.

THAD, you are a great man and a great example to all of us on how to conduct ourselves. We will miss you here in the Senate but wish you God's speed in whatever else you do.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Mr. President, I rise today to pay tribute to a long-time friend, a revered public servant, and a true southern gentleman, Senator THAD COCHRAN.

THAD COCHRAN will be retiring at the end of this month, bringing an end to more than 40 years of exemplary service to Mississippi and our Nation.

Senator COCHRAN is a Mississippi man through and through. He was born in Pontotoc to a mother who was a school teacher and a father who was a principal. After graduating as valedictorian at his high school, THAD attended Ole Miss, where he earned both his bachelor's and juris doctor degrees. After serving in the Navy, he practiced private law in Mississippi for several years, but it wasn't long before he entered politics.

After serving in the House of Representatives, THAD first came to the Senate in 1978, just 2 years after my own election. The truth is, I hardly know this place without him, and I can hardly imagine what things will be like when THAD is no longer sitting here.

It is difficult to describe the special bond you share with someone who has been your close friend and partner here on the floor and colleague for more than four decades. THAD and I have been here through some of the most formative events in modern history, including the fall of the Soviet Union, the rise of American hegemony, the creation of the internet, and the coming of the digital age. As Members of this body, we have had the privilege not only to witness history but also to help shape it.

Whether as chairman of the Senate Republican Conference, the Agriculture Committee, or the Appropriations Committee, Senator COCHRAN has spearheaded some of the most significant policy initiatives of the last several decades. With an equal mix of healthy persistence and pure southern charm, he quickly earned his reputation as the "quiet persuader." I know I speak for all of my colleagues when I say he will be sorely missed.

THAD COCHRAN is so much more than the senior Senator from Mississippi. He is so much more than the legislation he has passed and the titles he has held and the awards he has received. THAD COCHRAN is a fixture of American politics, a man synonymous with the Senate, who embodies in every way all that is right and good about this body—a commitment to comity, character, and respect.

I think my colleague Senator LEAHY put it best when he said that Senator COCHRAN represents the old school. He personifies a generation of lawmakers brought up on the principles of bipartisanship and compromise, and I believe that these very virtues have been the keys to his success as a legislator.

Even in recent years, as our politics grew ever more divisive, THAD reminded us that in the era of endless gridlock and perpetual polarization, there is no alternative to civility and healthy debate. THAD is always someone you could trust to put the good of others above self, someone you could count on to reach across the aisle even when the political risks were great. In so doing, THAD gave all of us a template for effective legislating, and he followed the model for decades for the betterment of Mississippi and the Nation.

I consider myself lucky to know THAD and even luckier to call him friend. It is true that this body will not be the same without him, but I hope we can honor his service by recommitting ourselves to the virtues of civility and respect every day.

Today, I want to thank my colleague from Mississippi for his example and his many years of friendship. I wish him and his family the very best.

THAD, I want you to know that not only will we miss you, we will not get along as well without you. I think the world of you. It has been a pleasure for me to sit right by you on the floor for all of these years, and it has been a pleasure to learn from you. God bless you, and just know that a lot of us are pulling for you in every way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, everybody doesn't just come up with the same description of someone they have worked with every day by accident. When we think about everything that has been said and everyone independently setting down what we remember about Senator COCHRAN, what we think about when we think about Senator

COCHRAN—he is a gentleman. He is a quiet persuader. He gets things done in a way that makes things that would otherwise seem hard for other people seem easy for him.

The true, groundbreaking politician came to the Congress in 1972, but in 1978, he was the first Republican elected statewide in Mississippi in over 100 years.

He gave evidence to that willingness to serve everybody in the direction he gave his staff. Nobody ever talks about Senator COCHRAN without talking about his staff. It doesn't take long into that conversation to talk about his staff. Just as THAD COCHRAN encouraged them to do on day one, they always tried to solve everybody's problem they worked for, no matter what that past relationship might have been or how they disagreed on other things.

The first time I got a chance to work with Senator COCHRAN, I was the chief deputy whip in the House, and we were in a leadership meeting trying to bring some things to a conclusion. I think the majority leader in the Senate at the time was THAD's colleague from Mississippi. Trent Lott turned to THAD and me—I was the junior person at the table. My mom and dad were dairy farmers, and maybe that is why Senator Lott thought I would understand this. It was a dairy issue, as I recall, and he said: Why don't you and Senator COCHRAN work this out? I think it was something on milk marketing orders, which almost nobody understood. It was a problem that nobody thought they could solve. I had been here about 25 months, and Senator COCHRAN had been here 25 years, and what I got was the great gift of watching him work out that problem, and it got to the conclusion that, for whatever reason, everybody was happy with.

His leadership, for States like Missouri and Mississippi with large rural populations—I think we have a bigger urban population than Mississippi, but we both have big rural populations. Whether it was agricultural issues or flood insurance or rural economic development, THAD COCHRAN was always there—at one time, not just as the chairman of the Agriculture Committee but also the chairman of the agriculture appropriating committee, and anybody who has worked around here very long knows it doesn't get much more powerful than that when it comes time to solve problems.

There have been mentions of Hurricane Katrina and stepping up, along with Haley Barbour, the Governor of Mississippi, coming together, convincing the Congress of things that needed to be done, and a few things that got done in Mississippi that didn't get done anywhere else.

I was presiding this morning when Senator SCHUMER spoke. He mentioned—he didn't mention it is his comments a few minutes ago, but he mentioned this morning—and this is an important view of both of them—he said that he remembered THAD saying

one time: I don't call a lot of press conferences; I don't think it is part of my responsibility. Senator SCHUMER quickly pointed out that was not his view of press conferences, but it was THAD's view of press conferences or “Meet the Press” or anything else that didn't focus on his job of getting things done.

The bill we will vote on today does things for members of the Active Armed Forces and veterans that we haven't done in a long time. It is a fitting conclusion to the service of THAD COCHRAN, who in 2013 received the Navy Distinguished Public Service Award. He was stationed in Boston for part of his service in the Navy, where nobody could understand what he said, but they wanted to do whatever it was that THAD COCHRAN wanted to do.

I liked the term that Senator SHELBY used, that THAD COCHRAN is one of the last practitioners of the lost art of being nice—the lost art of being nice.

I talked to my 13-year-old son Charlie just this morning, and I said: You know, Charlie, it is actually easier to be thoughtful than to be thoughtless. So many of us don't mature much beyond the 13-year-old understanding of that. We would be better off to watch and learn from what THAD COCHRAN did so well while he served in this body.

THAD and Kay will be missed in the daily Senate family, but they will always be an important part of the Senate family.

It is an exciting time when you get to go home to Mississippi and don't immediately understand that you very quickly have to turn around and come back to Washington to do what THAD did so well for so long, representing the people he worked for, the people he loved. At least two generations of Mississippians don't remember when THAD COCHRAN wasn't their Senator, and only when this time in the Senate ends will people fully begin to realize how much he did, how much they appreciate what he did, and how much has happened because THAD COCHRAN was here.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, it is an honor for me to come to the floor of the Senate and talk for a minute about my friend THAD COCHRAN. I know everybody has probably said everything that needs to be said; just everybody hasn't said it yet. Kind of in the vein of what Senator BLUNT said, everybody says the same thing about Senator COCHRAN: He is gracious, smart, gentle, effective, and a great colleague.

I want to tell my colleagues about THAD COCHRAN. When I came to the Senate 14 years ago, I had served in every legislative body I could be elected to where I live. I served in the Georgia House, the Georgia Senate, the U.S. House, the U.S. Senate—all representative legislative bodies. In each one of them, I got some advice.

My first year in the Georgia House, 41 years ago, I got some very good advice. A good friend of mine said: JOHN-

NY, I will tell you what you do. The first year you are here, don't say a word. Just watch everybody talk. Watch what everybody else does. Look at people you would like to be like, and for the remainder of your career, be like that person, because in the end, this business is about relationships and effectiveness, not about bluster and bragging.

I did pick out a guy; his name was Carl Harrison. Carl Harrison has since passed away, but he was one of the best friends I have ever had in life. I watched him in the Georgia Legislature, and I patterned myself after Carl Harrison, and the success I had was because I followed a great leader like him.

When I got to the U.S. Senate, I knew I needed leadership. I knew I needed to find a book or something to tell me how to be a good Senator. I remembered Carl. I said: You know, I am going to sit in this body. I have 6 years in this term. Surely I can take a few months for the first year and kind of figure things out.

So I started watching. I could see the characteristics and the quality of each and every individual in the Senate, and everybody offers unique gifts that they have given to this body. I kept watching THAD COCHRAN. He was respected. He always had time for you. He never let you know he had been here a lot longer than you ever thought about being here, maybe even longer than you had been born. He listened to you, and if you asked him a question, he gave you an answer.

So I called my wife and I said: Sweetheart, when we come back to Washington next week, I want to take THAD COCHRAN to dinner because I have decided he is the guy I would like to be most like.

I am not making this up; this is exactly what happened.

So we went to Ocean Air. THAD, I don't know if you remember that night. It was pretty crowded. THAD is not a loud guy, but when THAD walks in a room, it gets a little bit quieter because everybody knows wisdom has arrived. My wife and I enjoyed that dinner that night, and we became great friends.

We had a number of issues on which we engaged each other over the course of the years, and on all of them, I think we were on the same side—except catfish. I think I got it wrong on catfish, and I apologize for that, but I tried to redeem myself.

The highest compliment I can pay is to say that I wanted to be just like THAD COCHRAN. So in the 13 years since that dinner at Ocean Air and in everything I have done and tried to do in the Senate, I have tried to be like THAD COCHRAN.

Mark Twain once wrote: When confronted with a difficult decision, do what is right. You will surprise a few, but you will amaze the rest.

When we have tough decisions to make, when somebody has to cut to the

chase and point you in the right direction to get the job done, it is THAD COCHRAN whom you want in your foxhole. He is the perfect example for me of a noble life and a noble leader.

I have a favorite poem. It is in a book called "Leaves of Gold" from the Methodist Church. I think that poem applies to THAD COCHRAN better than any words I can say. The poem goes like this:

I'd rather see a good person
Than hear about one any day.
I'd rather have a good person walk with me
Than merely show the way.
For my eyes are better pupils
And more willing than my ear.
And fine counsel is confusing
But example is always clear.
And the best of all the people
Are the ones that live their creeds.
For to see the good in action
Is what everybody needs.
While I'll be very glad to do it
If you'll let me see it done;
But I can watch your hands in action,
But your tongue too fast may run.
But the lectures you deliver
May be very wise and very true;
But I'd rather get my lecture
By observing what you do.
For I may misunderstand you
And the high advice you give;
But there's no misunderstanding
The way you act and the way you live.

THAD, you have blessed us all by the way you act, the way you live, and by the example you set. May God bless you and your family. I wish you the best. And may you always come back, because if you ever need me, I will be right here for you because you have always been there for me. God bless you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to thank the Senator from Georgia for those comments, and I would like to associate myself with all of them. We should have saved it for the concluding speech, I think.

I rise today to also honor a man who has spent the last 46 years faithfully serving the State of Mississippi in Congress.

THAD, you are the longest currently serving Member of Congress, and we are going to miss your experience and your leadership. You have left a mark on Congress that won't soon be forgotten. You have served with great distinction and made a difference in the Senate. Your time in Washington began when the people of Mississippi voted to send you to the House of Representatives, and you represented their interests in that Chamber from 1972 to 1978. Then you ran for and won the noble Senate seat.

THAD and I have found ourselves on two sides of the U.S. coin. He chairs the Appropriations Committee; I chair the Budget Committee. Even though he does the detail of spending the money and I work to set the parameters, I have always respected him and enjoyed working with him.

Former Senators have spoken highly of Senator COCHRAN. In fact, in 2007,

while congratulating THAD on his 10,000th vote, our good friend, the late Senator Ted Kennedy, said:

Thad and I don't always agree on policy matters—and more often than not we find ourselves on opposite sides of the issues—but those disagreements never diminished my respect for his thoughtfulness and nor do they diminish the friendship I feel toward him.

I think that is a pretty common refrain for somebody who is quiet and effective and perseveres through everything.

THAD is known to hold strong opinions, but that has never stopped him from developing a close working relationship with Members of both parties. Throughout his career, he has used his experience and mastery of the issues to persuade his colleagues, but he has done so privately rather than bashing in the media. This determined, yet respectful, approach to negotiations and his passion to find solutions to the problems and concerns of the people of Wyoming and America have led to his nickname, the "quiet persuader." He has been a great mentor to me. THAD has had a remarkable career, and his leadership will be dearly missed. He has inspired future leaders from his State, and in that way and so many others he has made a difference.

Diana joins me in sending our best wishes to you, to your wife Kay, and to the rest of your family, and our appreciation for your willingness to serve Mississippi and the Nation so faithfully and so long.

There are countless sayings about how politics isn't for anyone but the brave and the resilient. I think your experience, especially this past year, has shown that there is no challenge too large for you to overcome, and clearly you specialize in making the world a better place—and that is a win-win for us all, especially our children and our grandchildren.

I am sad to see you leave the Senate at the end of this month, but I wish you a well-deserved retirement and other adventures.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Mr. President, I rise today, on this side of the aisle, to thank my friend Senator COCHRAN.

Yesterday, I made a longer speech in the CONGRESSIONAL RECORD, but I didn't want this moment to go by without tributes from both sides of the aisle while you are personally present on the floor.

My relationship with Senator COCHRAN was fortuitous. There used to be two giants in the Senate—Ted Stevens and Danny Inouye—and forever and ever they were the two, a Democrat and Republican—who were in charge of the Department of Defense Appropriations bill, and we bowed to their knowledge and wisdom. Then the day came when they were both gone, and the new people stepping in were THAD COCHRAN and DICK DURBIN.

I felt totally undeserving to be given that responsibility, and certainly could

never follow the act of Danny Inouye, as great as he was in serving our country, both in the military and the U.S. Senate, and THAD had the responsibility of following Ted Stevens as the Defense Committee chair.

While we both knew we were being held to high standards as people compared us, as they inevitably would, the thing we decided to do from the beginning was to do it together—to learn on the job and to work together. It really hearkens back to a Senate that I remember—and I am sure Senator SHELBY and others remember—when we first got here, when the Appropriations Committee assignments were really bipartisan assignments, start to finish.

My work on the Defense Subcommittee with THAD COCHRAN was bipartisan from the start. It always was. There was mutual respect. If I ever had an issue, I could go to him. He knew the same thing was true, if there was an issue related to his concerns or the State of Mississippi, he could come to me. We never ever set out to trouble or embarrass one another publicly. We tried to always have a good, positive working relationship. The very few disagreements we had were behind closed doors and usually resolved behind closed doors. It really was the Senate I was elected to and the one I miss today. We need more of it.

THAD COCHRAN, you made it easy when you were chairman of the Defense Committee for this ranking Democrat to be an active partner of yours in doing some important things. I think we accepted our responsibility and did our level best; I think our American national defense is stronger today because of it; and I am lucky because I had a good friend, good mentor, and good colleague by my side.

I wish you the very best. If you want a longer version of this speech, it was given in the RECORD yesterday, so you could take it home and read it, if you would like.

I thank you again for being such a great Senator, a great representative of your State of Mississippi, and a great colleague when it came to our appropriations work.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. COCHRAN. Mr. President, I appreciate the opportunity to express my deep gratitude for the honor given to me by the people of Mississippi to represent them in Washington.

I leave the Senate with confidence that our enduring Constitution guards our country from human error, empowers our citizens to achieve greatness, and shines as a beacon of freedom and liberty for the world.

I am optimistic about the future of our great Nation and in the U.S. Senate's role in determining that future.

While in Congress, I have served with nine Presidents during times of conflict and peace. We have debated policies from trade to terrorism. We have engaged in heated arguments. But even in full disagreement, I believe all our motivations begin at the same point: the sincere desire to serve our States and country.

No one remains in the House or Senate who was here when I first took office in January 1973, but I am particularly thankful for the friendship and leadership of the senior Senator from Vermont, Mr. LEAHY. He and I have fought side by side with each other and sometimes face to face against each other, always with friendship and respect.

I am also grateful to have served with honorable Senators from my State. My colleague, Senator WICKER, has been a friend and a strong and effective advocate for our State. We have worked together not only in the Senate, but also when he served as a U.S. Representative. Former Majority Leader Trent Lott continues to be a voice in our national conversation. And the late John C. Stennis provided a witness to integrity when I first joined this body. His signature is above my signature at this desk.

It is a tradition in the Senate, like schoolchildren used to do, to sign the drawers of our desks. Senator Stennis signed this desk drawer. He noted the beginning of his service in 1947 and added a dash. He never filled in the date signifying the end of his Senate service in 1989. Perhaps there is symbolism there, that our service does not end when we depart this Chamber.

I have been honored by this body to serve as chairman both of the Appropriations and Agriculture Committees. I am thankful to my colleagues, past and present, and to the committee staff for assisting in crafting responsible funding priorities for our country and for developing strategic agriculture policy to ensure the best use of our natural resources to provide affordable and healthy food for our citizens and people around the world.

I thank my talented and dedicated staff, many of whom have worked for many years in service to our country. All of us in this body know we could not achieve our priorities without exceptional staff. I have staff members who have served the Senate since my first term. I have one staff member, Doris Wagley, who was already in the office working the very first day I showed up for work in the House of Representatives in 1973. Whether they have been here for 45 years or a shorter tenure, I am grateful for their good assistance.

I ran my first Senate reelection campaign in 1984, largely on constituent service. I will always be proud of my State staff for their work on behalf of Mississippians. State staff help us keep

our promises to our veterans, find opportunities for small businesses, ensure the elderly or infirmed receive care, and cut through bureaucracy. I am sure members of your State staffs, like my staff, have hearts for their fellow citizens, regardless of their political affiliation.

All our citizens have the right to be heard and to have a voice in their government. I believe our job as their servants is not to tell others what to think or tell others what to do. Our job is to represent them. I have endeavored to do that the best way I possibly could; and now the time has come for me to pass the power granted by the people of Mississippi, the power of service, to someone else.

When John Sharp Williams of Mississippi left the Senate, he delivered a farewell speech at a dinner organized by the Mississippi Society of Washington. It is sometimes called the "Mockingbird Speech." While I do not share some of the cynicism of that speech, there are sentiments I can appreciate. Here is an excerpt of that speech given March 3, 1923:

I am going back to Yazoo City and to my old home on a rural free-delivery route. I want to get up again each morning as I hear the rooster's crow . . . and as night and the time for bed approaches, I will listen to the greatest chorus of voices that man ever heard, music that will charm me and make me ready for repose, the voices of my mockingbirds trilling in the trees. And in that way I want to live the rest of my life, and when the end comes, I hope to be carried out of the house by my neighbors and laid to rest among my people. Now, some may say that is not a very wonderful future, all of this I have mapped out for myself, but I say there is merit in calm retirement . . . Perhaps it is a sign that I ought to retire, for retirement brings repose, and repose allows a kindly judgment of all things.

I will now return to my beloved Mississippi and my family and friends there. I will miss this stately Chamber and this city. I will not miss this power or politics. I will miss people: you, my colleagues. I will treasure your courtesy and kindness. I trust, if your travels bring you to Oxford, MS, you will not hesitate to visit and join me for a refreshment on the porch. We can listen to the mockingbirds together.

Thank you.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THAD COCHRAN

Mr. SULLIVAN. Mr. President, I wish to add my words to what we saw on the Senate floor here a couple of minutes ago. I had the honor of presiding over much of the ceremony recognizing Senator THAD COCHRAN's incredible service to Mississippi and to America. You

heard a lot. It was really remarkable—45 years in the Congress and four decades as a U.S. Senator. I think Senator LEAHY, from Vermont, said it best when he talked about THAD COCHRAN's integrity—a man who will always keep his word.

As Alaska's Senator, I also want to mention what a great friend he was to our State and to our Senators. Senator COCHRAN was very close to Senator Ted Stevens—the late Senator Ted Stevens—and to Frank Murkowski. He really supported our State—my State—and I want to thank him for that.

He has this great nickname that I think was given to him in 2006, when Time Magazine said he was one of the best U.S. Senators and called him the "quiet persuader." You heard that term a lot just a few minutes ago. In that article, they said that he had gained the trust of the administration and on Capitol Hill for his quiet, courtly manner, using his experience and mastery of the issues to persuade his colleagues privately rather than making demands of them in public.

It is a great example we can all learn from. I was proud to have been able to serve and learn from THAD COCHRAN for the last 3 years.

TRIBUTE TO CARLOS GOMEZ

Mr. President, one of the things I enjoy doing in my duties in the Senate is to come down each week to recognize somebody special in my State—somebody who has made a difference for their community, somebody who might not get the attention that people get in the press or in other areas but someone who has really made an impact. I like to call that person our Alaskan of the Week.

Right now what has been happening in Alaska is a very special time. Our State, in many ways, is shrouded with myth and mystique. We certainly have, I believe, the most beautiful State in the country. There is a lot of excitement that happens, a lot of special things. Just last week, we had 60 mushers who were being pulled by dog teams, dozens of dogs—these great athletes, as we call them—nearly 1,000 miles through some of the harshest landscapes and some of the harshest climates. We just finished the Iditarod, the last great race. We want to encourage people watching on TV and people in the Galleries to come on up to Alaska. You will love it. It will be the trip of a lifetime. Come see the Iditarod next year, the last great race. We just finished that.

It is a great time to be in Alaska. It is still winter, of course. It is time to ski and for snow machines. It is still cold, and there is lots of snow, but the sun is now coming out high in the sky. Of course, in Alaska, there is hockey. We love hockey. We all know it is a tough and competitive sport, but it certainly fits into the ethos of my State. All across the State, kids and adults play hockey—boys, girls, men, and women, in indoor and outdoor rinks, ponds, and lakes—and skate up and take to the ice.

However, as many parents who are involved in hockey know, gear can be very expensive. Actually, hockey can be very expensive. Many kids and adults can miss out on this great, great sport—a great sport in my State—because of the cost.

I would like to introduce you to Anchorage resident Carlos Gomez, who is our Alaskan of the Week. He has dedicated an extraordinary amount of his time and his life to try to make sure that all kids in my State—boys and girls from all walks of life—get to play hockey, like so many others do in Alaska, no matter if they can afford it or not.

Let me tell you about Mr. Carlos Gomez, because he is not one to brag about himself. Like most Alaskans of the Week, he is an unsung hero, doing so much for the community. His impact on hockey—particularly, for the youth of Alaska—is remarkable. In many ways, his story is truly a classic story of the American dream.

Carlos was born in California. When he was 10, he and his brother went to live with an aunt in San Diego. His wife Dalia was born in Colombia and then moved to Alaska, also with an aunt, when she was just 7 years old. Carlos received a scholarship from the University of California San Diego but had to drop out and cut his studies short because the strain of both going to school and providing for his family and contributing enough for his family was very difficult.

He ended up in Alaska in 1972 to work as an ironworker, where he helped to build our State. He built the Alaska pipeline during that time. It was a huge and exciting time in the State. He met his wife Dalia, as I mentioned, and they settled down in a modest home in Airport Heights, AK, and began to raise a family.

They had three wonderful kids. His daughters are Monica and Natalie, and his son is Scott. All of them are great, bright kids. One of them, Scott, who we in Alaska simply call Scotty—and I will get to that—had amazing athletic talents. When Scotty was just 4 years old, Carlos took him to his first hockey game. Scotty wanted to try it himself. Soon the young boy was hooked and wanted to play hockey as often as he could, and he was good. The problem was that although they weren't poor as a family, they didn't have the extra money for all the equipment and the expense that hockey requires. The Anchorage Boys & Girls Club had a program that loaned out hockey equipment and hockey gear. They helped to utilize that. As Scotty grew, he needed more equipment, and he stayed focused on hockey. Soon Carlos, our Alaskan of the Week, became so involved in youth hockey and had such a heart for the youth who wanted to play hockey in Alaska but had difficulty affording it that he became this master fundraiser throughout Alaska for the sport, not only for his son but for all the kids in the community who wanted to play hockey across the city.

Fast forward to 1998, and Scotty, his son, a 4-year-old playing hockey on ponds in Anchorage, is selected by the New Jersey Devils as their first-round draft choice—the first Latino ever drafted to be in the first round of the NHL draft. Scotty went on to become an all-star, Stanley Cup winner and a recipient of the Calder Memorial Trophy as the league's rookie of the year—all in his first NHL season. That is not bad for a little kid from Anchorage—all before he turned 21. He went on to win another Stanley Cup and later played for the New York Rangers, the Montreal Canadiens, the San Jose Sharks, the Florida Panthers, and the St. Louis Blues. He even chose to return home to Anchorage during the NHL lockout to play briefly for our very own Alaska Aces.

As you can imagine, Scotty is quite popular and well-known in Anchorage. He is admired by so many, and his father is as well. He could have stopped championing, as he has done for so many years, the sport of hockey at any point along the way, but what he did was that he kept doing this. He kept working. He kept encouraging young kids in Alaska to get on the ice to achieve their goals, just like his son did. So Carlos, Scotty, and the rest of the family set up the Scotty Gomez Foundation, which is devoted to that cause, and Carlos Gomez is still running it today. There are more kids like Scotty out there, Carlos said, and “we’re going to give that kid an opportunity,” like my son had.

The foundation has done so much for youth hockey in Alaska. Thousands of kids across the State have access to gear and the ability to play this great sport that they otherwise wouldn't be able to afford. Around Anchorage's rinks, you will find the dark blue and gold gear—just like our Alaska flag—with a ram. It is the Gomez ram, and it helps kids, no matter their backgrounds or experience, get on the ice and play this great sport.

The foundation has put money into rehabbing rinks, like the one in East Anchorage, which is the neighborhood outdoor rink where Scotty learned to play hockey. When the Anchorage School District dropped the girls' high school hockey in the spring of 2013, the Scotty Gomez Foundation, under Carlos's leadership, stepped up, picked up the sport for 3 years, and redeveloped it into cooperatives across Anchorage's eight public high schools. Girls' hockey in Anchorage is alive today because of Carlos Gomez and his family. Also, in his never forgetting the generosity given to Scotty in his start in hockey, the foundation sponsors youth hockey events and grants for the Boys & Girls Club of Anchorage. That is really giving back to the community.

One of the Scotty Gomez Foundation's biggest events every year is the Last Frontier Pond Hockey Classic, which is organized by Carlos and his partner, Mike Davenport, in Big Lake. The event took place just two week-

ends ago, and it was quite an event. More than 600 hockey players showed up—kids, lawyers, doctors, slope workers, former pro and college players—men and women. Counting everybody, more than 1,000 people, from all walks of life, went to the event to raise money for youth hockey in Alaska.

It is amazing what one family can do to touch so many, led by Mr. Carlos Gomez. As Scotty said, “It was my father's dream to give back. This is all him. He always just wants to help others.”

If you are a kid in Alaska who wants to play hockey, Carlos Gomez will egg you on and make sure nothing, especially the cost of equipment, will stop you.

Scotty said:

When I was growing up, he was like a father to all of the neighborhood kids who needed one. My dad's a true hero.

I thank Mr. Carlos Gomez for all he has done for Alaska's youth and youth hockey throughout our great State. We are honored to call him our Alaskan of the Week.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARCH FOR OUR LIVES

Mr. BROWN. Mr. President, this weekend, Americans around the country and at, at least, a dozen places in my State of Ohio will hold peaceful marches in their communities to demand that we in this body—the people who represent them—actually do something to protect them from gun violence, not just state that my thoughts and prayers are with the victims and the families but to actually do something.

That sort of activism is so important to our democracy. Change never starts in Washington. We make progress because of the grassroots movements of Americans across our country who demand action. For too long, Congress has ignored millions of Americans who want reasonable gun safety measures. Instead, this Congress continues to do the bidding of the gun lobbyists.

We already see activism making a difference. It is a minor step, but this week, in the bipartisan budget deal, we will vote to loosen government regulations that severely limit research on gun safety. It is an important first step, but we have a long way to go. We can't say we are doing what it takes to keep our country safe until we are finally willing to pass commonsense laws that protect all Americans from gun violence. Many of us have tried.

I supported the original Federal assault weapons ban in 1994 during my first term in Congress. I joined with many of my colleagues to vote to

renew it after the shooting at Sandy Hook. Weapons of war don't belong on our streets or in our classrooms.

We have tried to pass legislation to close loopholes in our background check system so the people who buy guns on the internet or at gun shows have to go through the same background checks as law-abiding gun owners who buy their guns at stores in Ohio.

After the tragedy at the Pulse nightclub in Orlando, we tried to pass legislation to prevent people on the terrorist watch list from buying guns. People can't believe the law in this country; that if you are on the government's terrorist watch list, you can't go to the Cleveland Hopkins International Airport in Cleveland, to the John Glenn Columbus International Airport in Columbus, or to the Ronald Reagan Washington National Airport in Washington and get on an airplane, which is the right thing, but that you can go out and buy a gun.

We know what happened each and every time. The gun lobby stood in the way. It stands in the way, despite the fact that the laws we are talking about will not undermine the rules and rights of law-abiding gun owners. I have always respected the rights of hunters and collectors and other law-abiding gun owners. No one is trying to take away their guns. Yet, when our students aren't safe in school, it is clear something has to be done. We will not give up on making our country safer. We will keep fighting until we get weapons of war out of our schools and off our streets.

Creating change in our country is not easy. It requires often going up against powerful special interests. It is how things happen in this country. It is how women got the right to vote. It is how we passed civil rights. It is how we passed workers' compensation. It is how we passed Medicare. It is how we got Social Security. People banded together—activists—around the country. They pushed their country and pushed their government at the State level, at the county level, at the courthouse, at the Capitol in Washington. They stood against powerful special interests and won on behalf of the public. From the Women's March to airport rallies, to the activism around the Affordable Care Act, last year, Americans proved over and over the power of activism.

The people I will be with on Saturday—my daughters, my wife, and probably three of our grandchildren—will join hundreds of thousands all over this country in fighting for these issues. The people who will be marching on Saturday are the ones we were elected to serve. We were not elected to serve special interest gun lobbyists. These activists give me hope for the future. I hope my colleagues in this body will listen to the activists, not to the lobbyists.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 619, the nomination of Richard Grenell to be Ambassador to Germany. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Oregon.

Mr. MERKLEY. Mr. President, reserving the right to object, I cannot in good faith support a nominee who has a lengthy track record of tweets attacking both prominent Democratic women and prominent Republican women. Since his nomination, these tweets have continued, showing a complete disregard for the Senate confirmation process and a disregard for the seriousness of the position for which he has been nominated.

At the same time, Mr. Grenell has been dismissive of the importance of the threat Russia poses to U.S. democracy, and we certainly need to have U.S. Ambassadors who can work with our European allies and partners, now more than ever, to reinforce the strength of the institutions we have built to protect the rule of law and democracies and to defend our western democracies against Russian interference.

So with that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN VIOLENCE

Mr. CASEY. Mr. President, I rise this afternoon to talk about an issue we have talked about a lot in Washington but frankly haven't done enough about, and that is gun violence. In the next number of hours—certainly all day Saturday—we are going have demonstrations across the country. Young people will be going into local communities, as well as coming to Washington, to march on behalf of those whose lives have been lost and to urge

us to take action. The exact name of the effort being undertaken is March for Our Lives. We have never seen on this issue—and maybe any other issue—this kind of intense activism that young people have undertaken across the country.

This march on Saturday, March for Our Lives, will be unprecedented in recent American history. I am going to be in the city of Philadelphia, and I know some people will be marching in Washington, as well as in communities across the country.

The focus of the work of young people across the country—starting with the students in Parkland, FL, but growing all across the country in these many weeks—will be taking action, demanding that the U.S. Senate, the U.S. House, and any other legislative body that can have an impact on this should take action. That is what they are demanding. I think there are a number of folks in Washington who have wanted to take action for years.

I hope, in response to that activism, in response to those marches, when we come back after our break—and I hope days and weeks after that—that there will be a response here in the Senate and that we will debate the issue or debate one amendment or one bill and then vote on it, and then take the next bill and vote on that, and keep going until we have a number of votes. It doesn't mean that we can be certain of the outcome. In my judgment, the reason to have a vote is to make sure that the American people see us debating this issue and voting on it.

Otherwise, to take no action, to simply say that there is nothing we can do about a uniquely American problem—the other option of course is to surrender, to say that gun violence is just part of American life, we have to get used to it, there is nothing we can do about it, and surrender to the problem. I think most Americans don't want to keep reading that number of deaths that pile up every year. At last count, there were 33,000 gun deaths in 1 year. I don't think many Americans want to settle for that. That is not the America I know. That is not the America most people know.

In America, we take action on tough issues. We tackle them or try to tackle them. We don't surrender to the problem. We don't surrender to one political point of view and say that paralysis leads to no solution. That is not American.

Back in December of 2012, when Sandy Hook Elementary School was the scene of the kind of horror and carnage that we have rarely seen in American history, there also was that predisposition to just move on and do nothing, to say there is nothing we can do. I was confronted with those questions that same weekend because I knew, in the months ahead, there would be a series of votes. There turned out to be a vote on background checks, a vote on the limitation of high-capacity magazines—in essence, how many

bullets can an individual shoot at any one time. That is the reason for the mass casualties. That is the reason we have so many people who die in school shootings or in movie theaters or in nightclubs or in so many other settings, and, most recently, in yet another school. The third vote, of course, was a vote to ban military-style assault weapons.

Knowing I would be facing those votes, which turned out to be in the early part of 2013, I had to ask myself a basic question, and I think this is a question a lot of Americans are asking at times like this: Is there nothing the most powerful country in the world, the most powerful country in the history of the human race, could do to at least reduce the likelihood that we will not have more mass shootings, we will not have more school shootings, we will not go year after year, after 33,000 people lost their lives from gunshot wounds—a number that is likely to grow if we don't take action. That is the choice: Do almost nothing, nothing itself, or take action. That is the fundamental choice we face. That is why we need votes and debates preceding those votes.

It is hard to comprehend that it has been half a decade—5 years—since we had a sustained debate on the floor of the U.S. Senate on gun violence. We have had intermittent debates. We have had limited discussions. We have had some speeches. I guess all of that is helpful, but we have had no sustained debate on one of the major issues facing the American people.

They don't expect us to solve this problem in a couple of days or weeks, but they do expect us to vote, and they expect us to debate. After 5 years, it is about time we had a sustained debate.

Many of us receive letters on a range of issues, depending on what the issue of the week is or the issue of the month is. I recently received mail in a form we don't see enough of anymore—postcards. These were written by students and individuals too young to even be referred to as students. Here is one that is only age 5. His name is Corey. He said in his note to me that he doesn't want to have guns in his school, and he wants me to do something about it. It goes on from there in the short note, and he attached some artwork in the back. That is what Corey said; he doesn't want to have guns in school.

Then there is Mason, who wrote to me and said:

I want to feel safe in school. There should not be guns in my school.

He goes on to talk about what he is worried about. He said: "I want to feel safe in school."

Then, finally, probably the one who summed up these issues the best was a young man by the name of Hayden. He wrote to me and said:

I am a 5th grader and I don't feel safe because it is too easy to get a gun permit. I should not know about this stuff. I don't feel safe.

Then he ended with this question: "Am I worth it?" Then Hayden asked again: "Am I worth it?" He asked that twice in a postcard where he is just writing a few sentences. Then he put a heart on the other side. In a few sentences, Hayden is summing up the challenge we face in the Senate and across the country. He said twice in the same letter: "I do not feel safe. . . . I don't feel safe"—something probably most people my age or in my generation, so to speak, never had to worry about.

We didn't think of going to school and being threatened by gun violence. There might have been anxiety in school, there might have been things we were worried about, but this wasn't one of them. This is new, and this was a uniquely American problem. No other country in the world faces this kind of a problem.

We have to ask ourselves if a young person in fifth grade doesn't feel safe because of these mass shootings, and mass shootings in school, and then asks us, "Am I worth it," every one of us in both parties should say: Of course, you are worth it, Hayden. Hayden is worth the effort to try to keep him safe in school.

If the answer to that question is yes, that he is worth us doing something about it, then you have to ask the question, What am I going to do about it? Are we just going to do what we usually do around here, just don't vote, don't have any sustained debate, and pretend it is not happening because there are forces out there that have a stranglehold on the process that say: You are not even allowed to vote, let alone debate and pass a bill.

There are forces out there that don't even want us to debate the issue, but I think we can do more to respond to Hayden's request and, of course, respond to what young people across the country are demanding.

You have young people who are not old enough to vote yet—and I am not just talking about Hayden and his postcard but all those young people who are coming to Washington and going to town squares in small towns and big cities to march for their lives. Many of them are not 18 years old yet. They can't vote, and they are leading the country, suggesting to us how to vote, demanding that we take action. It is rather ironic that this problem has gotten so bad that young people who still cannot cast a vote are asking us to do our jobs and to vote.

It is not difficult to vote in the U.S. Senate. Usually, you just have to be standing and put your hand up or thumb up or some indication to the individuals in the Senate who record those votes. It is not that difficult. It doesn't require a lot of exertion. It doesn't require a lot of energy. You just have to be on the floor, be standing, and say yes or no. If someone wants to vote against all these gun measures, if they want to vote against background checks and limitation on

the high-capacity magazines and still let what we have in American law now, which is a terrorist can get a gun in America—if you want to continue that, fine. That is your choice. That is your choice, but at least vote. At least have the sense of responsibility to vote on a tough issue.

We will have an opportunity to answer the postcard and answer the question Hayden asked—is he worth it? I think he is, and I think we ought to vote.

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

Mr. President, I will be brief. I just want to note one of the recognitions of this month. I want to take a moment and remind everyone that March is Developmental Disabilities Awareness Month.

In 2011, the Centers for Disease Control and Prevention estimated that 14 percent of children in the United States have a developmental disability; that is, almost 10 million children. Developmental disabilities include autism, Down syndrome, cerebral palsy, learning disabilities, and many other congenital disabilities.

In the past, we took a rather paternalistic point of view with regard to people with developmental disabilities—taking care of them but not raising them up and fostering their skills and abilities. This was shortsighted on our part.

Today, with the help of such laws as the Individuals with Disabilities Education Act—we heard a lot about that referred to by its acronym, IDEA—the Americans with Disabilities Act, so-called ADA, and then my legislation from a couple of years ago, the ABLE Act, each of these pieces of legislation are breaking down barriers to encourage and support people with developmental and all types of disabilities.

People with developmental disabilities contribute numerous benefits to our society. In Pennsylvania, thousands of people with developmental disabilities are working in competitive, integrated jobs at such places as SAP, FedEx Ground, PNC Bank, Giant Eagle grocery stores, and many small businesses throughout the Commonwealth of Pennsylvania.

People with developmental disabilities make our lives richer and fuller. As we celebrate them, I pledge—I know this is a pledge many in the Senate make—to protect their rights and the rights of all people with disabilities to have equal access to all of our society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

NOMINATIONS

Mr. BARRASSO. Mr. President, earlier this week, the Senate voted to confirm Kevin McAleenan to be the Commissioner of U.S. Customs and Border Protection. This is a national security job. It is the person in charge of making sure America has secure borders. He was approved unanimously by the Senate Finance Committee that voted on it before it came to the floor.

In spite of that unanimous vote, the Democrats in this body still delayed this nominee from taking office for as long as they could. They forced the majority to file cloture on it. We had the vote last week, then we had to wait to do it, spend the time, and in the end, 30 Democrats—the Democrats who demanded we hold a cloture vote, delay the vote—voted in favor of his confirmation. This had nothing to do with his qualifications for the office. They just wanted to delay and obstruct. That is what we are dealing with here.

Forcing a cloture vote on a non-controversial executive nominee used to be extremely rare—hardly ever happened. There were 15 people confirmed after a cloture vote at this point for the previous four Presidents combined. So if you take a look at the previous four Presidents—Obama, Clinton, both Bushes—a total of 15 votes were taken, requiring cloture in each of those Presidencies, total.

What about President Trump? Fifty people—50, 5-0—have been confirmed only after deliberate delay by the Democrats, forcing us to waste time on cloture votes. That doesn't even count people who were nominated to be judges. We are just talking about Presidential appointments in the executive branch. This delay is unproductive, and it is unprecedented.

Democrats are insisting on cloture votes because there is a Senate rule that allows for up to 30 hours of debate on Presidential nominees after we have had that vote. In reality, very little of this time is actually spent on debating the nominees or their credentials to serve in the office for which they have been nominated.

It is a pattern of ongoing obstruction the Democrats have been following since the very first day of the Trump administration. That is right. Since the very first day, Inauguration Day last year, Republicans wanted to vote on Mike Pompeo's nomination to be head of the Central Intelligence Agency, an important key position in any President's Cabinet, but we already had the debate in the Foreign Relations Committee. We could have had a debate on the floor that evening, but no. A small number of Democrats blocked it and forced us to have first a cloture vote and delay moving forward, delaying the process from day one—Inauguration Day—of the administration.

How much of the 30 hours did the Democrats actually spend debating this person's qualifications to be head of the CIA? Less than 2 hours. They wasted 30 hours of the whole time; only 2 hours was used in debate. That is how long the Democrats spent on this floor giving their reasons why they wanted to vote against the nominee. It had nothing to do with Mr. Pompeo; it was just so Democrats could waste 3 more days, allowing nothing else to happen, blocking other activities in the Senate. The rules allow the Democrats to stall, and they took full advantage of the rules.

It is time, in my opinion, to end this partisan spectacle. We have 78 more nominees for various jobs who have made it through their committee hearings and are waiting for a vote on this floor. Most of these people have bipartisan support. They can be and will be confirmed easily. The administration has to waste time to get their team in place. Democrats aren't using the rules for debate. They are not using the rules for deliberation. It is only for delay.

It wasn't and hasn't always been this way, and there is no reason it should continue this way. The Senate had a different standard for executive branch nominations a few years ago. In 2013 and 2014, the rules said that we would have a full 30 hours of debate only for Cabinet Secretaries; for all other executive branch Presidential appointees, only 8 hours of debate. But today we allow 30 hours on every nomination, and Democrats have shown that, in most cases, it is far too much time.

We need a fair debate on every nomination. The procedure from 2013 and 2014 was fair. The way Democrats are wasting time today to keep us from doing work is not fair. It is time to return to the rules for debating nominations that the Senate used 4 years ago.

The rules that we used in 2013 and 2014 were the result of a compromise. Democrats controlled the Senate at the time, and a Democrat was making the nominations; that was President Obama. Republicans agreed to a fair time limit on the amount of debate. There was a bipartisan group who worked on this compromise—four Republicans, four Democrats—and I was one of the four Republicans who were part of that group. Senator SCHUMER, who is now the Democratic leader, was part of that group as well. There was overwhelming support for these changes on both sides of the aisle. It is time to change the Senate rules and go back to that process that Senator SCHUMER supported in 2013 and in 2014 when Democrats were in the majority.

Today, Democrats deliberately delay in ways that limit us to a couple of nominations in a typical week. If we go back to the 2014 standard, we could clear multiple nominations in a single day.

We should have this process back in place by the time we take up Mike Pompeo's nomination to be Secretary of State when we get back in April.

The world is a dangerous place. We have serious concerns about Russia, Iran, China, and important trade issues that we need to be working on. The President will be meeting with North Korean leader Kim Jong Un. America needs to have a full slate of people helping the President on these issues, and we need them to be the correct, very talented people that a President needs.

We are fortunate to have Mike Pompeo as the likely nominee to be Secretary of State. He is the right person for the job. He knows the issues. He knows the people. He has the intel-

ligence. He has the integrity. He has the experience for the job.

We will be having confirmation hearings in the Foreign Relations Committee in April. Let's have a hearing, a fair debate, and then let's vote. Let's not have any of these continued stalling tactics and this pointless obstruction that Democrats have engaged in ever since the first day President Trump took office.

Mike Pompeo's nomination to be Secretary of State will still get 30 hours of debate, and after that, we will need to confirm a new CIA Director. Last year, we allowed 30 hours of debate on that nomination, and Democrats used only 2 of the 30. Under the compromise rules that I think we should return to, we would allow up to 8 hours of debate. It is clearly enough—more than most people would think would be needed.

We have more than 100 other qualified people who have been voted on and approved by the appropriate Senate committee, and they are waiting to do important jobs. With all of the threats that our country is facing around the world, it is time for Democrats in the Senate to stop wasting time and stop abusing the rules. It is time for Democrats to join Republicans and the President to do all we can to keep America prosperous, safe, and secure.

Thank you, Mr. President.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Washington.

OMNIBUS APPROPRIATIONS BILL

Ms. CANTWELL. Mr. President, I come to the floor to talk about H.R. 4851, legislation that just recently passed the Senate in the last hour or so. Hopefully it is on its way to final reconciliation with the House and hopefully will become law later today.

Before I talk about that, I want to take a second to recognize some provisions that are in the omnibus that we also are going to be voting on in the next few hours, two provisions that are very important to the Pacific Northwest—one, finally a fix on fire borrowing, which is so important to the entire Northwest but particularly in the State of Washington, which has seen the great impact of forest fires in the last several years. This will end the fire borrowing that we have seen that has prevented us from doing the kind of fuel reduction that we would like to see to protect our communities, and it will help us better manage with stewardship contracts and release the funds that should be going to recreation management within our forests.

This fire funding fix has been long in the making. I thank my colleagues, Senators WYDEN, RISCH, and CRAPO, for their hard work, and I thank Bryan Petit from my office, who has worked tirelessly on this as well. We are starting a new day in how we treat our forests and hopefully one that will reduce the risks to many communities.

I thank our colleagues for working so diligently on including a provision on

affordable housing. This is the first affordable housing increase in a decade. I want to thank specifically Senator SCHUMER and Senator MCCONNELL and Senator HATCH, my cosponsor on this legislation, for helping us get this done. This is not everything we would like to see in affordable housing, but certainly it is starting to point in the right direction.

I also thank Anna Taylor, Artie Mandel, Lara Muldoon, and Jay Khosla for working so diligently on trying to make the housing crisis something that we have to deal with here in the U.S. Senate. For us in the Pacific Northwest, the homelessness crisis, our returning veterans, our aging population, and workforce housing have become the No. 1 issue. For Seattle and the whole Northwest, starting to put more resources on the table to build affordable housing is the right direction, and we need it desperately now, and this legislation will help us.

KENNEDY-KING NATIONAL COMMEMORATIVE SITE BILL

Now, Mr. President, I come with my colleague Senator YOUNG—and I know Senator DONNELLY wishes he could join us—to talk about the legislation that Representative ANDRÉ CARSON has sent to the Senate and we just recently passed back to the House. This bill designates the Landmark for Peace Memorial, which is located in the Martin Luther King Jr. Park in Indianapolis, and it designates it as the Kennedy-King National Commemorative Site.

This legislation provides that this commemorative site shall be part of the African American Civil Rights Network that Congress established last December, and it will be only the second commemorative site in our beloved National Park System. The other designation went to Charleston, AR, the location of the first public school in the South to be fully integrated.

This national commemorative site, which will remain as part of a city park, is not going to be part of the National Park System, although I am happy to discuss that with my colleagues moving forward. The National Park Service is authorized to enter into cooperative agreements to help provide for education and interpretation of this site.

The Young-Donnelly amendment removes language in the bill authorizing the Park Service to conduct a special resource study and assess its potential for inclusion in the National Park System. I know my colleague Senator YOUNG is here on the floor, and I thank him for his leadership. I hope that some day he and I can continue, with Senator DONNELLY, to expand on this and revisit this issue. The original legislation passed unanimously out of the House of Representatives, and I know Senator YOUNG worked hard to clear the one objection, but I don't think that one objection should delay us from furthering our interest in this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD the

full text of Robert F. Kennedy's speech in Indianapolis on April 4, 1968, the 50th anniversary coming up next week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FULL TEXT OF ROBERT F. KENNEDY'S SPEECH: INDIANAPOLIS, APRIL 4, 1968

Ladies and Gentlemen,

I'm only going to talk to you just for a minute or so this evening, because I have some very sad news for all of you. Could you lower those signs, please? I have some very sad news for all of you, and, I think, sad news for all of our fellow citizens, and people who love peace all over the world; and that is that Martin Luther King was shot and was killed tonight in Memphis, Tennessee.

Martin Luther King dedicated his life to love and to justice between fellow human beings. He died in the cause of that effort. In this difficult day, in this difficult time for the United States, it's perhaps well to ask what kind of a nation we are and what direction we want to move in.

For those of you who are black considering the evidence evidently is that there were white people who were responsible you can be filled with bitterness, and with hatred, and a desire for revenge.

We can move in that direction as a country, in greater polarization black people amongst blacks, and white amongst whites, filled with hatred toward one another.

Or we can make an effort, as Martin Luther King did, to understand, and to comprehend, and replace that violence, that stain of bloodshed that has spread across our land, with an effort to understand, compassion, and love.

For those of you who are black and are tempted to fill with hatred and mistrust of the injustice of such an act, against all white people, I would only say that I can also feel in my own heart the same kind of feeling. I had a member of my family killed, but he was killed by a white man.

But we have to make an effort in the United States. We have to make an effort to understand, to get beyond, or go beyond these rather difficult times.

My favorite poet was Aeschylus. And he once wrote:

Even in our sleep, pain which cannot forget falls drop by drop upon the heart, until, in our own despair, against our will, comes wisdom through the awful grace of God.

What we need in the United States is not division;

what we need in the United States is not hatred;

what we need in the United States is not violence and lawlessness, but is love, and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or whether they be black.

So I ask you tonight to return home, to say a prayer for the family of Martin Luther King, yeah, it's true but more importantly to say a prayer for our own country, which all of us love a prayer for understanding and that compassion of which I spoke.

We can do well in this country. We will have difficult times. We've had difficult times in the past, but we and we will have difficult times in the future. It is not the end of violence; it is not the end of lawlessness; and it's not the end of disorder.

But the vast majority of white people and the vast majority of black people in this country want to live together, want to improve the quality of our life, and want justice for all human beings that abide in our land.

And let's dedicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and make gentle the life of this world. Let us dedicate ourselves to that, and say a prayer for our country and for our people.

Thank you very much.

Ms. CANTWELL. Mr. President, some days we need a reminder of what perspective in the face of crisis really accomplishes. We know that 50 years after this historic speech, we have an understanding about how incredibly magnificent this moment was, so I am so glad to join my colleague in commemorating it. It was about holding the consciousness of a society and how to respond to an unbelievable, tragic, violent event and to hold the consciousness of a society with words—just words. And that is the point—that words matter; that words matter to a society. They are what holds us together. They are what creates unity. They are what creates perspective. In this case, they also created history.

Senator Kennedy spoke to a crowd in Indianapolis and announced the death of Martin Luther King—an unbelievable responsibility. If you watch now in videos of the speech, you will hear the gasps of the audience, who was unaware that that event, in that moment, had taken place. Yet he spoke to the crowd about why violence and retribution should not be pursued. He created calm among chaos. He created a moment where everybody realized that they were commemorating the life of Dr. Martin Luther King, that his life had been about a nonviolent response to tragedy and to the challenges we face.

When we commemorate this moment with this designation, we are commemorating a moment, in my opinion, of the human spirit. We are commemorating a moment—the incredible pain Robert Kennedy must have felt, knowing that Martin Luther King had just been assassinated. Yet he spoke to the crowd about keeping the peace and remembering the lessons of Dr. King.

We will never know what kind of Presidency RFK might have given our Nation, but we know this from his speech: We know what kind of man he was, and we know what kind of human spirit and soul can communicate, in that moment of tragedy, the direction of a nation.

It is so important at this moment in our history that we reflect on this 50th anniversary. At a time when it is better to use words to speak calmly and competently in the face of tragedy, I hope that here in Washington, we will remember one of the greatest political speeches of all time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, earlier today, the Senate passed the Kennedy-King National Commemorative Site Act—an effort that I was pleased to lead here in the Senate, alongside my colleague Senator DONNELLY. This important legislation commemorates the

Landmark for Peace Memorial in Indianapolis and establishes the site as part of the African American Civil Rights Network. The act would not have passed without the support of both Chairman MURKOWSKI and Ranking Member CANTWELL, and I thank both of them and their hard-working staffs for their assistance in this effort.

I also extend my sincere gratitude to Representative BROOKS, Senator DONNELLY, and Representative CARSON for working with me to pass this measure that recognizes a significant moment in Indiana's and our Nation's history.

Two weeks from now, on April 4, the city of Indianapolis will commemorate the 50th anniversary of Senator Robert F. Kennedy's timeless speech in the Circle City. On that fateful evening in 1968, Senator Kennedy was scheduled to be in Indianapolis for a campaign event. As Senator Kennedy arrived in Indianapolis late that evening, he learned of the tragic death of Martin Luther King, Jr., in Memphis, TN. Senator Kennedy decided to speak to the assembled Hoosiers who had come to see him and inform them of the tragic news of King's death. He confirmed the terrible rumors that many were beginning to hear that evening in the course of his words.

Cities throughout America were erupting in riots, in many instances, as they learned of Martin Luther King, Jr.'s assassination. However, in Indianapolis, Senator Kennedy spoke to the grief-stricken crowd, and he inspired them. He inspired them to replace the hatred they felt with compassion and love. To this day, Hoosiers warmly remember Senator Kennedy's moving speech, and we recognize his heartfelt words as a reason why Indianapolis remained calm and peaceful while riots swept much of the Nation.

I wish to close today with a quote from Senator Kennedy's speech—powerful words that still ring true 50 years after he uttered them. These words will forever mark Senator Kennedy's grave in Arlington National Cemetery:

What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence and lawlessness; but love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or whether they be black.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from Maine will arrive in just a moment, and I ask unanimous consent for up to an hour for us and Senator GRAHAM and Senator ROUNDS to address the Senate within that hour—the four of us, and others who wish—to speak on the health insurance issue within that hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH INSURANCE

Mr. ALEXANDER. Mr. President, I am here today to talk about the

plumber making \$60,000 whose health insurance is \$20,000 and he pays for all of it and about the fact that the bill we are about to vote on today could have had in it bipartisan legislation—supported by the President of the United States, the majority leader, and the Speaker of the House—that would have reduced that plumber's health insurance bill from \$12,000 to \$8,000, according to the Oliver Wyman health consulting experts, who have evaluated the bipartisan legislation that we have proposed.

The only reason it doesn't have that in there is because Democrats have objected to putting on this bill we are voting on today the traditional Hyde amendment that governs how dollars are spent when an abortion is involved. The traditional Hyde amendment is a compromise that has been on every appropriations bill—and this is an appropriations bill—since 1976 and that Democrats have voted for hundreds of times and Republicans have voted for hundreds of times. On this very bill that we are voting on today, more than 100 times the Hyde language applies to other programs.

So Democrats are scrambling and embarrassed, coming up with excuse after excuse, trying to explain to the self-employed businessperson—the farmer, the songwriter, the plumber—who might be making \$60,000 or \$70,000 and paying \$20,000 for their insurance, and paying it all, with no government subsidy—why they are blocking a 40-percent reduction in their health insurance and why they will not apply the Hyde language to the health insurance rate reduction and they will apply it to 100 other programs. Not just in past voting but today, every single Democrat today who votes for the omnibus bill will be voting to apply the Hyde language restricting abortion to at least 100 other programs.

For example, how will they explain this to the plumber, the farmer, and the self-employed businesswoman: I will apply the Hyde language and restrict Federal funding for abortions to the National Institutes of Health but not to reduce your health insurance rates by 40 percent. I will apply the Hyde language to community health centers today, but I am going to block the bipartisan proposal to reduce your health insurance by 40 percent that is supported by the President, the majority leader, and the Speaker of the House. I will vote today to apply the Hyde language to the Federal Employment Health Benefits Program, which provides health insurance to 3 million or so employees, but I will not vote for a health insurance program to reduce your rates by 40 percent because I will not apply the Hyde language to it?

How are they going to explain today and next October, when the insurance rates are announced for 2019, 2020, and 2021, that they had an opportunity in March of this year to reduce rates in 2019, 2020, and 2021 by 40 percent and they refused to do it because they said:

We will not apply the traditional Hyde language to health insurance, even though we are going to apply it to the Indian health programs, to the VA, to women's medical care, to global health programs, to the Ryan White HIV/AIDS program—to 100 programs that Democrats will be voting on today to apply the Hyde language to. They will do that, but they are going to block bipartisan legislation—supported by the President, the majority leader, and the Speaker—that will reduce the health insurance rates of the plumber making \$60,000 from \$20,000 to \$12,000?

I want to speak about that plumber. I want to speak ahead to October 1, when the rates for 2019 are announced. I want to talk about Marty, the farmer in Tennessee who I met at the Chick-fil-A, who came up to me and said: I was paying \$300 a month for my health insurance, and over the last 5 years it has gone up to \$1,300, and I can't afford it.

I said: I have a Christmas present for you. Then, I thought I had a Valentine card for it. Then, I thought I had an Easter present for it, because we got bipartisan legislation, supported by the President, the majority leader, and the Speaker. I said: We can put that in the omnibus bill, we can pass it by the end of March, and we can reduce your rates.

There are 9 million Americans who don't get insurance on the job. They don't get insurance from the government. They buy it themselves. They are hardworking Americans. They are the plumber, the farmer, the small businessperson. They are making \$60,000, \$70,000, \$80,000, \$90,000 a year. Their insurance bills are \$15,000, \$20,000, \$25,000 a year. They are rapidly approaching a point, if they haven't already, that they have to go without insurance because they can't afford it, and we have a way to do something about that.

It is happening in my State of Tennessee. Rates went up another 57 percent last year for those people. That is thousands of dollars. Yet we could have today reduced their rates by thousands of dollars. Here is how:

We have developed two bipartisan bills, beginning in the fall. Our committee—the Health, Education, Labor and Pensions Committee—held four hearings. We had roundtables to which we invited all the Senators. Senator MURRAY, the ranking Democrat, and I presided over this.

We talked about all of the issues and tried to see what we could do, and we came up with what we call the Alexander-Murray bill. It had two parts to it. The first part was regulatory reform. We took something already in the Affordable Care Act—the 1332 innovation waivers—and we made it possible for States to streamline it and use it.

We also added a few other things. We changed the law so that Minnesota and New York could use the basic health plan and could tap into the subsidies in the way that those States wanted to do

it. That is \$130 million a year in Minnesota and \$1 billion in New York. Democrats are blocking that today—\$130 million in Minnesota and \$1 billion in New York, and Democrats are saying no to that today. Why? Because they will not apply the Hyde language to the health insurance rate decrease, even though they are going to vote to apply it to 100 other pieces of legislation in this very bill.

We did the regulatory reform, and then we did something many Republicans didn't want to do and the President didn't want to do to start with. We extended the cost-sharing subsidy payments for 3 more years. These are payments to reduce rates for low-income people on their copays and deductibles. We agreed to do that.

Then, Senator COLLINS and Senator NELSON, a Republican and a Democrat, came up with a plan—the House did, too, with Representative COSTELLO—to add reinsurance. Reinsurance is something about which, in our hearings and in our meetings, virtually every Senator in both parties said: We really need to do that, because the reason the individual market is in such trouble is that it has so many of the sickest Americans in it and they are soaking up all the money.

The reinsurance program that we suggested and have in Senator COLLINS and Senator NELSON's bill—3 years, \$10 billion a year—would give States funds as well as planning money to set up those invisible risk pools, those reinsurance programs, that were meant for the sickest Americans to have their needs taken care of, and you lower the rates for everybody else.

So we have regulatory reform, 3 years of cost-sharing subsidies, 3 years of reinsurance, \$10 billion a year. The Congressional Budget Office says: If you score it based on real spending, it actually saves the government money by reducing the premiums that taxpayers have to pay for—a \$1 billion advantage for New York for each of the next 3 years, \$130 million for Minnesota for each of the next 3 years. We fix the problem in New Hampshire, to allow both Democratic Senators and the Republican Governor to say: Please do this; we want to be able to mix our ObamaCare and Medicaid savings.

We said: Yes, you can do that, and so can every State.

Within the Affordable Care Act, we did what Democrats have been saying to do ever since we couldn't repeal and replace it last August and said: We will work with you to fix it.

The part that needs fixing is the part causing the plumber who makes \$60,000 to pay \$20,000 for his health insurance, and we have a way to fix it—to reduce it by 40 percent, according to Oliver Wyman consulting; by 20 percent, according to the Congressional Budget Office. Yet the Democrats are blocking it today because they will not apply the traditional Hyde language that they voted for every single year since 1976 in the omnibus bill and that they

will be voting on today for 100-plus times.

How do you explain that to the plumber? How do you explain that to the farmer? How do you explain that to the 9 million Americans who see their health insurance rates going through the roof?

Let's not make any mistake about who is doing this. We are big boys and girls in the Senate. When we take a stand, we ought to admit it. What the Democrats are doing is they are blocking a 40-percent rate decrease for one single reason—one single reason. The President of the United States supports it, the Speaker supports it, the majority leader supports it, and we are ready to put it in the bill, and they say no.

Let's look down the road to October. All of the insurance companies will announce their rates for 2019, and we will be looking ahead to 2020 and 2021. Rates will be going up instead of going down. The farmer, the self-employed person, the songwriter are going to be saying: How am I going to be able to afford this?

Nothing is more important to Americans than healthcare. Nothing is more frightening to Americans than the prospect of not being able to afford to buy healthcare. That is what we are doing here.

I am disappointed by this. I have spent hundreds of hours on this since September. We had a piece of legislation introduced on this floor by 12 Republicans and 12 Democrats that the Democratic leader said every single Democrat would vote for and the national Democratic chairman said was great bipartisan legislation. That is two-thirds of our bill.

What is the other third? The other third is the Collins-Nelson bill, which adds \$10 billion a year for reinsurance. The Governors like this. The State insurance commissioners like this. The plumber and the songwriter like it. Who doesn't like it? A few Democrats who are saying that the Hyde language, which says—let's be specific about what it says—you can't use Federal funds for elective abortions, but you may use any other funds. That is exactly the law that we have in our bill.

The Hyde language is in the bill we are going to be voting on later today. It was put there in 1976. It is adopted year after year. It is on page 1036, if anybody wants to look it up. Then, there is language in the bill that we are going to be voting on today restricting Federal employee health benefits with Hyde-like language, which is on page 588. You will be voting for it today. Then, there is the title X family planning legislation. That is in the bill you are going to be voting for, as well, today. That is Hyde language. Then, there is the Mexico City legislation. You are going to vote for that today.

But you are going to tell the farmer, the songwriter, and the employer that they are not allowed to have a 40-percent health insurance decrease. They

are going to have to not be able to afford health insurance for their family. As to Federal funding for the DC government, you are going to vote for that today. Using funds for elective abortions is restricted in the bill that we are voting on today.

Senator COLLINS from Maine is here, and the Senator from South Carolina is here. They have worked hard on this. We are a group of Senators who I think are fairly, usually seen as trying to get results around here. We are greatly disappointed by this—not just for this institution but for the people we serve because the hard, simple fact is that we have legislation that could be in this bill that will reduce your health insurance rates by 40 percent starting in 2019 and continuing for the next 2 years, until it gets up to 40.

We have the support of the President. We have the support of the Speaker. We have the support of the majority leader. But the Democratic leader says: You can't have it in the bill. We are going to vote 100 times to apply the Hyde language to everything from the National Institutes of Health to community health centers, but we are not going to let you reduce healthcare rates.

That is why Democrats are scrambling, coming up with excuse after excuse. They are going to have to really come up with scrambling and excuse after excuse on October 1, when the rates are announced.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I will be very brief. The first thing I want to do is to thank Senators ALEXANDER and COLLINS for trying to work very hard to solve a problem that we can fix. There are a lot of things about healthcare that I don't see us fixing between now and tomorrow. This is not one of them. Healthcare is very complex. It is one-fifth of the economy. I think there is a better way to do healthcare than ObamaCare. Most Republicans want to replace it. Most Democrats want to repair it.

We are not talking about that. We are talking about an island of agreement that will matter between now and October—what Senator ALEXANDER and MURRAY came up with. You had bipartisan support. There are two provisions that allow flexibility in terms of the 1332 regulations and to continue payments to make sure that person who makes too much for a subsidy but not enough to be self-sufficient when it comes to healthcare gets a little bit of help. That is the plumber and the other people that Senator ALEXANDER described.

President Obama took care of these people through Executive action. That has been found to be unconstitutional by our courts. Legislatively, we are trying to continue this program to help somebody whose premiums are going

through the roof but who are not eligible for the statutory subsidies and create a new level of help that will keep their premiums from skyrocketing and actually decrease their premiums in October by 40 percent.

There are a lot of things we can agree on, and there are a lot of things we can accomplish when it comes to healthcare, but this is not one of them. I can only imagine how these two Senators feel.

Senator COLLINS, working with Senator NELSON from Florida, added a third provision to the Alexander-Murray concept that makes eminent sense. I doubt if there is one Governor in the country who would oppose what Senator COLLINS is trying to do—to allow States to petition for Federal funding to help the States deal with the sickest people in that State by coming up with innovative, high-risk pools and allowing States to experiment with what works best for the sickest people in their State by accessing Federal funding. You can't spend it on roads and bridges, but you can use it for the high-risk population, the people who drive the most cost. I doubt if there is any Governor in the country who would say that this is a bad idea.

Senator NELSON thinks it is a good idea. Our most conservative Members in the House think it is a good idea. We have taken Alexander-Murray and added a third component that I think is an excellent idea. When you combine the three things, you can lower the cost by 40 percent for that self-insured person who makes over \$45,000 and lower their premiums by 40 percent by October.

It matters a lot to the people described, and there are millions of these people who will not get a 40-percent reduction. They are going to get a 10-percent or a 20-percent increase, and already they are paying about 25 to 30 percent of their income just for healthcare. It is mind-boggling that we are where we are.

I will just add this and turn it over to Senator ROUNDS. How did we get here? I think the desire to control the House and take back the Senate is overwhelmingly good policy. Somebody on the other side believes that if we can block this proposal—the Collins-Nelson-proposal, the Alexander-Murray proposal—if we can keep that from becoming law, these premium increases that are surely to come will fall upon the Republican Party and will give us yet another tool to take back the House and regain the majority in the Senate. The reason I say that is because I have come to believe that there is no other explanation, and that is sad. That to me is a real dropping of the Democratic Party in terms of the role they play around here.

We work together where we can. Sometimes we are wrong; sometimes they are right. Sometimes it is the other way around. But this is the one occasion where we seem to have been right up until now.

Why is it not in the omnibus bill? Because of Democratic objections. Last Saturday, we spent an hour on the phone with the President of the United States—Senator COLLINS, Senator ALEXANDER, myself, and Congressman WALDEN—talking about this proposal, about how it would lower premiums, how it is good policy, and how this is the right way to continue to help the people in question. At the end of the hour discussion, the President said: Count me in. I want to help. I agree to the concept. What would you like me to do?

It never crossed our minds to call a Democrat. Our concern was the House. We needed the President to call Speaker RYAN. Senator MCCONNELL was enthusiastic for this. We honestly believed that the problem would be in the House, with our Freedom Caucus friends. We asked the President to call the Speaker of the House, and KEVIN MCCARTHY, and he did. The Speaker told him: We are for it.

I thought: home run.

Between last Saturday and now, what happened is that NANCY PELOSI, the minority leader in the House, and Senate Democrats have objected to this proposal, and the rationale is abortion. The language that is in law is exactly the same language that would apply to this legislation. The Stupak language applying to the Affordable Care Act, dealing with Federal funds and abortion, is still the law of the land. But under the omnibus approach, we are going to run the subsidies through the Labor-HHS bill, where Hyde protection would apply—no more, no less than any other Federal dollar dealing with healthcare.

Senator ALEXANDER has done a very good service to the body. In the bill that we will vote on soon, there are over 100 applications of the Hyde language to healthcare spending at the Federal level. Apparently, these dollars don't make the cut. Why? They know that if we don't get this relief in March, in October premiums are going to go up, and they are literally making up a phony excuse based on Hyde protections. The reason I know it is phony is that, if they really believe what they are saying about Hyde language, they wouldn't vote for this bill at all because every other Federal dollar runs through the same system we are proposing this go through. If you really cared about the abortion issue the way you claim, you could not support this bill or any other piece of legislation that has been around since 1976.

Clearly, the Hyde problem is not much of a problem when it comes to every other Federal healthcare dollar. It is only a problem here. The only reason it is a problem here is that you don't want us, as Republicans, working with you to fix a problem that needs to be fixed because you are thinking of October in terms of your political future. You are not thinking of October in terms of people.

Here is what I hope happens to you. I hope you lose votes. We have our prob-

lems on our side. We will probably pay a price come November about some of the things we have done wrong. All I can say to my Democratic colleagues is this: The reason you are stopping this provision from becoming law is that you think it gives you a political advantage in November because of premium increases in October. This is exactly why the American people hate politics so much.

I want to be on record in March as being a Member of the Senate who works with the other side when I can, surrounded by people on my side of the aisle who are historically seen as centrists when it comes to trying to solve problems. There is nobody on this floor who has a reputation of being an ideologue. Senator COLLINS is a pro-choice Republican, and she is OK with sending these dollars through Hyde protections because they have been around so long. LISA MURKOWSKI is a pro-choice Republican. She was with us yesterday, saying that she is dumbfounded about this argument about abortion.

So play the tape later on. When the premiums go up 10 to 20 percent for hard-working people and there is a debate about why that happened, I want somebody to play this tape, because we have 24 hours to stop that.

Every expert who has looked at this says the following: If you do Alexander-Murray-Collins-Nelson, you will prevent a premium increase of 10 to 20 percent, and you will lower premiums in the next couple of years by up to 40 percent. I don't know what the day is. It is some day in March, but I have lost track of what day it is. Yet I am here to say, when that debate comes about in October, I want you to play this tape. We had a chance today to fix this problem, and the only reason we are not going to do it is due to our Democratic colleagues' decision to play politics with this issue rather than to solve the problem.

The President of the United States is for this. The majority leader of the U.S. Senate is for this. The Speaker of the House is for this. Every Republican leader is for this. The Senators on the floor who work with Democrats are for this. We are urging our colleagues, before it is too late, to change their minds and get this into an omnibus in a fashion so as to lower premiums, not to sit on the sidelines and watch them go up. So, when the debate happens in October, play this tape.

I yield the floor.

THE PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, first of all, let me offer my thanks to Senator ALEXANDER and Senator COLLINS, and let me add my support for what Senator GRAHAM has just indicated in terms of the importance of this particular amendment to the omnibus bill.

Look, I am a pro-life Republican. By allowing the Hyde amendment to prevail in this particular case, as it does with all of the other funding that we send back to the States so that it cannot be used to fund abortions—and that

is what this is all about—it allows us to still continue to provide, with clear consciences, the dollars necessary to provide healthcare for individuals who otherwise may not get it.

This particular proposal allows for States to, once again, take charge of part of the healthcare that we want to see delivered at the local level. By taking section 1332 and expanding what States can do, we actually provide more local control, which is a conservative approach. It is also one more opportunity to reduce the impact of what many of us have said was a mistake with ObamaCare in the first place.

For conservatives, a lot of us campaigned on the fact that we wanted to repeal and replace ObamaCare. To repeal it and replace it, you have to have 60 votes here. In this particular case, what we have said is: Let's take those parts that are the most onerous and those parts that are adding to the cost of healthcare and take those out, but let's provide and continue to provide the protections that some people feel ObamaCare was responsible for, such as guaranteed renewable products, which were included in South Dakota's law before ObamaCare ever came along, and the opportunity for everybody to apply for a policy and to be accepted one way or another.

This particular piece of legislation allows for, perhaps, as many as 3.2 million Americans to actually be able to afford the policies that, today, they can't afford. I believe Senator ALEXANDER used the example of someone who is making \$60,000 a year and has a bill of \$20,000 for his healthcare. The reality is that that person is not buying healthcare. So let's allow those folks the opportunity to have a reduction in the premiums that they otherwise could not afford to pay.

This allows for the States, on a very responsible basis, to do what Senator COLLINS, as a former insurance commissioner, understands so clearly. What we have done with ObamaCare is to force individuals who have no place else to go into what we call the individual market. When we force all—or the vast majority—of the individuals who have health problems into the individual market to get coverage, it artificially drives up the cost of that individual policy. That individual market makes up 6 percent of the total number of the people who are covered, but that 6 percent of the premium going in picks up an unfairly large number of individuals who have no place else to go to get insurance. That drives the cost of the premiums up for those individuals and makes it, in many cases, more costly than they could ever afford.

With a reinsurance provision for the States, it allows for a State to say: Look, issue the policies, but then allow us to expand the base over which we spread those losses. Let those States do that. This worked successfully before ObamaCare was ever a bad dream. This allows for us to take a larger base of

people to share and to spread that risk. When you do that, you make that market more stable, and you start to invite carriers to step back into the market. That is what this is all about.

I am not going to try to assign the intention of our colleagues who are on the other side of the aisle. I am a pragmatist. I really do believe that we have some very sincere colleagues on the other side of the aisle who understand how important this is.

What I would invite is this: I am a conservative Republican. I want to see this move forward. I think, for the good of the American people, this is the right move to make. I would ask our colleagues on the other side of the aisle to consider the good this would do for people across this entire country and to find a way to work through this process in such a fashion that they could comfortably come forward and help us to get this to the finish line.

If we can do this, we will make things better not just for those 3.2 million Americans who would be able to qualify for insurance once again and be able to pay for it, but we honestly believe—and it is the Congressional Budget Office that has suggested this—that somewhere between 20 percent of the premiums they would otherwise pay would solidly be reduced. In some cases, according to healthcare professionals in the private market—these are the people who actually suggest and work with the insurance companies—as much as 40 percent of that total cost could be reduced.

This is not a partisan issue. This is a matter of trying to actually make an impact on the lives of real Americans who need our help. Remember that the American people did not ask for ObamaCare, but they are the ones who are suffering because of the premium increases that have been caused by this law in the first place.

What we are trying to do in what is, hopefully, an acceptable fashion is to find colleagues on the other side of the aisle who will once again join us in this legislation that they had previously supported—for them to find a way to step forward—and actually help fix a problem for real Americans.

Once again, I thank the Senator from Tennessee for all of the hard work he has done. As a former Governor, he understands that, once in a while, you reach across the aisle, and you find ways to get things done. In the Senate, it requires 60 votes to make this happen.

I thank Senator COLLINS for her work. She is a former insurance commissioner. She gets it. She understands it.

We want to find the common ground that it takes to actually fix a problem for the American people. This is not and should not be a partisan issue—fixing a problem that we all agree exists today.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, we have the opportunity today to take immediate action to lower the cost of health insurance by as much as 40 percent and to increase the affordability of insurance for millions of Americans who purchase plans in the individual market.

I commend Senator ALEXANDER, the chairman of the Senate Health, Education, Labor, and Pensions Committee, for his extraordinary leadership and hard work in this area.

I am also very pleased with the work that has been done by Representative GREG WALDEN, the chairman of the House Energy and Commerce Committee, and Representative COSTELLO.

We have come together, along with a substantial number of our colleagues, including Senators GRAHAM, ROUNDS, ISAKSON, and MURKOWSKI, among many others, on this very important insurance stabilization and rate reduction package.

Let me begin by outlining the major provisions of what it is that we are proposing, because there has been, unfortunately, a lot of misunderstanding and, dare I say, misinformation.

First, our legislation, based on the Alexander-Murray bill, would fund the cost-sharing reduction subsidies for 3 years. These are vital for Americans who have incomes that are below 250 percent of the poverty level. CSRs provide government assistance to help them pay for their deductibles and their copays.

Second, our proposal also improves the ability of the States to take further steps to lower insurance premiums for their citizens. We provide meaningful flexibility for States by revising section 1332 of the Affordable Care Act, which authorizes State innovation waivers.

Third, based on a bill that I authored with Senator BILL NELSON, our proposal provides a total of \$30 billion over 3 years for States to have reinsurance, or invisible high-risk pools, by applying for a waiver under the section 1332 program I just mentioned.

As I know the Presiding Officer well knows, reinsurance is a proven method for dealing with high-risk, expensive claims. It reduces uncertainty and has benefits not only for those who have preexisting conditions and need expensive healthcare but for the entire individual market, and it has been proven to work in States like Maine and Alaska.

We have also included \$500 million to assist States with the planning of the designs of their own reinsurance, or invisible high-risk pools. In the House, the Costello bill also had a Federal fallback in recognizing that we were late in the year and that we wanted to provide help immediately, which we have included for 2019, to give States

time to apply for waivers under section 1332.

What does our bill not do?

Our proposal does not change the Affordable Care Act's essential benefit requirements. It does not change the guarantee that an individual will be able to buy insurance. It does not change the protections for people with preexisting conditions. Yet it ensures that the Federal funding directly benefits consumers and not insurance companies.

In considering this plan, Congress faces a fundamental question: Do we want to take action to significantly reduce the cost of health insurance for millions of Americans or are we just going to sit back, say no, and let this opportunity pass us by?

Time is short. If Congress fails to act, insurance rates in the individual market will skyrocket this fall. This will directly harm the 9 million Americans who pay for their own insurance without government or employer assistance. That is, for example, the fisherman in my State who is self-employed, the electrician, the plumber, the carpenter—there are so many—the hair stylist. They are already paying far too much for their healthcare costs. Well, all of them will be facing another double-digit premium increase if they are to be insured, and rates can only be expected to continue to climb.

Healthcare premiums are already too expensive under the Affordable Care Act. That is one of the problems with the Affordable Care Act that I have been committed to fixing. Last year, the average price of the Affordable Care Act silver plans, which are the most popular plans, increased on average by 34 percent. A growing number of counties in our country are at risk of having no insurers or only one insurer, leaving hard-working individuals with few or no choices for health insurance coverage. Inaction will only exacerbate the premium spikes and the market instability we have already experienced.

When our country is confronted with such a serious problem—I mean, what is more important to people than healthcare?—Americans expect us to come together. They expect us to work constructively. They expect us to provide real relief from the rising cost of health insurance, which makes health insurance unaffordable for far too many Americans, and that is precisely what our plan would do.

Let me be crystal clear. Our proposal is the last opportunity—the last opportunity—to prevent these rate increases that will go into effect, which will be announced on October 1. Our package will help to stabilize the insurance markets and make them more competitive.

Every study has shown that our bill would make health insurance more affordable. According to the leading healthcare experts at Oliver Wyman, our bill would lower individual health insurance premiums in the individual market by as much as 40 percent com-

pared to what people will otherwise pay if Congress fails to act. According to Oliver Wyman, it would also expand coverage to an additional 3.2 million Americans.

I want to touch on a complicated but important issue that some of my colleagues on the other side of the aisle have raised as a reason not to pass this bill. There have been two reasons. One is the application of the Hyde amendment, which has been law for decades, which I will talk about subsequently, but the first has to do with what is referred to as silver-loading and zero-premium bronze plans.

First a little background. The Affordable Care Act was designed to provide two key subsidies for enrollees who purchased coverage on the exchange and qualified from an income standpoint. The first are premium tax credits to help cover the cost of premiums for individuals earning between 100 and 400 percent of the Federal poverty level. The second are cost-sharing subsidies, or CSRs, to help cover the cost of deductibles and copays and other out-of-pocket expenses for individuals who are very low-income—earning between 100 and 250 percent of the Federal poverty level.

Despite the fact that Congress never appropriated the funds to pay for the cost-sharing reductions, the Obama administration paid them anyway. The House sued to block this strategy and won in Federal district court.

Lacking an appropriation from Congress, President Trump stopped making these payments last year. That concerned many of us, but let me make clear—he was following the court's decision. In response, insurance companies came up with the silver-loading strategy, under which they increased the price of their silver plans to compensate for the cost-sharing reduction payments they were no longer receiving. In essence, insurers have created silver plans that mimic CSRs for low-income enrollees. Because the ACA's tax credits are tied to the silver plan premium, the tax credits ballooned in size, producing credits so large that they are often sufficient to fully cover the premiums on the bronze plans for lower income enrollees and, by the way, greatly increased the cost to Federal taxpayers, which is why the bill we put together, by right-sizing the market and avoiding the games that were played, actually pays for itself.

We all remember the old saying that “if something sounds too good to be true, it probably is.” Well, free bronze plans for low-income individuals sounded too good to be true, and they are. I hope my colleagues on the other side of the aisle are listening to this explanation. The fact is that free bronze plans are only a good deal for low-income Americans who never get sick, who never get hurt, who never need to use their insurance. If they do, they will pay hundreds or even thousands of dollars more out of pocket.

While these plans might have lower monthly payments or even be free,

they have much higher deductibles and copays. Based on publicly available data pulled from the exchanges, I am going to describe an example illustrating that individuals with free bronze plans will face much steeper costs when they try to access care than if they paid the small premium for the silver plan.

Let's take the example of Chris and Caroline, ages 34 and 32, who live in Portland, ME. They bought coverage on the exchange for themselves and their two young children for 2018. They make about \$34,500 a year, which is about 140 percent of the Federal poverty level. They saw that they could get a “free” bronze plan, or they could choose to buy the cheapest silver plan for \$54.83 a month. They chose the free bronze plan, not realizing that the silver plan would have given them access to subsidies, which provide lower deductibles and copays to low-income people. If Caroline gets pregnant this year and they are under the free bronze plan, they are going to have to pay out of pocket \$7,350—and they make \$34,500 a year. Had they picked the least expensive silver plan, they would have had to pay \$500.

Consider a hypothetical couple in their early thirties, Jacob and Emma, with two young children, living in Seattle, WA. They are making just under \$35,000 a year. When they went shopping for coverage on the exchange, they, too, saw that they could get a free bronze plan, or they could buy the least expensive silver plan for about \$84 a month. Jacob and Emma chose the free bronze plan, which doesn't come with the subsidies included in the silver plan to help low-income families with deductibles and copays. If someone in this young family faces a serious illness this year, the silver plan in Washington State would have capped Emma and Jacob's additional expenses at \$660. Unfortunately, they have the so-called free bronze plan that some of my colleagues have been touting. They would face up to \$7,210 in out-of-pocket expenses—hardly an affordable option for this low-income family.

It used to be well understood by the affordability advocates in and out of the Senate that low-income Americans struggled to meet deductibles and out-of-pocket expenses. Just 1 year ago today, the Kaiser Family Foundation issued a report arguing against the House reform bill because it did not contain CSRs, noting that “cost-sharing reductions are a key part of the financial support currently provided to [low-income] enrollees” and that without such support, deductibles “are often out of reach for people with lower and modest income.”

A prior Kaiser Family Foundation report from 2015 showed that only 1 in 10 individuals earning between 100 and 250 percent of the Federal poverty level—those are the individuals who would be eligible for CSRs under our bill—has savings or other assets large enough to cover a \$6,000 deductible. In other

words, without CSRs, 90 percent of these individuals will have to wipe out their savings to cover their medical expenses before they even meet their deductible. Those who can't meet their deductible won't get reimbursed. For these Americans, a zero-premium plan will really mean a zero-benefit plan.

I cannot believe that silver-loading and free bronze plans is a credible long-term strategy. First, I would note, in addition to the examples I have given, that CBO assessments from last year were that the silver-loading strategy would cost the Federal taxpayers \$194 billion over the budget window. Second, because low-income individuals will struggle to meet their deductibles, they will be unable to secure reimbursement of expenses. Sooner or later, taxpayers are going to be asking why they are paying nearly \$200 billion more to subsidize policies that deliver such poor benefits.

To be clear, the amendment we are offering prevents this strategy, protecting lower and modest-income enrollees, low-income families and individuals and the taxpayers.

Now, let me discuss the Hyde amendment. I am disappointed, to say the least, that Democrats, who ought to have embraced this proposal, have instead rejected it because its funding is subject to the Hyde amendment. As a pro-choice Republican, I must say this puzzles me. The Hyde amendment has prohibited the use of taxpayer dollars to pay for elective abortions for more than 40 years. It is not new policy. The entire Labor-HHS title of the omnibus before us today is subject to the Hyde amendment.

There are variations of the Hyde amendment in other titles of the omnibus spending bill. It applies to a long list of Federal programs, including Medicare, Medicaid, CHIP, TRICARE, Veterans Affairs, Indian Health Service, the Peace Corps, the Bureau of Prisons, Immigration and Customs Enforcement. I have heard it said that it doesn't apply to commercial insurance that is offered by the Federal Government—that is just not true. It applies to the Federal Employees Health Benefits Program, through which 8.3 million employees, retirees, and their families get their health insurance coverage. I have not seen my Democratic friends make any effort to change the applicability of Hyde to that insurance program.

Together, these programs account for more than \$1 trillion in government spending each year—all of which is covered by the Hyde amendment. That is 100 times the amount of reinsurance we are proposing in our amendment. A trillion dollars of Federal healthcare funding is already covered by the Hyde amendment, which has been policy for 40 years. So how is this, in any way, a radical departure from current policy?

I find it frustrating that some on the other side of the aisle are choosing to block this important package that will provide relief to those who need it

most because of the application of the Hyde amendment. Let me say, they cite the Stupak amendment, which is section 1303 of the Affordable Care Act. We leave that in place, we don't touch it, and we do not change the Hyde amendment's exemptions found in section 507, which allow private entities, State governments, or individuals to use their own funds to provide coverage for abortion. In other words, this is nothing radical or new, and it is baffling and gravely disappointing that this should be used to block this package.

Dozens of healthcare consumer and business groups, as well as the National Association of Insurance Commissioners—those State commissioners whose job it is to look out for consumers—have called upon Congress to take action to lower premiums for millions of Americans and their families. These groups include the American Hospital Association, Blue Cross Blue Shield, the U.S. Chamber of Commerce, the American Medical Association, the American Cancer Society, the American Academy of Family Physicians, the Federation of American Hospitals, and there are a wide range of groups representing people with diseases, such as arthritis, cancer, epilepsy. The United Way has called for action, the Cystic Fibrosis Foundation, the American Lung Association. Just yesterday, the National Association of Insurance Commissioners put out a new letter in support of market stabilization.

Mr. President, I ask unanimous consent that these three letters be printed in the RECORD at the conclusion of my remarks.

Mr. President, how incredibly disappointing it would be if some Members derailed this serious effort to reduce the cost of health insurance for millions of Americans. While Members may disagree with certain provisions, the time has come for each and every Senator to decide: Are you for lower rates and more affordable coverage for the 18 million Americans who get their insurance from the individual market or are you content to just sit back and let their insurance rates soar once again this fall, making health insurance even less affordable than it already is?

In my view, the answer is clear and obvious. We must not lose sight of our goal, and that is making health insurance more affordable for millions of Americans. Including our insurance package in the omnibus funding bill is the right thing to do, and it is urgent that we do it now.

Thank you.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS & THE CENTER FOR INSURANCE POLICY AND RESEARCH,

March 21, 2018.

Hon. LAMAR ALEXANDER,
Chair, Health, Education, Labor, and Pensions
Committee, U.S. Senate, Washington, DC.

Hon. PATTY MURRAY,
Ranking Member, Health, Education, Labor,
and Pensions Committee, U.S. Senate,
Washington, DC.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN ALEXANDER, RANKING MEMBER MURRAY, AND SENATOR COLLINS: Members of the National Association of Insurance Commissioners (NAIC) continue to urge congressional support for health insurance market stabilization reforms and applaud the Senate leaders who have worked across the political aisle to advance them. If Congress does not act to stabilize health insurance markets, continued uncertainty regarding federal funding, the health of the risk pool, and regulatory requirements will result in even higher premiums and, possibly, fewer carriers participating on the exchange—perhaps even bare counties.

This is why commissioners from across the political spectrum have contacted their congressional delegations, testified before House and Senate committees, and urged federal policymakers to take immediate action to stabilize the health insurance markets.

Specifically, state regulators support market stabilization reforms that would:

Provide federal funding for reinsurance programs to address the deteriorating risk pools;

Fully fund cost-sharing reduction (CSR) payments that are owed to insurance carriers that provide low-cost sharing plans to lower-income enrollees; and,

Make the Section 1332 waiver process more streamlined and predictable for states.

These concepts have received bipartisan support and, contrary to some rhetoric, are in no way a “bailout” of the insurance industry. They directly benefit consumers and help stabilize the risk pool. CSR payments reimburse carriers for providing a lower cost version of their Silver plans to eligible consumers, and establishing reinsurance funding acknowledges that the risk pools in many states are much sicker than anticipated and help is needed to backstop markets that might otherwise cease to exist in some counties. Section 1332 waiver flexibility will provide states clearer guidance and quicker action to address their market realities, while preserving guardrails to protect consumers. And finally, the Senate rightly acknowledges that “sales across state lines” are best left to the states in the form of interstate compacts.

As insurance commissioners, we attempt to assess these reforms with an apolitical perspective, but we recognize that the political process in Washington does not always allow for a perfect result. What is clear, however, is that without these reforms markets across the country will continue to deteriorate, and consumers will pay the price for this inaction. We applaud Senators who have worked to advance these reforms and we urge all Members of Congress to support them and stabilize health insurance markets for our nation's consumers.

Sincerely,

JULIE MIX MCPHEAK,
NAIC President, Com-
missioner, Tennessee
Department of Com-
merce & Insurance.

RAYMOND G. FARMER,
NAIC Vice President,
Director, South

Carolina Department of Insurance.
 ERIC A. CIOPPA,
NAIC President-Elect, Superintendent, Maine Bureau of Insurance.
 GORDON I. ITO,
NAIC Secretary-Treasurer, Commissioner, Insurance Division, Hawaii Department of Commerce and Consumer Affairs.

CONGRESS MUST ACT NOW TO PREVENT PREMIUM SPIKES AND COVERAGE LOSSES FOR MILLIONS OF AMERICANS, SAY 20 PATIENT AND CONSUMER GROUPS

WASHINGTON, D.C., Mar. 13, 2018.—20 patient and consumer groups issued the following statement urging Congress to include legislation in the forthcoming omnibus spending bill to steady the health insurance market:

"Congressional leaders must include provisions to stabilize the health insurance market in the March 23rd omnibus government funding bill to prevent millions of Americans from losing health insurance coverage. In the coming months, insurers will set plan rates for 2019 and a shaky marketplace will likely result in premium spikes—putting health insurance out of reach for many patients and families.

Several bipartisan proposals under consideration could preserve and even expand access to affordable health insurance for middle class families. They include cost-sharing reduction policies that could improve affordability for low-income Americans and the creation of a reinsurance program to help keep premiums stable for those with pre-existing conditions. We urge Congress to move swiftly, so that plans on state exchanges can stabilize, and perhaps lower, premiums for the millions of Americans who will turn to the marketplace for coverage next year.

Both parties in Congress have pledged to protect people with pre-existing conditions, but recent regulatory actions taken by the Trump administration to expand association and short-term health plans could undermine existing protections.

Recent data indicates that the number of Americans who are uninsured is on the rise again for the first time since 2008. At the end of 2017, 12.2 percent of U.S. adults lacked health insurance—up from 10.9 percent at the end of 2016, an increase of 3.2 million people.

Quality insurance coverage improves patient outcomes and allows Americans to stay healthy and remain financially secure. The vulnerable communities we represent simply cannot afford to lose access to health insurance that protects their livelihood and wellbeing."

American Cancer Society Cancer Action Network; American Heart Association; American Lung Association; Arthritis Foundation; Autism Speaks; Crohn's & Colitis Foundation; Cystic Fibrosis Foundation; Epilepsy Foundation; Family Voices; Futures Without Violence.

Leukemia & Lymphoma Society; Lutheran Services in America; March of Dimes; National Alliance on Mental Illness; National Health Council; National Multiple Sclerosis Society; National Organization for Rare Disorders; National Patient Advocate Foundation; United Way Worldwide; Volunteers of America.

DEAR LEADERS MCCONNELL AND SCHUMER, SPEAKER RYAN, AND LEADER PELOSI: Americans need action now.

We came together earlier this month to stress the importance of congressional ac-

tion to lower healthcare premiums. Time is running out.

In the next few weeks, health insurance providers will begin to file premium rates for 2019 in the individual market. In October, individuals and families who buy their own coverage will review their options, see their premiums, and make their choices. Without Congressional action now, the plans offered to Americans will be nearly 30 percent more expensive than they would be otherwise.

Congress is working on an omnibus appropriations bill that it must act on by March 23. As providers of health care and coverage to hundreds of millions of Americans, we urge you to ensure that bill includes elements that will reduce premiums, improve affordability, and improve the individual market for 2019 and beyond:

Establish a premium reduction/reinsurance program to help cover the costs of people with significant health care needs.

Provide multi-year funding for cost-sharing reduction (CSR) benefits.

According to independent analyses by Avalere Health and Oliver Wyman, enacting both legislative provisions could lower premiums by up to 21% in 2019 and increase enrollment and expand coverage to over 1.5 million Americans. By 2020, premiums could be 40% lower with an additional 2.1 million Americans enrolled and covered. Moreover, this legislation will help physicians and hospitals better serve the health care needs of patients in their community and lower costs for businesses that provide coverage to their employees.

Time is running short. We urge you to deliver on the promise to reduce premiums for millions of Americans and their families.

Sincerely,

AMERICA'S HEALTH
 INSURANCE PLANS;
 AMERICAN ACADEMY OF
 FAMILY PHYSICIANS;
 AMERICAN BENEFITS
 COUNCIL;
 AMERICAN HOSPITAL
 ASSOCIATION;
 AMERICAN MEDICAL
 ASSOCIATION;
 BLUE CROSS BLUE SHIELD
 ASSOCIATION;
 FEDERATION OF AMERICAN
 HOSPITALS;
 U.S. CHAMBER OF
 COMMERCE.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to thank the Senator from Maine for her lucid and heartfelt description of what is before us. She has been an exceptional leader, and she continues to be. She looks for ways to get results.

She sees people—the plumber I talked about making \$60,000, the stylist, a farmer—the person who is working and paying all of his or her insurance with no subsidy help and who sees the real prospect coming that when the rates are announced October 1, they may not be able to afford any insurance, and they can see we have a solution for that.

Now, this isn't a Republican solution or a Democratic solution. This is a solution that began to be developed almost the day Republicans failed to repeal and replace ObamaCare. I walked across the aisle to see if we could do what the Democrats were asking. Let's fix what we have temporarily so nobody is hurt. As we have explained this afternoon, we did that.

We have a proposal that is the original Alexander-Murray proposal, devel-

oped in four hearings, in which more than half the Senate participated, which at one point the Democratic leader said every single Democrat would vote for. It takes an existing part of the Affordable Care Act and makes it work—that is the innovation waiver—gives States more flexibility to create more choices and lower cost choices without changing the essential health benefits, without changing the guarantee for preexisting conditions. It is really a modest change, but it is a significant change. Then it has 3 years of cost-sharing subsidies—remember, the President said he did not want to pay those, but he supports this—and then 3 years of reinsurance so we can help the sickest people who are in the individual market, take them out, pay their needs, and reduce rates for everybody else. These are the best Republican and Democratic ideas that have been put together in a package and, as Senator COLLINS has said, virtually everyone who has looked at this—starting with the Oliver Wyman Health consultants who say it reduces rates up to 40 percent, the Congressional Budget Office says 20. That is thousands of dollars.

If you are paying \$20,000 for your insurance, if we do nothing, you might be paying \$24,000. If we do this, you might be paying \$16,000. That is a lot of money. If we do this, you might be paying \$12,000. That is thousands of dollars less. That is a big tax cut for you, and it is a big tax increase. Why are we not doing this?

Let's not kid ourselves. There is a lot of scrambling and embarrassed running around over on the other side of the aisle to come up with an excuse for this, but let's be honest about it. The Democrats are blocking this for one reason. They have convinced themselves they do not want to apply to the health insurance rate reduction in the omnibus bill the same law that applies to more than 100 other programs in this omnibus bill. So every single Democrat over here who says: I can't vote for a 40-percent rate reduction for you, Mr. Plumber or Ms. Hairstylist or Ms. Farmer. I can't do that because I can't put the Hyde amendment on it, but I am going to vote to put the Hyde amendment on the National Institutes of Health, I am going to vote to put the Hyde amendment on community health centers, I am going to vote today to put it on Federal employee health benefits and family planning grants under title X and 100 other programs Democrats are going to vote to put the Hyde language on—yet they say we can't put the same language on a 40-percent health insurance reduction that is composed of three sections of bipartisan legislation that the Democratic leader has said, at least on two-thirds of it, that every single Democrat supported. Now, what is that? What is that?

I mean, this should not be a partisan issue. I am not surprised there is

scrambling and embarrassment on the other side of the aisle. I don't know how they are going to explain this to the American people. I know a lot of people in Tennessee are desperately hoping we succeed. I hear it every time I go home.

Health insurance is the No. 1 concern of the people in my State, and the most frightening prospect is, if they can't pay their bills, then they can't buy insurance. They might get sick and have no way to take care of it.

Mr. President, I will ask consent to put into the RECORD a few items. The first is a list of 20 programs that are included in the omnibus bill we are likely to vote on today that have Hyde protection.

Now, remember what the Hyde protection is. It is a compromise that was created in 1976 that said Federal funds may not be used for elective abortions, but basically you may use any other funds, and you may create a contract or arrangement to do that. So that is what we do with Medicare. That is what we do with Medicaid. That is what we are voting today to do at the National Institutes of Health, in the community health centers, voting today for the Federal Employee Health Benefits Program, for family planning grants, for the Indian health programs, for the VA women's health medical care, for global health programs, for the Ryan White HIV/AIDS Program, and school-based health centers. We are voting to put the Hyde protection on area health education centers, on maternal and childcare block grants, on the National Health Service Corps, but we can't put Hyde protection on health insurance—a 40-percent rate reduction on health insurance, a bipartisan proposal that has the support of the President, the majority leader, and the Speaker. They are all willing to put it in this bill, but you say no. You say no, and there is no good reason for that. There is no good reason whatsoever.

We are going to vote to put the Hyde amendment on childcare community development block grants.

I ask unanimous consent that a list of 20 of those programs be printed in the RECORD, although, there are more than 100 we will be voting on today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

20 PROGRAMS HAVE HYDE PROTECTIONS IN THE OMNIBUS

1. National Institutes of Health
2. Community health centers
3. Federal Employee Health Benefits Program
4. Family Planning Grants under Title X
5. Indian Health Programs
6. VA women's health medical care
7. Global health programs at the Centers for Disease Control and Prevention (CDC)
8. Ryan white HIV/AIDS Program
9. School based health centers
10. Area Health Education Centers
11. Maternal and child health block grant
12. National Health Service Corps
13. Bureau of Prisons health programs

14. Childcare Community Development Block Grants

15. Community Mental Health Services Block Grant

16. Substance Abuse Prevention and Treatment Block Grant

17. State Grants to Respond to the Opioid Crisis

18. Rural Outreach Grants

19. Domestic trafficking victim's fund

20. Garrett Lee Smith youth suicide and early intervention strategies

Mr. ALEXANDER. Mr. President, I ask unanimous consent also to have printed in the RECORD a short summary of the three-part, bipartisan proposal that will produce the 40-percent rate decreases in the individual market, according to Oliver Wyman, and up to 20 percent, according to the Congressional Budget Office, over the next 3 years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOWER PREMIUMS, MORE STATE FLEXIBILITY, AVOID CHAOS IN 2019, 2020 AND 2021

President Trump, Majority Leader McConnell, and Speaker Ryan support this proposal.

Premium Reduction through State-based Reinsurance Program

Adds funding for 1332 reinsurance and invisible high risk pool programs at \$10 billion a year for 2019, 2020, and 2021, with a federal fallback in the first year.

Oliver Wyman projected premium decreases and coverage increases:

2019, 2020, and 2021: 40% lower premiums in states that receive a 1332 waiver than what people in the individual market would pay if Congress doesn't act.

Will provide insurance coverage to an additional 3.2 million individuals.

An alternate analysis by the Congressional Budget Office, based on real spending on Obamacare subsidies, indicates that the proposal would save over \$9 billion over 10 years.

Make Section 1332 State Innovation Waivers Work

More flexibility for health plan designs

Example: Iowa waiver proposal

Example: higher co-pay opioids, lower co-pay statins

"Alaska for All" (Maine, Minnesota)

State-based program to help cover costs of the very sick 20% premium decrease for everyone

Streamline approval process

Let Governors apply for waiver

Cut federal waiver approval time from 180 days to 120

Create fast-track approval for emergency situations

Create fast-track approval for "copycat" waivers

Make the waiver last longer

Make it harder for a waiver to be cancelled, giving states certainty

Create model waivers to help states get approved faster

NEW COPPER PLAN: CATASTROPHIC INSURANCE REGARDLESS OF AGE

INTERSTATE HEALTH INSURANCE COMPACTS

Consumer Notification

Directs state insurance commissioners to require short-term, limited duration insurance display prominently in marketing materials, the contract, and application materials a notice to inform consumers that coverage and benefits differ from coverage offered on the exchanges.

Consumer Outreach, Education, and Assistance

Allows HHS to contract with states to conduct outreach and enrollment activities

funded by existing user fees designated for these activities.

NO BAILOUT, ENDS "SILVER-LOADING" GIMMICK Funds Cost-Sharing Reduction Subsidies

October through December of 2017, for 2018 for plans that did not silver load and Basic Health Plans.

Helps those who are below 250% of the poverty level who receive government assistance to help them pay for their deductibles and co-pays.

All plans for 2019, 2020, and 2021.

Standard Hyde Protections:

Includes the same Hyde protections that already apply to Medicaid, Medicare, Children's Health Insurance Program, TRICARE, Indian Health Service, Federal Employees Health Benefits Program, Veterans Affairs, and the Labor-HHS appropriations bill. Clarifies that Hyde exemptions and effect on non-federal funding remain the same.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD the Oliver Wyman analysis entitled "A Proposal to Lower ACA Premiums by More than 40% and Cover 3.2 Million More" Americans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[March 12, 2018]

A PROPOSAL TO LOWER ACA PREMIUMS BY MORE THAN 40% AND COVER 3.2 MILLION MORE (By Tammy Tomczyk, FSA, FCA, MAAA and Kurt Giesa, FSA, MAAA)

In our December 9, 2017 article, we analyzed the effects of a proposal the US Senate was considering to fund cost-sharing reduction (CSR) payments and appropriate \$5 billion in 2019 and 2020 for states to establish reinsurance programs to stabilize their individual insurance markets. We discussed how pass-through savings could provide reinsurance coverage equal to roughly \$15 billion in protection for high-cost claimants, and how this protection, combined with CSR funding, would bring more people into the individual market and lower premiums by over 20 percent.

More recent congressional attention is focusing on a proposal that includes an extension of CSRs and a reinsurance program in 2019, 2020, and 2021, funded with a \$10 billion appropriation in each year, with a federal fallback option available to states in 2019. The federal fallback option would likely be based on—and use the federal infrastructure built to administer—the Transitional Reinsurance Program in place from 2014 through 2016.

Our healthcare microsimulation model, used to understand this package's likely effects on the market, assumed states would use federal pass-through savings under Section 1332 of the Affordable Care Act (ACA) to supplement and leverage the \$10 billion the considered legislation would authorize and appropriate each year. Pass-through savings result from the fact that the premium subsidies available under the ACA cover the difference between the second lowest cost silver plan available in a rating area and a fixed percentage of a household's income, varying only by federal poverty level (FPL). Lower premiums result directly in lower premium subsidies, and under a Section 1332 waiver, these savings from lower premiums may be used to provide additional reinsurance.

In our modeling, we are presuming that states will take advantage of these pass-through savings in 2019. In reality, states that have not already begun working on a waiver will be challenged to get a 1332 waiver

filed and approved under the current regulatory regime in time to impact 2019 premiums. The current regulatory regime includes a requirement that a state enact enabling legislation, develop an application, hold public hearings during a 30-day public comment period, and submit the application to the US Health and Human Services (HHS). HHS then undertakes a two-step review process that can span up to 225 days—up to 45 days for a completeness determination followed by up to 180 days for review. But even those states unable to get a waiver in place for 2019 would still benefit from that year's federal fallback program.

Therefore, we estimate, under the assumptions described above, that an additional 3.2 million people will be covered in the non-group market, and the proposal would result in premiums that are at least 40 percent lower than they would have been without the proposal in place, across all metal levels. In those states that are not able to obtain a 1332 waiver and take advantage of pass-through savings for 2019, we estimate that premium would decline by more than 20 percent across all metal levels. Those estimates include an average 10 percent reduction due to the funding of CSRs, with the remaining reduction coming from the reinsurance program.

As a note, our modeling reflects elimination of the mandate penalty, but does not consider the proposed regulation's likely effects on association health plans or on short-term, limited duration coverage.

Mr. ALEXANDER. Mr. President, the Congressional Budget Office estimate looks at this proposal two different ways, but it says that if we base it on real spending—that is, as if Congress actually passed this bill—the Alexander-Murray-Collins-Nelson proposal that reduces insurance rates 40 percent saves the Federal taxpayer money. In other words, it doesn't cost anything.

As a U.S. Senator who came here to get results, who enjoys more than anything working across party lines to cause that to happen—because it takes 60 to get a result—who admires Senators like Senator COLLINS, who spends her time doing that, I am very disappointed, not just for me, not just for Senator COLLINS, who has spent hundreds of hours on this, not just for the Senate as an institution, but I think of people who come up to me like Marty at the Chick-fil-A, who said: I was paying \$300 a month, and now I am paying \$1,300 a month. I can't afford it; I am a farmer.

I said: I have a Christmas present for you. And then I thought, well, I have a Valentine's present for you, and then I thought maybe I could say I have an Easter present for you, and now I can say I can't do it because the Democratic Party voted to put the Hyde protection on more than 100 programs today—as it has done every year since 1976—but it refused to put the Hyde protection on a 40-percent rate decrease that was developed across party lines, in long hearings that were attended by more than half the Senators—all of them coming in and saying: Oh, this is a wonderful thing.

They came up to me and said: Chairman ALEXANDER, this is so good. We wish the Senate would act like this more. We like the fact that you are

having open hearings. Democrats are coming. You are letting us all come without being a member of the committee.

Why are we not doing more of this? This is why we don't do more of it. We come to a result. We come up to a partisan end that hurts people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

OMNIBUS APPROPRIATIONS BILL

Mr. LANKFORD. Mr. President, I wish to talk a little bit about election security, but on a day like today, I have to at least mention where we are with the giant omnibus bill that got dropped on us last night at about 8:30—about 2,300 pages of legislative text—to try to deal with all of government spending, all of discretionary spending.

If people don't know what an omnibus is, it is where we are supposed to pass 12 individuals bills dealing with 12 different topics of our spending. An omnibus is when you take all 12 of those and just do it at once. It is supposed to be the exception to the rule, but for the last 17 years, we have done some version of an omnibus. Today's vote will be the 18th.

We have 2,300 pages with technical legislative language and less than 24 hours to be able to go through it. There is no way to be able to discover what all is in it.

There is another historic event that has happened this past week, as well, which I think connects to this omnibus. Last Friday, the Treasury Department announced that we just crossed over \$21 trillion in total debt—\$21 trillion.

I have had some folks who have caught me and said: Now that we have gone over \$21 trillion and it looks like we could be rapidly approaching \$1 trillion of deficit this year alone—which would mean that in the next 12 to 14 months, we will go from \$21 trillion to \$22 trillion in total debt—gosh, that looks terrible. It has to be this Republican tax plan that is causing it. Well, there will probably be some deficit spending with the Republican tax plan that went in because it will take a couple of years for the income to be able to accelerate with it, but this omnibus alone is \$300 billion of additional spending—just this, \$300 billion.

So we go up to over \$600 billion in deficit spending this past year, and this omnibus will add another \$300 billion to that. The disaster relief funding that was done this year was \$140 billion on top of that, and the interest payment increase—just the increase—from last year to this year was \$54 billion.

It is not just some Republican tax plan that made this change. This is a very rapid acceleration in overspending that is happening right in front of our eyes, and the omnibus is not slowing it down. It is accelerating it. We have to change how we are doing budgeting and the trajectory that we face.

There are 16 of us who have started meeting last month—8 Democrats and

8 Republicans, half from the House and half from the Senate—to evaluate how we do budgeting.

The 1974 Congressional Budget Act that we are currently operating under created this incredibly complicated system that has not worked in a decade. Every year we come up and try to do it again, and every year we end up with some omnibus package, and none of us has an amendment. None of us has an opportunity to be able to see it, read it, or go through it. It is just this: Here is the number. There it is. Vote for it or not.

We have to be able to fix that process. There is no long-term strategy. There is no regular order. There is no opportunity to be able to make changes. There is no plan.

My hope is that by the end of the year, this bipartisan group will have the opportunity to be able to present a different way of doing budgeting. That is not trying to be partisan but just to be able to put a neutral process in place in which we can actually be strategic about where we are going, because we are accidentally stumbling into more and more debt every single month, and it will happen again today.

ELECTION SECURITY

Mr. President, I wish to chat with this body a little bit about election security. Just to give a quick update, as many of you know, the Department of Homeland Security has been actively engaged in trying to fix what they can on election security leading up to the 2018 time period.

I have absolutely zero doubt that the Russians tried to meddle in our elections in 2016. They started in 2014 trying to strategically plan for how they were going to try to interfere in our elections—the social media, the false news, and as many different ways as they can to be able to get out information and misinformation. They started the process early. Quite frankly, they planned and executed well. They exposed a weakness in our system.

We are an open society that is exceptionally trusting of each other, and we are not used to having a foreign entity try to reach in and try to influence us like that.

What the Russians exposed in 2016, we should be well able to push back against in 2018 and 2020 and not be caught off guard again. The Russians reached in and scammed multiple States in their election systems. They were looking at voter rolls, trying to figure out if they could get access to those. Now, they can't change votes by just looking at voter registrations, but if they could look at and download those files, they could also change those files, edit names, edit addresses, and then, suddenly, when people show up to vote, they are not really registered anymore or they are registered at a different precinct. They could create chaos on election day just by going in and editing those names. They could go into the unofficial results websites of secretaries of State and during the

day of the election actually start putting up false election results or changing algorithms and numbers, so that when numbers are added, they are actually counted wrong, just to create uncertainty in the process. So when the actual election day comes, the unofficial results come out, and they are not reliable and everyone doubts the system itself.

Again, that doesn't change votes, and it doesn't change outcomes, but it certainly destabilizes the system. We should be aware of that.

We have multiple States—there are not many, but there are around 10 to 12 States—that cannot audit their elections when Election Day comes and goes. That means that they are completely counting on the machine to be able to keep an accurate count. Now, that machine is not attached to the internet. In fact, there is no State that has their election equipment attached to the internet on the day of the election, but for almost every one of them, there is a software update right before the election. If any entity were to be able to get into any one of the third-party software companies when the update is done and just put a bit of software in there that just messes with the machine, you would literally not know if that election result was reliable or not.

Did that happen last time? No. Were the Russians looking to try to find different software companies and the different makes and models of those companies that make our election machines? Yes, and we should take that as a warning sign. Last time they were looking, and next time they may be looking to mess with it and change it. We should be well prepared for that.

We have a piece of legislation. It is a very straightforward piece of legislation about secure elections. Myself, AMY KLOBUCHAR, KAMALA HARRIS, LINDSEY GRAHAM, and SUSAN COLLINS, and most of us who are all engaged in this one simple issue say: How do we stabilize our elections system?

Elections are run by States and should be run by States. There is no reason for us to federalize elections, but the Federal Government should walk alongside States and say some simple things: We are going to have quick communication between the States and the Federal Government. So if a foreign entity is trying to reach into your State to mess with your system, we can quickly let you know about it, and we can help you in the process of protecting your State.

The last time this occurred in 2016, it was months before the Department of Homeland Security was able to actually engage with those States to let them know that what was really happening was a foreign actor and to be able to help them with their security. We have to be faster on that.

We want to be able to streamline that communication. We want to encourage States, when they buy election equipment or they get election equip-

ment, that they be able to audit their results on the day of the elections. The Federal Government should not pick their equipment. Those States should because it is a State responsibility. But we should incentivize them to actually lean in and make sure their equipment is good, because at the end of the day, in a Presidential election, we are all counting on every other State to make sure their election system is good. If it is not, it is a problem for all of us.

We want to make sure that there is not only streamlined communication and that there is not only good and auditable equipment, but that we actually give classification to individuals so that they can deal with classified information. That didn't happen last time, and so, again, it was months before there was any contact back and forth, because the Federal Government wanted to notify the States of what was happening, but no one had the clearance to be able to get the information. Let's fix that.

DHS is in the process of fixing that, but we would like to put in legislation that just remains, so that in the future, we don't lull ourselves to sleep again. Last time, it was the Russians. Next time, it could be the North Koreans. Next time, it could be the Iranians. Next time, it could be a domestic activist group that is just mad at somebody for something, and they have learned the vulnerabilities that the Russians pointed out.

In the days ahead, we need to secure our system for our election. It is not a partisan issue. It shouldn't be a partisan issue, but it should be something we learn the lesson on.

We are quickly learning the lessons about our vulnerabilities—cyber vulnerabilities in our pipelines, in our electric grids, in our phone systems, in internet fibers, in our election systems, in our banking systems, and in multiple other areas. We should learn this lesson and learn it well.

There are people who mean to do us harm. They are not necessarily going to attack us bodily, but they don't like our growing economy, they don't like our values, they don't like our openness, and they want to use our openness against us. We can't imagine doing that to someone else. They practice doing that to us.

We need to put up a basic guard, and we need to communicate to nations and nation-states around the world: If you come and attack us, this is going to be our response, so that they clearly know what they are facing when they come after us next time.

It happened once. It will happen again. Let's make sure that we are ready. Let's pass this bill about safe elections and get our elections secure so that we can trust the results year after year after year, as we have in the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

SELF-INITIATION TRADE ENFORCEMENT ACT

Mr. PETERS. Mr. President, my home State of Michigan has the best and most productive workers in the world. Michigan workers built the American auto industry and the American middle class, and they continue to roll out cutting edge innovations.

Our farmers and agricultural producers deliver an incredible diversity of fresh products to American families day in and day out. Our cars, trucks, crops, timber, furniture, and more are shipped across the United States and exported all across the globe.

In America, we believe that if you work hard and you play by the rules, you will be able to support yourself and your family and prosper. Unfortunately, our Nation's workers and businesses are too often facing unfair competition from foreign competitors.

Our businesses, which play by the rules and pay their workers a fair wage for a hard day's work, too often lose business to foreign competitors who cheat. It is one thing to lose a sale to a competitor that has the right product at the right time or is better positioned in the market—that certainly happens—but it is another thing altogether to lose because an international competitor is being subsidized by a foreign government or deliberately dumping goods below cost to drive American companies out of business. This needs to stop, and it needs to stop now.

Large companies are able to directly combat these practices by hiring teams of lawyers to enforce international trade rules, but what about family farms, small auto parts suppliers, and other small manufacturers that don't keep international trade lawyers on their payroll? American small businesses, family farms, and the workers who show up every morning can outcompete anyone on this planet if they are given a level playing field. It is time to give them that level playing field. We should be using the expertise and the strength of the Federal Government to stick up for these small businesses and give them a fair fight.

Under current law, the Commerce Department has the authority to start their own trade investigation into these harmful trade practices, but they barely ever use it. That is why I have introduced the Self-Initiation Trade Enforcement Act with my colleague Senator BURR.

This bipartisan legislation will strengthen protections for small businesses and their workers by creating a permanent task force within the Commerce Department to support proactive investigations into unfair trade practices by foreign competitors. This task force will research trade data, spot abusive, unfair trade practices, and start formal investigations. This task force will also focus on cases impacting small- and medium-sized businesses—the exact businesses that need the support but may not even know how to ask for it.

Additionally, putting the weight of the Commerce Department behind

these efforts shields these businesses from foreign retaliation. If a small business is able to track international trade data and if they are then able to hire a legal team necessary to successfully prosecute their claims—and believe me, these are two big ifs—they could still face retaliation from foreign governments that could make it harder for them to export after they win their case. An individual cherry grower in northern Michigan, for example, faces nearly impossible hurdles in taking on a foreign government, but the Commerce Department can look out for these small growers across the Nation and be their champion.

At a recent bipartisan trade policy meeting that I attended, I was able to speak with President Trump and Commerce Secretary Ross about this bipartisan legislation. They both expressed their strong support, and I will continue working with them and my colleagues in Congress until this legislation is signed into law. Michigan workers and businesses just want a fair chance to compete, and I will never stop fighting for them so they can compete fairly and so they can win.

I urge my colleagues to support the Self-Initiation Trade Enforcement Act that will help small businesses and family farms all across Michigan and all across the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

JESSIE'S LAW

Mr. MANCHIN. Mr. President, after 2 years of hard work and because of the determination and strength of David and Kate Grubb of Charleston, WV, Jessie's Law was finally passed by Congress and signed into law, and I thank each and every one of my colleagues for their support.

Jessie's Law is different from other pieces of legislation. Jessie's Law will actually save lives and prevent parents from experiencing the heartbreak of losing a child.

Jessie Grubb's story is known to many of you already, but for those of you who haven't heard it and for those of you who don't know it, I want to go over some of the highlights.

After years of struggling with heroin addiction, Jessie had been doing very well. She had been sober for 6 months. She was focusing on making a life for herself in Michigan and was training for a marathon. She had surgery for an infection related to her running injury and died the day after leaving the hospital. All of her hard work was ruined because of a careless mistake.

Jessie's death is particularly heartbreaking because it was 100 percent preventable. Her parents, David and Kate, traveled to Michigan for Jessie's surgery. Both Jesse and her parents told her doctors and hospital personnel that she was a recovering addict. It was reflected in her medical records in eight different places. However, it was not highlighted the same as it would be when you have any type of an allergy

or if you go in and they ask—the question is usually asked—are you allergic to penicillin? Then it is very much highlighted, to the point that a mistake would not be made. This was not done.

After Jessie's surgery, the discharging doctor said he didn't know she was a recovering addict and sent her home with a prescription for 50 oxycodone pills. She should never have been given a description for opioid medication in the first place, as she had asked when she entered the hospital.

With the passage of Jessie's Law, we have taken the critical step toward saying that this will never happen again. Jessie's Law will establish new standards for healthcare providers to ensure that when a patient provides information about their opiate addiction, that information is shared with their doctors and nurses and is flagged just like we would flag a drug allergy. Having this critical information will help ensure that healthcare providers can make medically appropriate decisions about pain management for recovering opiate addicts. This simple step could have saved Jessie's life, and we owe it to her memory to make the change and keep other families from experiencing the same pain.

It has been over 2 years. You would have thought this would have been done within 2 weeks. It is such common sense. I don't think anyone realized before that they could not or did not or were not responsible for or were not by law supposed to basically make sure that every record—every transcript that she had in that hospital should have been marked and highlighted so nobody could have missed it.

Jessie's story and her family's pain are all too common in West Virginia and throughout this Nation. In 2016, 884 West Virginians lost their lives due to overdose. We have the highest loss of life per capita in the Nation—the highest in the Nation. Every hour, five people die from an opiate overdose. With continued support and tireless work from everyone, we can beat this epidemic once and for all. Jessie's legacy will save people's lives and will prevent parents and families from dealing with the pain and tragedy of losing a child.

David and Kate, Jessie's parents, have been determined from day one to make sure Jessie's death wasn't meaningless, and I am honored to say that Jessie's legacy will live on for a long, long time—long after we are gone. I talked to David and Kate today, and I can't tell you how elated they were to know that it will finally pass in a piece of legislation we will be voting on shortly. It is going to save a lot of heartache and a lot of pain and the tragedy that families suffer.

This was a beautiful young lady, as you can see. She was very intelligent, very athletic. She just happened to fall into the pits of this horrible epidemic we have.

We thought when we first heard it that it was just an oversight, but there

are the HIPAA laws and all the different concerns that people have for privacy, and we weren't able to change it. The Presiding Officer, being a physician, knows how hospitals work and how the information is treasured and guarded. But this was one where we thought, my goodness, if there is an allergy, if you are allergic to penicillin—if I come into the hospital as a patient and tell you that I am a recovering addict, so please make sure that everyone in this hospital knows that I have had an addiction and that I still have addiction problems that I will have all my life, but I am recovering—Jessie was 6 months sober, and for some reason, it was not identified.

Jessie's legacy will live on and the courage her parents have had to fight this fight so that we all can share it with the rest of the country, and maybe save countless lives throughout the country and each one of our States, and all the parents who suffer through this.

The lives of David and Kate will be forever changed, but they have the beautiful memory of this beautiful young lady, 30 years of age, Jessie Grubb.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mr. DURBIN. Mr. President, we are in the process of considering an omnibus budget bill. It is over 2,000 pages long. In fairness, it includes many provisions of legislation that has been worked on by many of us for months, so it isn't a surprise package, by and large. There are elements in it that are new and that have been recently negotiated, but the underlying bill—the appropriations bills included in it—has been the subject of committee hearings and negotiations literally for months. I know that because since last year, we have been working on the Defense Department appropriations, which is included in the bill.

My reason for coming to the floor, though, is to address an issue that is not included in the omnibus bill—one that I believe should be and one that is timely and compelling—and there is no reason why it is not included. It relates to those young people who were brought to the United States by their parents when they were infants, toddlers, children, and ended up in undocumented status in this country.

Some of them—a very small number of them—may have been smuggled across the border into the United States. More likely, a common situation is that they came here on a visitor's visa with their parents, the visa

expired, and they stayed. That accounts for almost half of those who are currently undocumented in the United States.

The difference is obvious. We are talking about children who really had no voice in their parents' decision about coming to this country and who literally grew up here, many times believing they were legal in the United States. It wasn't until later in life, usually when they were 10 or 12 years old, that their mothers and fathers sat down and said to them: We never filed the appropriate papers. You are undocumented in America. It means that your life is different from the lives of all the other kids you go to school with.

These kids may be worried about making the football team or getting an A in math, but then their parents say: You also have to be worried about somebody knocking on our front door and deporting our family back to some other country.

Your life in the United States could end at any moment. Be careful. Be careful not to violate the law. Be careful to keep your head down. Whatever you do, don't tell people that you are undocumented because it could subject you and members of your family to automatic deportation.

That is what they grew up with. Through no fault of their own, they were brought to the United States. They are living in this country. They are standing in classrooms in our schools, pledging allegiance to that flag every single day, yet not legal, not documented in the United States. They are undocumented.

Sixteen or seventeen years ago, I introduced a bill called the DREAM Act, which said that those young kids deserve a chance—a chance to earn their way to legal status, earn their way to citizenship. If they become part of drug gangs or criminal enterprises, so be it—they will forfeit any right to become any part of America's future; if not, if they are prepared to finish school and prepared to either continue their education, enlist in our military, or get a good job, we will give them a chance. That is what the DREAM Act said, and for 17 years, I have been trying to make it the law of the land, and I have fallen short.

President Obama, when he was a Senator here from Illinois, was my colleague, and he was my cosponsor on the DREAM Act. So when he became President and it was clear that we couldn't pass the DREAM Act in Congress, I asked him: As President, can you do something to help? And he did. He created the DACA Program.

Under the DACA Program, these young people could come forward, pay about a \$500 filing fee, and go through a criminal background check to make sure they were no danger to this country. If they passed it, they would be given permission under President Obama's Executive order—under the DACA order—to live in the United

States for 2 years at a time and then to renew their status. During that 2 years, they couldn't be deported, and they could legally work.

It was a big decision for a lot of these young people. Remember what I said earlier—that their parents had warned them: Don't tell the government who you are. Don't tell them where you live. They could use that information against you.

But 780,000 young people came forward, trusting this government—trusting that if we invited them to be a part of the United States on a renewable, temporary basis, it would not ultimately hurt them—780,000.

What did they end up doing? Most of them went to school, but going to school as an undocumented person in America is a different challenge. You don't qualify for one penny of Federal assistance—no Pell grants, no government loans—so getting through college under those circumstances means borrowing money from some other source or working jobs to pay for your education, which many of them did.

Over the years, these DACA recipients ended up graduating from school. There are 20,000 of them teaching in schools across America. They are the teachers in the grade school and middle school and high school classes, and they have DACA protection. Nine hundred of them volunteered to serve in our military. Think about that for a moment. They stood up and took an oath to serve the United States in the military and to literally risk their lives for a country that does not recognize their legal status. Nine hundred of them are in that circumstance.

Many of them have done amazing things in their lives. I have come to the floor and told maybe 100, 110 stories of these Dreamers. They are amazing young people. They are resilient; they are talented; they are promising; they are exciting. Yet they are not legal in the eyes of the law in America.

So we tried. We tried to make sure there was a way to protect them when the new President came into office. President Trump had said very clearly in his campaign that immigration was a big issue. He said a lot of things. Some of them were inflammatory, but, interestingly enough, he said several times that Dreamers are different. These young people are different.

He told me personally: Senator, don't worry about it; we are going to take care of those kids. I believed him. I was hoping he would find a way to either embrace the Dream Act or extend DACA so that these young people would have their chance.

But on September 5 of last year, President Trump made an announcement with Attorney General Sessions. He said: This is the end of DACA. This is the end of protection for these young people. By March 5 of this year, 2018, the program will no longer exist. He said to Congress: Do something about it. He challenged us to pass a law.

The March 5 deadline was looming. Young people were falling out of the

protection of DACA status, and their lives were uncertain. Some of them had quit school. They just didn't think there was any future or hope for them. Some of them faced the prospect of losing their job when they lost DACA protection. That was the reality.

So there we sat, with that March 5 deadline looming—a deadline we knew was important because that was when all protection and all renewals would end for many, many thousands of these young people. A number of us took it up as a challenge, six of us—three Democrats and three Republicans. We sat down for months to try to write a new DACA law—and then there was a breakthrough.

On January 9 of this year, President Trump called about 24 or 25 Democrats and Republicans, House and Senate Members, to actually come to a meeting at the White House in the Cabinet room. It was an interesting meeting. It was the fourth time I had ever spoken to President Trump, and he invited me to sit right next to him. It was a little surprising that a Democratic Senator would be allowed to do that, but he invited me to, and we spent an hour, with the television coverage constant, discussing this issue. The President said some things that were encouraging about what we could do to solve this problem—a problem he had created when he eliminated the DACA Program.

He said many things during the course of that meeting. He said: "We're going to do DACA, and then we can start immediately on . . . phase two, which would be comprehensive." He was referring to other immigration measures. Then he said: "We do a phase one, which is DACA and security, and we do phase two, which is comprehensive immigration."

The President added that as part of any immigration deal, he wanted to end the diversity visa lottery—a separate issue—and change our longstanding laws that have allowed families to stay together and eventually be reunited as Americans. He referred to this as chain migration.

When the President made that offer to solve the problem, which he had created when he eliminated DACA, several of us came back to Capitol Hill and said: We have to get this done.

We labored quickly and made some tough decisions, Democrats giving on some issues, Republicans giving on others. We came up with a bipartisan bill—just what the President had asked for.

We called him. It was 2 days later—January 11. I know; I made the call. I said: Mr. President, we have a bill. Senator GRAHAM, a Republican of South Carolina, and I, as well as four other Senators, have come up with a bipartisan bill.

He said: Bring it to the White House. Don't waste any time. I want to get this done.

That was at 10 in the morning. We were scheduled and went to the White

House at noon. By the time we arrived, it was pretty clear that something dramatic had happened in the meantime, because someone in the White House had invited five other Members of Congress from the Republican Party, all of whom opposed our effort. The meeting was pretty well stacked against us. I will not get into the detail of the meeting. It has been widely reported. But at the end of it, President Trump rejected a bipartisan approach to solving this problem.

It wasn't the only time he rejected a bipartisan approach. Senator SCHUMER and Leader PELOSI had offered him a similar approach before, saying: We can work together. It appeared they had an agreement, but it evaporated in a matter of hours.

We know, as well, that there were offers made of bipartisan approaches. Senator MCCAIN and Senator COONS offered a bill on the floor of the Senate. It was a good bill—not exactly what I wanted by any means, but at least it solved the problem. It was vehemently rejected by the Trump administration.

All in all, there were six different bipartisan proposals offered to President Trump to solve the problem he had created by eliminating DACA. He rejected every single one of them.

He sent to the floor of the Senate a bill offered by Senator GRASSLEY of Iowa. Senator GRASSLEY's bill embodied the President's approach to this. Now, understand the Senate's scorecard here. There are 51 Republican Senators and 49 Democratic Senators. So when the President called his own bill, one of our Senators, Senator MCCAIN, was away ill, but there were 50 Republican Senators and 49 Democrats who voted on that day.

How many votes did the President's immigration proposal get? Thirty-nine. The President got 39 votes. It was kind of a shock that the President's own party didn't support the President's bill—at least not all of them.

When we offered the one I supported, the plan offered by Senator ROUNDS and Senator KING, it ended up with 54 votes. Eight Republicans joined to have a bipartisan measure. But it wasn't enough; 54 votes will not do it. On an issue like this, it takes 60. So we have nothing—nothing. What that means is, in the eyes of the law, for the time being, these DACA-protected young people have no legal protection—save one other element.

While we were debating, the courts were also involved. Two different Federal courts issued an order to the Trump administration and said: Stop. Don't do another thing; don't deport these kids. In fact, allow them to renew their DACA status.

Former Senator Sessions, now the Attorney General, filed an emergency effort before the U.S. Supreme Court to stop that decision, and the U.S. Supreme Court rejected it. So now, today, there at least has been a postponement of deporting the young DACA kids. We don't know if that postponement will

last a week, a month, a year. There is no telling. It is a pending court case. That is the only thing that is stopping the deportation of these 780,000 young people. That is it.

The obvious question is, Well, why did you stop? If you failed to meet the March 5 deadline, why didn't the Congress—why didn't the Senate, why didn't the House—continue the effort to try to solve this problem? Isn't that what you were elected to do, Mr. Senator?

The answer, obviously, is: Yes, we should. But we haven't.

That is why I have come to the floor today. We have this 2,000-page bill that does not solve the DACA problem. We have this 2,000-page bill that addresses every subject imaginable but doesn't address the looming deadline we face in America. We are one court decision away from hundreds of thousands of young people being deported.

What do the American people think of this idea of undocumented people, here but not recognized by law? I will tell you what they think. Eighty-five percent of the American people believe we ought to do what is right and fair for these young people. They support the Dreamers, and they support giving DACA protection. Eighty-five percent—60 percent of those who voted for President Trump—say that we should fix the DACA Program.

But we have failed again. We have failed to do what the President challenged us to do, as he continues to reject every bipartisan proposal that has been brought before him—every one of them.

I am going to be making a unanimous consent request when this is over. I think I know how it will end. Any single Senator can object and stop the protection of these DACA young people, and one is prepared to do it. It is my understanding that he is going to demand that we instead pass the President's immigration plan, which received—remember—39 votes. Not even all of the Republican Senators supported it. It wasn't bipartisan in any way. There are provisions in the President's plan that are just plain wrong, and even 14 Republicans realize that and voted against it.

So here we are at this moment, with an important bill with many positive aspects in it for all of America, including my State of Illinois. Yet there is one critical element still missing. We have failed to include a provision to solve the DACA problem created by President Trump. His refusal to accept any bipartisan compromise leaves us emptyhanded and these poor young people struggling to figure out what their lives will be.

Last week, I was in the Chicago for what I refer to as high holy days in Chicago—the St. Patrick's Day weekend, with parades and parties and breakfasts and lunches. I skipped one of the traditional breakfasts to go out to Loyola University's school of medicine. The reason I went there is called

Match Day at medical schools. It is when graduates of medical schools apply for their residencies. Residency, of course, is a continuation of their education, leading up to their becoming actual practicing physicians. It is a huge day in each of their lives. They have gone through college; they have finished medical school; and now they wait for that letter that gives them a chance to finish their medical education.

I wanted to be there because six of the graduates of the Loyola University Chicago Stritch College of Medicine were protected by DACA. They are young people who are extraordinarily talented from all over the United States. They were given a chance to go to medical school, and here they were in a situation, waiting to see if they could become doctors. It turned out that because of our failure—because of the President's removing the DACA Program and our failure to pass a replacement, two of them have their residencies in doubt. A residency is a job. It is a big job. You don't just work 40 hours a week. It is sometimes 60 to 80 hours a week. It is a big undertaking. These young people, without DACA protection, cannot legally work in America and, therefore, found it next to impossible to find hospitals and universities that would take them and allow them to complete their medical education. That is the real-life consequence of our failure to act.

That is the real-life consequence of our failure to include in this omnibus bill—or any bill to this point—a solution to the problem created by President Trump. That is why I am going to make this unanimous consent request that will, in fact, pass the Dream Act, solve this once and for all, and create a law that protects these young people and others in similar categories—one that has been offered on a bipartisan basis in the Senate and one that I believe should be passed immediately.

UNANIMOUS CONSENT REQUEST—S. 1615

Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 1615 and the Senate proceed to its immediate consideration. I further ask consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from North Carolina.

Mr. TILLIS. Mr. President, reserving the right to object, first, I thank Senator DURBIN for 17 years of work on this issue and for highlighting the reality that there are so many people who came here through the decisions of their parents—not decisions of their own. I, for one, believe they deserve a path to citizenship.

I felt so strongly about it that I did something I don't believe any Republican-only bill has ever done before. I filed a bill, along with Senator

LANKFORD, to do just that—to provide a path to citizenship not only to the 690,000 who had enrolled in the DACA Program but to some 1.2 million.

I believe we need to come up with a solution to this problem, and I thank Senator DURBIN for his dogged tenacity on this issue. I believe that if we continue to focus on it, we will succeed.

I just need to set a few facts straight. I know the majority leader is in the Chamber, and I will keep my comments brief.

I was in that January 9 meeting as well. In the January 9 meeting, we had an extraordinary meeting, and most of it was on tape. But the reality is, in the January 9 meeting, we walked away with an understanding that there were four pillars on which we were going to build a bipartisan bill. The President looked to the whips in the minority and the majority, and he said: You guys get together, produce a bipartisan bill, and I will support it.

The goal was to go out and have everybody get together with the diverse interests that were represented in the room and come up with that bipartisan bill. We have to talk about “bipartisan.” A bipartisan bill is not a bill that gets just Republicans and Democrats on it. A bipartisan bill is a bill that gets up to 60—at least 60—Republicans and Democrats on it. About a month ago, we came to the floor and had four bills. There was no open debate. It was just an up-or-down vote. That is why it failed. It also failed when there were supermajorities, when President Obama was in place, when not a single Republican vote was necessary. That is why President Obama issued the DACA Executive order.

President Trump did not create this problem. It was the inaction of Congress and even a Democratic-controlled Presidency and supermajority-controlled Congress that couldn't solve this problem for whatever reason.

On the bill that we had, we had three Democrats vote. I guess I could argue that 39 votes were Democrats. That was a bipartisan bill, but it was a bill that didn't get 60 votes.

I hope we will continue to work on this issue so that we can provide certainty to the DACA population. It is not too late to do it. I think about the Dreamers every single day. They deserve a path to citizenship. The President deserves to be able to look the American people in the face and say he secured the border and made the homeland safer. I think we can work on some of the legal immigration issues that can actually get this solved.

Senator DURBIN, I look forward to working with you, and let this be the Congress where we actually solve the problem.

UNANIMOUS CONSENT REQUEST—H.R. 2579

Mr. President, at this time, I ask unanimous consent that the Senator modify his request and the Senate resume consideration of H.R. 2579; I further ask that the pending amendments be withdrawn with the exception of the

Grassley amendment No. 1959; and, finally, I ask that the Grassley amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. DURBIN. Reserving the right to object, Mr. President, I thank the Senator from North Carolina, and I believe he does have a genuine interest in this issue. I attended several of our meetings to discuss a bipartisan compromise, and I hope we can continue to do that. In the meantime, though, what he has offered is the Grassley approach, which was President Trump's immigration approach, which limited legal migration to the United States and members of families who wanted to be reunified, some of whom have waited 10 or 20 years to rejoin their families in the United States. Unfortunately, it also included the \$25 billion wall, which may be the price that has to be paid to spare these young DACA Dreamers, but I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. TILLIS. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maine.

UNANIMOUS CONSENT REQUEST—H.R. 1625

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of the House message to accompany H.R. 1625, the omnibus appropriations bill, the Collins-Alexander amendment at the desk be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, I want to take a moment to talk about how we got to this point and why I am hopeful that, despite the Republican leader's decision to once again scuttle bipartisan negotiations on health stabilization, we can return to the table and work together to do what patients and families want; that is, to strengthen healthcare and lower the premiums next year.

Chairman ALEXANDER had said that in September every Democrat in the Senate was ready to pass the original Alexander-Murray legislation, and he is right. We wanted to work with Republicans to undo as much of President Trump's healthcare sabotage as possible because of how it is hurting families and forcing them to pay more for care. Unfortunately, Senator MCCONNELL blocked our bipartisan agreement because he wanted to pressure his caucus into supporting yet another harmful Republican repeal bill. That TrumpCare bill failed, and I was again hopeful that after it did, we could make progress on our bipartisan legis-

lation. Instead, Senate Republican leaders opted to do the exact opposite. They jammed through a terrible tax bill that actually raises families' premiums to pay for tax cuts for massive corporations. Even after that, I and Democrats were still at the table and ready to do what we could to stabilize markets and lower families' healthcare costs.

Imagine my frustration when, at the very last minute—just days ago—Republicans leaders once again made clear that they didn't want to lower families' premiums. They didn't want to stabilize a healthcare system that, as one House Republican said, they never supported anyway. Senate Republicans opted, instead, to surprise Democrats with a new, last-minute partisan proposal, the so-called stabilization bill, which included poison pills that Republicans knew Democrats would never agree to.

The partisan bill that Republicans surprised us with would undermine access to care for people with preexisting conditions by writing President Trump's junk plans rule into law and by taking away protections included in our original agreement with Chairman ALEXANDER to make sure that the sickest patients don't find themselves in a dramatically more expensive market.

This partisan bill also pulled the most worn page out of the Republicans' ideological playbook—making extreme, political attacks on women's healthcare. This partisan bill would take huge steps beyond current law, making it so women can't even buy abortion coverage using their own money.

From the start of negotiations last fall, I made it abundantly clear I will not allow women's reproductive freedoms to become a political football in these conversations. I also made clear that I understood, like it or not, that current prohibitions on taxpayer funding for abortion services would apply to our agreement. But that is not what this is—not at all.

I think that was made pretty clear when Republicans surprised us with this last-minute change in a press release without inviting any Democrats to join. I believe, and I think most people would agree, that the massive expansion of restrictions on women's access to safe, legal abortion we see in this partisan bill has nothing to do with lowering families' premiums or making healthcare work better in our country. That is not something that was in our original deal that had bipartisan support, and it is not something that should be in this bill now.

I am extremely disappointed that we have reached this point, but it does not mean I am giving up on getting this done. I know many Republicans have said that this is the end of the road for bipartisan negotiations on healthcare, but it is only if they choose that route.

Today I am laying out what I hope Republicans and Democrats will ultimately be able to agree on. This is legislation that includes current law prohibitions on taxpayer funding for abortion—what Senate Democrats and Republicans agreed was acceptable months ago. It would take strong steps to lower premiums and make healthcare more affordable for patients. It would hold protections for people with preexisting conditions, as so many Republicans and Democrats have said we need to do.

We are frustratingly close to an agreement, and I still do believe we can get there. This shouldn't be about the blame game. It should not be about pointing fingers. This has to be about getting results.

I hope Republicans and Democrats will join me in supporting the amendment I am offering today, and even if they don't, I hope we can get back to the table and resume talks. I truly believe there are Republicans who want to do the right thing for patients and families, even if their leadership is determined to avoid a real debate and vote on the so-called ObamaCare bailout. Our work last fall showed that we can reach an agreement when we put aside partisan politics and focus on what is best for our families. I am ready to get back to work to get that done.

I object to the pending unanimous consent request.

UNANIMOUS CONSENT REQUEST—H.R. 1625

I ask unanimous consent that when the Senate proceeds to the consideration of the House message to accompany H.R. 1625, the omnibus appropriations bill, the Murray amendment that is now at the desk be considered and agreed to.

The PRESIDING OFFICER. Objection is heard to the first request.

Is there objection to the request from the Senator from Washington?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, this has been a very disappointing moment. Senator COLLINS is asking to pass an amendment that would not seem to be terribly controversial. As we have heard my colleagues state this afternoon, the Alexander-Murray-Collins-Nelson proposal would lower health insurance premiums—dramatically, in some cases—for American individuals and families. This assistance would be especially helpful to the middle-class families whom ObamaCare has hit the hardest.

How do my colleagues propose accomplishing this worthy goal? Through another top-down, one-size-fits-all scheme cooked up here in Washington? No, their legislation is designed to encourage new thinking and creative policymaking at the State level, through the expansion of section 1332 State innovation waivers and high-risk pools. It would end the practice of silver-load-

ing, which unnecessarily costs the taxpayers tens of billions of dollars. It includes Hyde amendment language that has been commonplace for decades, going back to the 1970s, preventing taxpayer dollars from funding abortions. Apparently, that commonsense provision is suddenly just a bridge too far for some of our friends across the aisle.

For months, my colleague from Maine has led a bipartisan effort to bring common sense back to Americans' healthcare. Along with Senator ALEXANDER, she has brought together Senators with different viewpoints and made real progress toward fixing the glaring failures of the current system. It is especially disappointing that their efforts are being blocked precisely when they stand the greatest chance of helping millions of Americans. It is not entirely surprising that my colleagues across the aisle are happy to talk the talk about lowering premiums for working families, but they refuse to actually walk the walk when given a golden opportunity. But it sure is disappointing.

Mr. President, I ask unanimous consent that I be added as a cosponsor to the Collins-Alexander amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARGETED REWARDS FOR THE GLOBAL ERADICATION OF HUMAN TRAFFICKING

Mr. MCCONNELL. Mr. President, I understand that the Senate has received a message from the House to accompany H.R. 1625.

The PRESIDING OFFICER. The majority leader is correct.

Mr. MCCONNELL. I ask that the Chair lay before the Senate the message to accompany H.R. 1625.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1625) entitled "An Act to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes.", with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment to H.R. 1625.

CLOTURE MOTION

I send a cloture motion to the desk on the motion to concur.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1625.

Mitch McConnell, John Cornyn, Susan M. Collins, Lamar Alexander, Pat Roberts, Orrin G. Hatch, David Perdue, Lindsey Graham, Thom Tillis, Lisa Murkowski, Shelley Moore Capito, Richard Burr, Mike Rounds, John Hoeven, Rob Portman, John Boozman.

MOTION TO CONCUR WITH AMENDMENT NO. 2217

Mr. MCCONNELL. I move to concur in the House amendment to H.R. 1625, with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to the Senate amendment to H.R. 1625, with an amendment numbered 2217.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following.

"This Act shall take effect 1 day after the date of enactment."

Mr. MCCONNELL. I ask for the yeas and nays on the motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2218 TO AMENDMENT NO. 2217

Mr. MCCONNELL. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2218 to amendment No. 2217.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike "1 day" and insert "2 days"

MOTION TO REFER WITH AMENDMENT NO. 2219

Mr. MCCONNELL. Mr. President, I move to refer the House message on H.R. 1625 to the Committee on Appropriations with instructions to report back forthwith.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message on H.R. 1625 to the Committee on Appropriations to report back forthwith with instructions, being amendment numbered 2219.

The amendment is as follows:

At the end add the following.

"This Act shall take effect 3 days after the date of enactment."

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2220

Mr. MCCONNELL. I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2220 to the instructions of the motion to refer H.R. 1625.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike "3 days" and insert "4 days"

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2221 TO AMENDMENT NO. 2220

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2221 to amendment No. 2220.

The amendment is as follows:

Strike "4" and insert "5"

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

HEALTH INSURANCE

Mr. ALEXANDER. Mr. President, the Senator from Washington knows the deep respect I have for her, and we have worked together on some important legislation on our committee when we have had differences of opinion, including on the 21st Century Cures legislation and No Child Left Behind. Yet I have to say, with all due respect, the last 7 months of working with the Senator and the Democrats on trying to fix the Affordable Care Act, as they have asked us to do, has been the most frustrating time in my 16 years in the Senate.

For example, she made three points.

One is that the Democrats were unhappy that we had reduced taxes and repealed the individual mandate. We know they are unhappy about that, and we know it raised individual rates somewhat, maybe as much as 10 percent. OK. That was last year. So what are we supposed to do—not work to reduce rates? We continue to work to reduce rates.

According to the Oliver Wyman experts, the proposal Senator COLLINS and I have put on the floor, which is basically a combination of bipartisan proposals, would reduce rates by up to 40 percent, taking into account what we did in the tax bill. The CBO, the

Congressional Budget Office, said it would reduce rates by up to 20 percent. That is the first point.

I understand the Democrats don't like to cut taxes, and they don't like to get rid of the individual mandate, which is a tax on a lot of poor people, but they have to get over that at some point. If you think it raised rates, let's cut rates. We have a proposal to cut rates on plumbers and songwriters who pay for their own insurance by 40 percent. So that is not a very good excuse for blocking this rate decrease.

The second thing is, the distinguished Senator from Washington said the Collins-Alexander proposal interferes with preexisting condition. It does not. Only someone who hasn't read the bill carefully could think about that for a moment. I mean, we deliberately made sure the proposal we would present would not disturb the essential health benefits, which most of us would like to do, and most of them would not. It does not change the preexisting condition requirement.

It does codify the proposals the President made on short-term insurance, at the suggestion of the Democrats, who were afraid the President might be able to do some things. What we were trying to do was limit what he could do, to say the States have the responsibility, and to make sure the consumers knew what they were buying. After all, the short-term plans, which the Democrats don't like, can only be done if States choose to do them. They were afraid the President might do them, so we made sure he could not. So that is not an issue.

The third thing is in terms of the Hyde amendment. Now, the Hyde amendment is a very simple amendment. Usually, when you oppose something, you just stand up and say: Look, this is the reason I am opposing it. You may disagree with me or you may not, but this is my reason.

This is the only reason the Democrats are blocking this 40-percent rate reduction. They have said so publicly and privately. That is it. That is the only reason. They don't like applying the Hyde amendment to health insurance in this bill. If they don't, fine. That is their prerogative. I respect that. I don't question their motive, and I don't question their right to do it. I would just like for them to stand up and say that is what they are doing. Then they can explain to the American people what sense that makes.

We have been working for 7 months to develop this proposal that includes two parts. One is fundamentally the Alexander-Murray proposal that Senator SCHUMER said every single Democrat would vote for, and the other part is 3 years of reinsurance at \$10 billion a year. That is it. Those are bipartisan ideas. The only issue is, shall we also apply Hyde to it?

What we have planned to do for the last several months is to put it in this bill that we are voting on today, the omnibus bill, to which the Hyde lan-

guage has applied since 1976. What that means is, the Hyde language is a compromise. It says you may not use Federal funds for elective abortion, but it makes clear that States, individuals, churches, and nonprofits may pay for elective abortions. That is the compromise. We counted them up. The Hyde language applies to more than 100 Federal programs that the Democrats will be voting on today.

The Democrats will be voting today on applying the Hyde language to the National Institutes of Health, but Senator MURRAY is saying they can't apply it to a 40-percent health insurance rate reduction. They will be voting to apply the Hyde language to community health centers, but she is saying, no, they can't apply it to a 40-percent health insurance rate reduction. They are going to be voting to apply it to the Federal Employees Health Benefits Program—that is for all of us who get insurance, all the Federal employees—but that they can't apply it to a health insurance rate reduction. We are going to apply it to Federal family planning grants under title X, but for some reason, we can't apply the same law to a health insurance rate reduction. I can go down that list, as I did earlier, but I will not read the whole thing. There is the VA, global health programs, the Ryan White school-based health centers.

The Democrats have voted for Hyde protection hundreds of time. What the Democrats are arguing is, when they had 60 Senators here and President Obama and a Speaker of the House named PELOSI, they passed the Affordable Care Act, and they watered down Hyde for the purposes of the Affordable Care Act. They want that language. No Republican has ever voted for that language in the Senate. The Democrats have voted hundreds of time for Hyde.

How can we continue, how can we expect to make any progress in fixing the Affordable Care Act if the Democrats will not apply the Hyde language to any funding under it? I don't see any prospect for it.

I don't like the insinuation that I have walked away from anything. Most of the Republicans are usually willing to work with the Democrats, and I have spent hundreds of hours. I walked over to the Senator on the night we failed on repeal and replace and said: Let's do something. We had long discussions. We had hearings to which half the Senate came. Everybody was just cheering. It was like going to summer camp. Why don't we do more of this? So we did it, and we came up with something the Democratic leader said everybody could vote for over there. Then they got mad about the tax cut. OK. They can be mad but not forever, maybe.

So we came up with a cure for that. We got a 40-percent rate reduction despite what we did in the tax bill. All we want to do is to apply to this health program the same health program that every Democrat who votes for this bill

will be applying to every other health program today. If they will not do that, how can they stand up and say they expect to make progress on fixing the Affordable Care Act? I don't know any way to do it.

I am as willing as anybody to try to work things out here, but I am no magician. I greatly respect the Senator from Washington and enjoy working with her, but on this issue, I think we have reached an impasse. They have yet to give us any language at all that applies to the Hyde language. All of their suggestions are saying: We want to do what we did when we had 60 Senators, a President of the United States, and NANCY PELOSI as Speaker. Well, they may want to, but that is the one time that ever happened, and here we are today—with no one objecting on the Democratic side.

I mean, should I offer an amendment to take the Hyde language out of applying to the National Institutes of Health? Why don't they offer to take it out of family planning grants under title X? That should be just as offensive as applying the Hyde language to health insurance.

I don't understand this. They have been scrambling around all day. The staff has been putting out memos. They are making up things. They are misleading, and they are misreading. They are making excuses. There is only one reason. They are blocking a 40-percent health insurance rate decrease for the plumber who is making \$60,000 and paying \$20,000 for his insurance. We could cut that \$20,000 insurance to \$12,000 over the next 3 years. That person is hurting, and the Democrats are blocking that. They will say: We will apply Hyde to everything else but not to the rate decrease for that plumber. I don't understand it, and I don't see any way to make any progress on it as long as they take that position.

THE PRESIDING OFFICER (Mr. KENNEDY). The Senator from Maine.

Ms. COLLINS. Mr. President, I want to make three points in response to the objection that was raised by my friend and colleague from Washington State.

The first is timing.

According to the Senator from Washington, we have all the time in the world. Regrettably, that is not true.

Starting next month, insurers are beginning their calculations on what rates they are going to charge for insurance policies on the individual market next year. They are also making the decision as to whether they are even going to sell in particular counties across this country. There is already not much competition, so the time is urgent for us to act. Those rates get approved by the State insurance commissioners, and they are published on October 1. So the idea that we have tons of time to take care of this problem is just not accurate.

Indeed, as Senator ALEXANDER just said, the chairman of the HELP Committee, the HELP Committee has spent months on these concepts, has worked

really hard on these issues, and has had extensive hearings and roundtables and discussions. The one thing we do not have is time, and that is why the National Association of Insurance Commissioners has urged us to act on this bill.

The second is the concept that somehow this bill has brandnew concepts in it. The only thing that is new is the amendment that was just filed by the Senator from Washington State. I have no idea what is in that. It was not shared with me. To my knowledge, it was not shared with the Senator from Tennessee. I have no idea whether it covers cost savings reductions that help our lowest income people pay their copays and deductibles. I have no idea what it does to silver-loading, whereby insurers jack up the prices of silver plans in order to draw down more Federal dollars. I have no idea what it does on a whole variety of issues because I have never seen it.

By contrast, the language of the Collins-Alexander proposal was shared with the minority. Indeed, I have had several discussions with the Senator from Washington State about the language, and all of the concepts in our bill have been debated. Hearings have been held on them. They have been talked about extensively. They are not new. There was a change in the reinsurance provisions, which I authored with my friend and colleague, the former State insurance commissioner from Florida, Senator NELSON, and that was to add a third year to the reinsurance.

I would have thought my Democratic friends would have been thrilled with that—a third year. That was at the suggestion, I would say, of Congressman COSTELLO and Congressman WALDEN in the House.

We also put in a Federal backstop so every State could be assured of the benefits of reinsurance in the next year, even if they had not had time to file the application for a waiver under section 1332. Again, that is a concept my Democratic friends were pushing for us to include. It was one that I, frankly, had reservations about, but that is in there. So those are two changes in the reinsurance that our Democratic colleagues, I would think, would be applauding because it helps to drive down rates.

Third, I hear from my Democratic colleagues that this is an enormous change in the application of the Hyde amendment because it applies to commercial insurers. That is just not true. The Hyde amendment already applies to the Federal Employees Health Benefits Program. That is the insurance program for 8.3 million Americans who are Federal employees, spouses, or family members of Federal employees, or retired Federal employees—8.3 million. How does the Presiding Officer think that program is administered? The answer is, it is administered through commercial insurers like Blue Cross Blue Shield, United Health Insur-

ance, and many others. This is not the first time, and the language actually for the Federal Employees Health Benefits Program is more strict than what is in the bill we have proposed. So the idea that this is some new approach is just not accurate.

The Federal Government spends about \$1 trillion on healthcare through various programs—its share of Medicaid, Medicare, VA programs, the Children's Health Insurance Program, the TRICARE Program, the Federal Employees Health Benefits Program. It is about \$1 trillion. Guess what. That is 100 times more than the amount that is covered in this bill—100 times more. So this is not a new concept in any way.

The reinsurance provisions and the cost-saving reductions have been discussed for months in the HELP Committee, both formally in hearings where, by the way, there was widespread support for them and in informal roundtables and in Senator-to-Senator discussions.

Make no mistake about the stakes here, if we do not act—and it appears, due to the objection on the Democratic side, that we are not going to act—insurance rates will go up on October 1. That is going to hurt everybody who has to buy insurance who wants to be insured and has to buy through the individual market because they don't get insurance through the workplace. That is going to hurt very low-income people. That is also going to hurt those who receive no government help at all and do not have employer-provided insurance because they are self-employed.

Why don't we want to take advantage of this opportunity to decrease insurance rates by as much as 40 percent over the next 2 years?

Do you know how welcome that would be by the people in my State of Maine? Maine is a low-income State. We don't have Microsoft headquarters in the State of Maine. We are a low-income State. We need insurance rates to fall. This bill would do it. Oliver Wyman, the well-respected healthcare consulting firm, has verified that rates would fall. The CBO says premiums would be less, and Oliver Wyman says 3.2 million more people would be insured. Surely—surely—this should be a goal we can all embrace.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me say to my colleague, the chairman of our committee, the Senator from Tennessee, through the Chair, that I greatly respect the rapport I have with him, the working ability we have shown time and again through issues like Cures and ESSA and all the bills we have worked on and will continue to work on. I have that respect and admiration for him, and I want him to know I will continue to do that because I believe in legislating, and I know he does as well. I share that respect.

To the Senator from Maine, through the Chair, I would also say I have a lot

of respect for the Senator from Maine and her passions and her goals on this as well. I say to both of them, this is an issue I care about deeply. I would not have sat down with any one of them to work on a bipartisan solution to the dilemma we found ourselves in throughout the last year as repeated decisions were made that undermine the security of people in terms of their ability to afford quality healthcare and a marketplace that was increasingly seeing uncertainty. I believe in those goals, and I know they do as well.

I remain committed to getting this done. I agree timing is everything, and we have been working on this since September. I regret the actions that were taken that we were not able to put this forward in September or December, and we are here now at this point.

I will state, as to the language that has been added, obviously and clearly, there is a real divide on how it is read, how it is interpreted, and how it could be applicable. That is our objection. I say to my colleague, my chairman, through the Chair as well, that we had offered him language on Friday that did indeed deal with the Hyde amendment. No one here said we cannot have that, but we have language that exceeds, in my opinion—I know that is not shared on the other side—but in my opinion extends well beyond into the private marketplace, where I think there is a line the people would not support, and I certainly can't myself.

In addition to the other language dealing with people's ability to protect their preexisting conditions, we clearly have a divide on how that is interpreted, but that does not preclude our ability, if we agree on the goal of stabilizing the marketplace and ensuring that we can do the CSR payments, that we can do the reinsurance program the Senator from Maine has championed, and rightfully so—and I hope we can all agree that moving on from here, we would return to that bipartisan proposal, not partisan proposals, and move to get this done.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, first of all, I think the session led by Senator ALEXANDER and Senator COLLINS on the cost-sharing has been very helpful and shows the impact that would have if we went forward with it, but I want to talk about the funding bill itself.

The first and foremost thing this bill does is it makes critical investments to keep Americans safe. It is the largest annual defense increase year-to-year in 15 years. It provides a pay increase for those who risk their lives in service to us. When we send our men and women who are willing to do that job in harm's way, we ought to do everything we can to ensure that they have every possible advantage. We don't want Americans to be in a fair fight. We want Americans to be in an unfair

fight because we have stacked the fight in favor of people who are defending us.

We lost the advantages we had over the last 10 years. We clearly have not funded the military at the level it needed to be funded. We haven't provided the training dollars. We let the equipment get old. I would like to think I have consistently been on the other side of that debate.

We see what happens when we lose that advantage. We lost 80 personnel this year and last year, 2017, in accidents—in training accidents and other accidents—where people are asked to do too much for too many hours without enough training on the kind of equipment they are going to be using. We had 80 people lost in those accidents—four times as many people as were lost in combat. We can't continue to let that happen.

That is what this bill does. It turns the page after a decade of inadequate funding, a decade of diminished readiness, a decade of training that wasn't what people should have been expected to have before they were expected to do the things we asked them to do.

This bill makes the equipment better, it strengthens our military defense, it strengthens our missile defense, it funds new weapons systems, and invests heavily in measures designed to counter the threats such as ISIL and North Korea.

It begins to upgrade U.S. military strength with funding increases for shipbuilding, for aircraft procurement and maintenance. Some of the aircraft we make—the Growlers and Super Hornets—in Missouri, and there are lots of small suppliers that are a part of that readiness chain that are jeopardized when we decide we are not going to keep our equipment up-to-date or repaired.

This bill has a pay raise for the military men and women that they deserve. It also deals with veterans. In my State, we have 500,000 veterans. I am proud to see this bill provides a record level of Veterans' Administration funding but also continues down the path of being sure veterans have more choices. There is no reason to drive by three hospitals that are really good at something that the veterans hospital you are going to may not be as good at. There are things veterans hospitals should be better at than anybody else. They should be better at post-traumatic stress. They should be better at IED attacks, where eyes and limbs are hurt. Always the veterans hospitals have been as good as anybody on prosthetics when people have lost legs and lost arms. That is part of what veterans uniquely are likely to have happen to them more than others. There is no reason to assume they should be as good at kidney dialysis or open-heart surgery. There is every reason to assume, if they want to go somewhere that really is good at this that is closer to where they live, they should be able to do that.

This bill funds either the construction or the repair and backup of almost

100 miles of the wall that the President talked about at the border.

It provides the money to keep the Guantanamo Bay detention facility open. It has the Fix NICS component, particularly with Federal agencies. It was a shock to me and others, as we have looked into this, that so many of the problems with reporting to the background check system have been through Federal agencies and the military failing to report the kinds of things that clearly would be reported if they had happened in a civilian environment. Fix NICS does that, providing incentives for States to figure out how to make their reporting better.

This includes the Hatch and Klobuchar safe schools language that talks about how to stop school violence, early intervention, military mental health awareness. In my State, at least, we have been leaning on something called mental health first aid, where teachers and others who work with young people are not turned into psychiatrists or psychologists but in a fairly intensive, but short, period of time are given some of the key things to look for to then try to connect that young man or woman with the kind of help they need.

The equipment that could be available for better securing schools would be available in new ways under this bill, if we pass it. Some of that is in the education area. I am on that subcommittee with the Presiding Officer.

The labor, the health and human services, and the education components of the bill are strong—what we are doing for the third year straight in healthcare research. Until this year, every time we made that new commitment to healthcare research, after 12 years of no increase at all, we did it with no new money. It was purely prioritizing this as an important thing. With this year's bill, the bill we will pass today, we will restore 22 percent of funding that the NIH lost in research buying power in the previous 12 years, where not a single new penny went to healthcare research beyond what they had before—whether it is Alzheimer's, cancer, or the BRAIN Initiative. We just simply know a lot more than we knew a dozen years ago about the human genome, about the individual impact of cancers, about getting your own system more aggressively fighting back, by sort of amping up your own system's response. Your system and mine, we have a response to those cancerous attacks, but usually it is quickly overwhelmed by the cancer itself. It doesn't have to be that way because research has led the way on that.

This bill is not perfect. I could go through the bill—every one of us could go through the bill and find something in there that we individually don't like. That is part of the legislating process.

Going back to my earlier comments, it is a different decision to be made when you decide: I am absolutely committed to defending the country, but I

am going to find something in the bill that funds that that I can be against, so even though I can be for defense, I don't have to explain anything I am not for.

I would rather we brought these bills to the floor one at a time. I am lucky—I hope—fortunate to be on the special committee that was just appointed to try to figure out a way to make the budget and appropriations process work in a way that this might be the last time we have all this in one bill. It didn't used to be that way. It has been that way for about 10 years now. It needs to stop. Every Member needs to have a right to be able to amend these bills, to bring them to the floor one at a time or two at a time, have a real debate, and put them on the President's desk as we pass them, not to wait until 6 months after the new spending year begins and then have one big bill and have no real impact on what is in that bill in ways we would like to—at least vote on having it changed.

It is not perfect. There was right-to-conscience language, where healthcare professionals who didn't want to be part of a particular procedure that would generally be a life-ending procedure because of their personal conscience and faith beliefs—you would think that could have made it in this bill, but it didn't. I would be much happier about voting on this bill if it were there, but it is not there. So I can find things that aren't there that I would like to see in this bill. I can certainly find things that are in the bill that I would prefer not to see us go forward with. But that is the process of democracy. That is the process of legislating. You have to look at the alternatives before you.

If we are going to make the kind of commitment to our national defense and the men and women who defend us that this bill makes, if we are going to make the kind of commitment to healthcare research and school safety that this bill makes, the choice today is to vote for the bill sometime before the continuing resolution runs out tomorrow or to think of how you could have done this in a better way. I think we all can think of better ways to do this.

Moving forward here, it is important that we have made a commitment to the opioid crisis we are seeing in the country. More people now die from drug overdoses than in car accidents. Drug overdoses have become the No. 1 cause of accidental death in the country today.

We have \$1.5 billion in flexible spending for the States as part of the \$3 billion being spent to fight the opioid crisis in the next year. About 15 percent of that \$1.5 billion is going to go to the States that have the biggest problem. There will be some allocation to every State because every State has a problem, but some States have bigger problems. For the first time in this fight, with the good advice of Senator SHAHEEN, Senator CAPITO, Senator

PORTMAN, and others, we are factoring in a way to get more money quicker to the States that have big problems.

There is also money for the National Institute of Health to research new ways to respond to drug overdoses so that more people survive the overdose and research different ways to deal with pain so that people don't get addicted to the things they are addicted to now and either die from overdoses or move to even more dangerous drugs. And people who don't die from an overdose can see their lives crumble in front of them even if they are fortunate enough to recover from the addiction they became part of. This is a national crisis, and this bill views it as a national crisis.

Whether it is a domestic crisis, like opioids, or an international crisis, like our failure to defend ourselves in a way that people who defend us would expect us to be willing to do—this is a bill that overall deserves to be voted for. I intend to vote for it. I intend to start tomorrow trying to have a bill next year that not only comes to the floor in a different way but also corrects the problems that I think could have been better served in the bill we have before us today.

With that, Mr. President, I yield the floor.

Mr. HATCH. Mr. President, the prospect of retirement has imbued me with a sense of urgency as I have never felt it before. With just a few months left in office, I have an ambitious agenda that I am committed to getting across the finish line, and with the passage of this year's spending bill, I am grateful to be several steps closer to that goal.

In my first Senate address after announcing that this term would be my last, I made clear my intentions for my final year in office. I promised to be on the Senate floor, early and often, pushing the most critical reforms of this Congress, and I have been. I promised a flurry of legislative activity from my office, and you have seen it.

Anyone who wants to count me out doesn't know that I have a dedicated staff determined to drive this old workhorse into the ground, and with the passage of this year's omnibus, our efforts are beginning to bear fruit. True to my promise in January to go big and to go bold, I have been hard at work over the last few weeks to include in this year's spending package a number of legislative priorities that will make a meaningful difference for millions of Americans.

I wish to thank the majority leader, the majority whip, the Speaker of the House, and their respective staffs for going extra lengths to help me attach several of these signature initiatives to the bill we will soon pass. Whether it is historic legislation to prevent school violence and improve our background check system or bipartisan measures to empower law enforcement and strengthen our rural communities, this omnibus encompasses a number of policy victories that will greatly benefit both Utah and the Nation.

Let me begin with the Clarifying Lawful Overseas Use of Data Act, or CLOUD Act. This critically important legislation will create a workable framework for law enforcement to obtain data stored overseas while at the same time protecting providers from conflicts of law and encouraging other countries to strengthen domestic privacy standards. This bill is a win for law enforcement, for the tech community, and for the Trump administration as well.

Passage of the CLOUD Act is the culmination of more than 4-years of hard work. My first foray on this issue was the Law Enforcement Access to Data Stored Abroad Act, or the LEADS Act, which I introduced in September 2014. I continued my work last Congress with the International Communications Privacy Act, or ICPA. Then, earlier this year, I introduced the CLOUD Act with my good friends Senator COONS, Senator GRAHAM, and Senator WHITEHOUSE.

Among other things, the CLOUD Act authorizes the United States to enter into bilateral agreements with other governments to set clear standards for requests for digital evidence. Under these bilateral agreements, the United States agrees to lift its blocking statute on disclosure to foreign law enforcement if the other country similarly agrees to lift any such bar it has on disclosure to U.S. law enforcement. Moreover, the CLOUD Act requires that any order issued by a foreign government on a U.S. provider be subject to judicial or other administrative review before the provider can be forced to turn over data.

I am hopeful that the U.S.-U.K. bilateral agreement framework outlined in the CLOUD Act will serve as a model for future agreements between the United States and other countries. Expediently implementing similar agreements with the European Union and our other allies is critical to protecting consumers around the world and facilitating legitimate law enforcement investigations.

The CLOUD Act gives law enforcement the tools they need to keep us safe. So, too, does the STOP School Violence Act. We started working with families from Sandy Hook on this bipartisan bill several months ago. They had some great ideas for making our schools safer including school threat assessment teams; anonymous reporting systems; and training for students, teachers, and law enforcement to prevent future violence. We engaged with stakeholders from the security industry about school security infrastructure improvements. These and other evidence-based strategies and programs to improve school safety formed the foundation of the STOP School Violence Act.

We were refining the bill and shoring up bipartisan support when tragedy struck at Marjory Stoneman Douglas High School. This certainly increased the urgency of the legislation, and I

welcomed the help and advice of the families from Parkland as well.

I can't even imagine how I would react if something like that happened to one of my children, so it has been incredible to see these families from Sandy Hook and Parkland channel that grief and anger into unifying action. In particular, I would like to thank Ryan Petty, Patrick Petty, Kyle Kashuv, and so many other outstanding individuals who shared with us their unique perspective on the issue of school violence. Without them, this bill would not have become a reality.

Despite everything people like Kyle and the Pettys' went through, they came in with the attitude of wanting to find common ground and bring people together. These families from Parkland came in wanting to make a difference, saying this time had to be different, and very soon, they can say that they helped pass a historic bill that will save hundreds, if not thousands, of lives.

In the spirit of keeping young people safe, I am glad we were also able to get my Child Protection Improvements Act included in the omnibus. The objective of this bipartisan bill is simple: to better protect the most vulnerable in our society, namely, children, the elderly, and individuals with disabilities.

The Child Protection Improvements Act amends the National Child Protection Act of 1993 to make permanent a pilot program originally created by the Adam Walsh Act. This program ensures that organizations that serve children, the elderly, and individuals with disabilities have access to FBI fingerprint background checks for their employees, volunteers, and coaches. My hope is that this bill, which is broadly supported by youth-serving organizations and law enforcement groups, will save many lives and better protect those who cannot protect themselves. Giving permanency to this background check program is an important step in keeping children and the defenseless safe from violent criminals and sexual predators who might otherwise slip through the cracks.

Also among our Nation's most vulnerable are those struggling with addiction to opioids. Opioid abuse in our Nation has reached epidemic levels, leaving in its wake a trail of tragedy and shattered life. Few are immune to the devastating effects of addiction. For many, dependency begins with a painkiller prescription in the aftermath of a surgery or serious injury. Against their own will, patients develop an addiction to pain medication that leaves them craving more. Over time, feeding this addiction becomes increasingly difficult, pushing many to look for a harder fix. Some even turn to heroin, spurring a rapid descent into dependency from which few return.

To combat this harrowing epidemic, the omnibus more than triples the Federal resources devoted to the opioid crisis, allocating billions of dollars to opioid prevention, treatment, and en-

forcement. Moreover, the omnibus increases NIH funding to research new advances in healthcare and medicine, as well as alternative pain management options. My home State of Utah is a leader in this field, and this bill will give researchers the resources they need to continue to break new ground. In short, this legislation is a symbol of hope for millions across the country whose lives have been ravaged by the opioid epidemic.

In addition to helping Americans whose lives have been upended by addiction, I am also committed to helping Westerners who are struggling in our rural communities. That is why I worked long and hard to include in this year's omnibus a 2-year extension of the Secure Rural Schools program, or SRS.

The SRS program is absolutely critical to rural, forest counties in Utah and across the West. As the timber industry has declined in our country, rural counties with high presence of National Forest System lands face significant hardships in maintaining schools and essential infrastructure. Fortunately, with the extension of SRS, hard-working county leaders will be able to improve road maintenance, fund law enforcement, and keep our schools and libraries open.

The SRS program, as well as programs such as PILT, are a boon to families across the State of Utah. Of equal importance are our defense programs. Utah has some of the most patriotic people in the country, not to mention thousands of veterans and Active-Duty servicemembers. That is why I have always done everything in my power to support the warfighter, so I am pleased that this bill includes a much-needed 2.4 percent pay raise for our troops, the largest in 8 years. What is more, the legislation we are set to vote on today has the largest increase in defense funding in over 15 years, with a \$61 billion increase over last year's levels. This is especially good news for my hard-working constituents at military installations throughout the state.

What I have mentioned thus far is by no means an exhaustive list of the legislative victories included in this year's omnibus, but also worth mentioning are initiatives to build research capacity at the National Institutes of Health; make childcare more affordable for America's hard-working families, expand TIGER grants to facilitate transportation projects across the country, strengthen the Economic Development Administration to bolster rural communities, and support evidence-based education programs for our Nation's youth. On each of these initiatives, I worked closely with stakeholders and everyday Utahns to ensure that their perspectives would be heard and their needs would be met.

I am pleased with the work we have been able to do on this bill. Like any compromise, it is far from perfect, but it's undeniably good, and I can confidently say that the bills included in

this legislative package will have a lasting effect on the lives of thousands of Utahns and thousands more across the country.

Now, some have criticized the process of passing this legislation, criticizing the fact that lawmakers have not been able to read the omnibus from beginning to end. I take serious issue with this criticism. True, the omnibus is large, but every bill included therein has been thoroughly vetted over the course of several months and, in some cases, several years, so the assertion that we are passing a bill, the contents of which are unknown, is completely disingenuous. We know exactly what is in this omnibus because it is the culmination of all our hard work this Congress. This is a common vehicle for passing vetted legislation, and anyone who tells you otherwise is playing political games.

Let me just conclude by saying that, with the time I have left here in the Senate, I plan to leave everything on the field. For me, 2018 is not a victory lap but a sprint to the finish, and I plan to finish strong.

Mr. President, I submit this statement on behalf of myself and Ranking Member Wyden. The provisions of the House amendment to the Senate amendment to H.R. 1625, showing the text of the Consolidated Appropriations Act, 2018, before the Senate for debate today includes technical corrections to legislation enacted prior to 2017. These provisions are important to provide clarity to taxpayers and to the administration of the law. I and Ranking Member RON WYDEN have asked the staff of the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of this legislation.

The technical explanation expresses the congressional understanding and legislative intent behind this important legislation. It is available on the Joint Committee's website at www.jct.gov. It is document JCX-6-18, "Technical Explanation of the Revenue Provisions of the House Amendment to the Senate Amendment to H.R. 1625 (Rules Committee Print 115-66)," March 22, 2018.

Mr. CARPER. Mr. President, I rise today to speak about title XI of divisions S of the Consolidated Appropriations Act, 2018, H.R. 1625. Title XI of Division S, the Fair Agricultural Reporting Methods Act, or the FARM Act is identical to the text of S. 2421, which was introduced on February 13, 2018, and which was referred to the Senate Committee on Environment and Public Works, where I serve as ranking member. I am proud to be an original cosponsor of S. 2421.

The Environment and Public Works Committee held two legislative hearings on the text of S. 2421. The first was on S. 2421 as introduced, in the Senate Committee on Environment and Public Works Subcommittee on Superfund, Waste Management, and Regulatory Oversight on March 8, 2018. The second

hearing was held by the full committee on March 14, 2018, on a committee draft of legislation, the “Agriculture Creates Real Employment (ACRE) Act.” The text of S. 2421 was included in the committee draft of the ACRE Act, as section 3.

S. 2421 exempts most farms from the hazardous substance release reporting requirements under section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA, for air emissions from animal waste, but leaves intact reporting requirements under the Emergency Planning and Community Right-to-Know Act, EPCRA. The FARM Act also preserves reporting requirements and enforcement authority under State and local laws, as neither CERCLA nor EPCRA would preempt such requirements.

As I said during those hearings, I believe our country’s environmental laws serve our entire Nation, including our farmers, quite well, but I recognize that sometimes environmental requirements can be complex and confusing to those who farm, especially when these rules suddenly change.

This is what happened in April 2017 when the DC Circuit Court of Appeals invalidated an EPA rule from 2008, which exempted all farms in the Nation from reporting requirements for hazardous air emissions from animal waste under CERCLA.

That same rule also exempted many farms from reporting requirements under section 304 of EPCRA, but left in place reporting requirements for large concentrated animal feeding operations, known as CAFOs. This is because EPA received numerous comments from local officials and the public in support of having farms report these emissions. Since January 2009, EPA has required large CAFOs to report their emissions of ammonia and hydrogen sulfide from animal waste under section 304 of EPCRA.

With the court’s decision to vacate the 2008 rule, all farms that exceeded releases of 100 pounds in a 24-hour period of ammonia or hydrogen sulfide were now subject to reporting requirements under section 103 of CERCLA and under section 304 of EPCRA. Farms had no experience with CERCLA reporting, because the 2008 rule exempted all farms from reporting under section 103 of that statute. The FARM Act provides a statutory exemption to the reporting requirements under section 103 because the DC Circuit found that EPA did not have the authority to exempt farms from these releases. This restores the CERCLA reporting exemption under which farmers have operated since 2009.

Reporting requirements under EPCRA have been quite different. As I noted before, the Bush administration chose to only exempt some farms from reporting releases of extremely hazardous substances from animal waste under section 304 of EPCRA, and since 2009, large CAFOs have been success-

fully reporting these releases to their State emergency response commissions and to their local emergency planning committees. The DC Circuit vacated the rule that exempted farms that weren’t large CAFOs from EPCRA reporting requirements under section 304.

One thing I worked hard on with Senators Fischer and Barrasso as we were developing the FARM Act was to ensure that, at the same time we exempted farms from hazardous substance reporting requirements under section 103 of CERCLA, we chose to make no changes to how extremely hazardous substances should be reported under EPCRA. We heard testimony from multiple witnesses during both of our hearings on this point, namely that this legislation did not change reporting requirements for releases of extremely hazardous substances under EPCRA. We also heard testimony from a local government official about the ways that he and his constituents would use the information in these reports.

Another important aspect of the FARM Act is that it in no way modifies any of EPA’s response or remedial authorities under CERCLA, nor does it in any way limit or reduce liability associated with a release from any facility, which of course includes farms. This fact is made explicit in section 3 of S. 2421 and in section 1103 of H.R. 1625, division S, title XI.

I want to thank Senators FISCHER and BARRASSO for working with me and agreeing to not amend EPCRA in S. 2421, and similarly in title XI of division S of H.R. 1625. That was critical for many Members on the Democratic side who have repeatedly heard concerns from State and local officials, the public health experts, and other members of these communities who have the right to know about what is in their air.

Finally, I ask unanimous consent to have printed in the RECORD a Congressional Research Service memorandum titled “Supplemental Analysis: Fair Agricultural Reporting Method Act/FARM Act (S. 2421).” As I have already noted, the text of the FARM Act in division S, title XI, of the House amendment to the Senate amendment to H.R. 1625, the Consolidated Appropriations Act, 2018, is identical to S. 2421. Therefore, the analysis contained in the CRS memo on S. 2421 applies equally to the language in the omnibus. There is additional analysis on the FARM Act by CRS that is part of the hearing records on S. 2421 and on the ACRE Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE
MEMORANDUM

MARCH 13, 2018.

To: Senate Committee on Environment and Public Works

Attention: Kusai Merchant.

Hon. CORY A. BOOKER, *Ranking Member*

Subcommittee on Superfund, Waste Management, and Regulatory Oversight

Attention: Adam Zipkin.

From: David M. Bearden, Specialist in Environmental Policy

Subject: Supplemental Analysis: Fair Agricultural Reporting Method Act/FARM Act (S. 2421).

This memorandum responds to your request for a more detailed discussion of the analysis presented in a CRS memorandum provided on March 7, 2018. CRS prepared this earlier memorandum to respond to your initial request for an analysis of amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in the Fair Agricultural Reporting Method Act or “FARM Act” (S. 2421), as introduced on February 13, 2018. As discussed in the March 7th CRS memorandum, S. 2421 would exempt air releases of hazardous substances emitted by animal waste at farms from reporting requirements under CERCLA, and would have a bearing on the applicability of reporting requirements under Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

This supplemental memorandum elaborates upon the analysis presented in the March 7th CRS memorandum to outline circumstances in which the emergency notification requirements in Section 304 of EPCRA would apply under current law, and the bearing of S. 2421 on the applicability of these requirements to air releases emitted by animal waste. The March 7th CRS memorandum provides additional background information in support of this analysis, and offers a broader examination of how S. 2421 would define the terms “animal waste” and “farm” for purposes of the bill. I hope that this supplemental memorandum is helpful to address your questions about circumstances in which EPCRA may continue to apply if S. 2421 were enacted. If you need further assistance from CRS in consideration of this legislation or related issues, please do not hesitate to contact me.

SECTION 304 OF EPCRA

As explained in the March 7th CRS memorandum, Section 304 of EPCRA outlines three situations in which the reporting of releases of extremely hazardous substances or hazardous substances into the environment is required. In each situation, the person responsible for the release must notify the State Emergency Response Commission (SERC) and the appropriate Local Emergency Planning Committee (LEPC) that covers the local jurisdiction where the release occurs. Two of these situations are contingent upon the release being subject to notification under Section 103 of CERCLA for reporting to the National Response Center! The third situation is not contingent upon reporting under CERCLA. The three situations covered in Section 304 of EPCRA are as follows.

Section 304(a)(1) requires notification of releases of extremely hazardous substances listed under EPCRA, if the release would require notification for hazardous substances under Section 103 of CERCLA.

Section 304(a)(3) requires notification of releases of other hazardous substances that are not separately listed as extremely hazardous substances under EPCRA, if the release would require notification under Section 103 of CERCLA.

Section 304(a)(2) requires notification of releases of extremely hazardous substances

listed under EPCRA (but that are not subject to notification under CERCLA), if three criteria are met.

In this third situation, releases of extremely hazardous substances listed under EPCRA would require notification under Section 304(a)(2), if the release:

(A) is not a federally permitted release as defined in Section 101(10) of CERCLA;

(B) is in an amount in excess of a reportable quantity that the U.S. Environmental Protection Agency (EPA) designated under Section 302 of EPCRA; and

(C) "occurs in a manner" that would require notification under Section 103 of CERCLA.

S. 2421

S. 2421 would amend Section 103(e) of CERCLA to exempt "air emissions from animal waste (including decomposing animal waste) at a farm" from reporting to the National Response Center regardless of the quantity of the release of hazardous substances in air emissions. The bill would not amend Section 304 or any other provisions of EPCRA. Although S. 2421 would not amend this statute, the bill would have the effect of eliminating reporting requirements under Section 304(a)(1) and Section 304(a)(3) of EPCRA for air releases of hazardous substances emitted by animal waste at farms, in so far as the terms "animal waste" and "farm" are defined in the bill.

Both Section 304(a)(1) and Section 304(a)(3) of EPCRA are contingent upon reporting required under Section 103 of CERCLA. Exempting a release from reporting under Section 103 of CERCLA thereby would have the effect of exempting the same release from reporting under Section 304(a)(1) and Section 304(a)(3) of EPCRA. The April 2017 court decision referenced in the March 7th CRS memorandum (Waterkeeper Alliance, et al., v. EPA) described this statutory relationship in terms of "a release that triggers the CERCLA duty also automatically trips the EPCRA reporting requirements in subsections (1) and (3)" of Section 304.

S. 2421 would not have a bearing on the reporting of releases of extremely hazardous substances under Section 304(a)(2) of EPCRA though, as this provision is not contingent upon reporting required under Section 103 of CERCLA. If the exemption from CERCLA in S. 2421 were enacted, the applicability of Section 304(a)(2) therefore would remain the same as in current law. An air release of an extremely hazardous substance emitted by animal waste at a farm would be subject to Section 304(a)(2) if all three statutory criteria for reporting were met.

An air release of an extremely hazardous substance emitted by animal waste would satisfy the first criterion in Section 304(a)(2)(A) if it were not a federally permitted release. Section 101(10) of CERCLA defines the term "federally permitted release" to mean releases regulated under other specific laws. Section 101(10)(H) authorizes a federally permitted release for "any emission into the air" subject to a permit, regulation, or State Implementation Plan, pursuant to the Clean Air Act. CRS is not aware of the use of these authorities to regulate air releases emitted by animal waste upon which a federally permitted release presently could be based. If such air releases were permitted under the Clean Air Act, the releases would be exempt from reporting and liability under CERCLA as a federally permitted release, and thereby exempt from reporting to state and local officials under Section 304 of EPCRA.

An air release of an extremely hazardous substance emitted by animal waste would satisfy the second criterion in Section 304(a)(2)(B) if the quantity of the release

were to exceed the quantitative threshold for reporting that EPA designated in federal regulation pursuant to Section 302 of EPCRA. For example, EPA separately listed ammonia and hydrogen sulfide (substances commonly emitted by animal waste) as extremely hazardous substances, and designated 100 pounds released during a 24-hour period as the threshold for reporting under Section 302 of EPCRA. Air releases of ammonia or hydrogen sulfide emitted by animal waste in excess of 100 pounds during a 24-hour period therefore would satisfy this second criterion in Section 304(a)(2)(B).

An air release of an extremely hazardous substance emitted by animal waste (e.g., ammonia or hydrogen sulfide) would satisfy the third criterion of Section 304(a)(2)(C) of EPCRA, if the release were to occur in the same manner as a "release" that would require reporting under CERCLA. As outlined in the March 7th CRS memorandum, the term "release" in CERCLA is relatively broad with respect to the manner in which a hazardous substance may enter the environment, including spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. The term "environment" is defined in Section 101(8) of CERCLA to include surface water, groundwater, a drinking water supply, surface soils, sub-surface soils, or ambient air. Section 329 of EPCRA defines the terms "release" and "environment" similar in scope to CERCLA. The federal regulations promulgated under Section 304 of EPCRA reflect these statutory definitions. Both CERCLA and EPCRA generally treat emissions into the ambient air as releases into the environment.

In implementation, EPA has treated the phrase "occurs in a manner" in EPCRA Section 304(a)(2)(C) to mean the nature of the release in terms of how a substance enters the environment, not that reporting is required under Section 103 of CERCLA. Otherwise, Section 304(a)(2) would be rendered meaningless in covering releases of extremely hazardous substances that do not require reporting as hazardous substances under CERCLA, while requiring reporting under CERCLA at the same time.

The March 7th CRS memorandum observed that the exemption from reporting under Section 103 of CERCLA in S. 2421 may not necessarily exempt releases of separately listed extremely hazardous substances from reporting under Section 304(a)(2) of EPCRA. The applicability of this provision to a particular release would depend on whether all three statutory criteria outlined above are met. Regardless of these criteria though, Section 304 in its entirety may not apply to air releases from animal waste at farms if the Trump Administration's interpretation of the exemption for substances used in routine agricultural operations is not challenged. S. 2421 would not have a bearing on this exemption.

Also as noted in the March 7th CRS memorandum, potential reporting requirements under state or local laws may continue to apply regardless of an exemption in federal law, as neither CERCLA nor EPCRA would preempt such state or local requirements.

Mr. BLUNT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, this is going to be kind of a strange statement to make. I have great regret that I am going to have to vote for this bill when it comes up—and I am talking about the spending bill—and I don't like it.

I went through a lot of years as being—in fact, since I have been here, I have been ranked with the three most conservative Members every year—more times than anybody else has. I am looking at this right now, and I was listening to some of my colleagues who are concerned about the spending, and no one is more concerned than I am about the spending. We have a problem, though, that a lot of people don't understand.

I have been on the Senate Armed Services Committee for 24 years in the Senate, and I was on the same committee in the House before that, and I have never seen anything like this. We went through things back in the Carter administration where we had a hollow force, and then Ronald Reagan came along in 1980, and we rebuilt our military. Everybody knows that. They knew what was happening. A hollow force is not good. A hollow force means we can't really fight a war. Certainly we can't do two contingencies simultaneously, as has been our policy for a long period of time. And that is what we got into back then. Now, this hasn't happened since 1980.

I chair one of the subcommittees, and we had the vices in—this was at the end of the Obama administration—and the four vices of the services all said the same thing: We are in a position now where we have a hollow force like we had back in the late seventies.

The public doesn't know this, and our press doesn't talk very much about this. They talk about all the problems that ring the bells and sell the newspapers and all of that, but they don't want to talk about the military. This is the reality of what we are faced with right now.

General Dunford is the Chairman of the Joint Chiefs of Staff. He said that we are losing our qualitative and quantitative edge in America. That means we have two great forces out there—one Russia and one China—and they are passing us up. Right now, both China and Russia, with the artillery pieces they have on tanks, can fire eight rounds a minute. Do you know how many rounds we can fire with ours? Four rounds a minute.

We got ourselves into a position where we had our ground brigades of the U.S. Army—this was at the end of the last administration—of our ground brigades, only 30 percent of them could be deployed.

I don't like to sound like I am being partisan when I talk about Barack Obama. I respect him in one area, and that is, he was admittedly a very proud

liberal, and proud liberals don't care that much about a defense system. They think that if all countries will stand in a circle and hold hands and unilaterally disarm, all threats will go away. So we went through that, and people didn't seem to care.

There is this myth out there that somehow we are stronger than everybody else, that the equipment we have is better than anybody else's. During that same timeframe, our air brigades—only 30 percent of those were working. The marines who use the F-18s—62 percent of the F-18s couldn't fly. One of the things that happen when the military goes down—the first thing that goes down is maintenance, and then, of course, you have modernization, and that is where we got way down behind.

Don't take my word for it. Right now, we have 27 Members on the Senate Armed Services Committee, and they understand this. They know where we are on this, but a lot of the other people don't. They have their interests. If they had a strong interest, they would probably be on the committee, and they are not.

Secretary Mattis said:

Our competitive edge has eroded in every domain of warfare—air, land, sea, space, cyberspace—and is continually eroding. America has no pre-ordained right to victory in the battlefield.

That is Secretary Mattis, who is the Secretary of Defense.

Army General Allyn said:

We've had most of our modernization programs on life support for the last several years. Currently, our modernization is 50 percent of what it was in 2009.

This is a good quote, too. This is from Navy Admiral Moran. So this is not just me saying this; this is where I got the information about the Hornet fleet. The Hornet is the F-18. He said:

For our entire Hornet fleet . . . we have 62 percent that are not flyable. More than half. We're double where we should be in non-flyable aircraft.

General Walters said:

I can tell you today we cannot [fight two conflicts] simultaneously.

That is supposed to be our policy, that at a minimum—ever since World War II—we would be able to and have the capability of fighting on two fronts simultaneously. We can't do it.

General Wilson:

We're at about 50 percent readiness today, across the Air Force. We [were] . . . the smallest Air Force ever in 2016, when we botched out at 310,000.

I could go on and spend a lot of time talking about this, but I can't find anyone in the military who disagrees. That should be a foregone conclusion if our own military—they are the ones who are responsible for protecting my 20 kids and grandkids from enemies.

I just got back from the South China Sea. We have a lot of really good allies there. We have the Philippines, South Korea, Guam, Japan, and Taiwan. They have been our top allies, but do you know what is happening in the South

China Sea? China is out there doing something totally illegal. They say that they are reclaiming land. They are not reclaiming it because they don't have it to start with. They are creating land that is out there in the seaways that we need to defend America and to keep our commerce going, and they are building islands. Right now they are up to over 3,000 acres of islands. This is China we are talking about. What are they doing over there? They have runways. They have rock-ets. They have military equipment. There is nothing there except military equipment. It is almost as if they are preparing for world war III.

So where are our allies? We talked to our allies. They are embarrassed because they are not sure whose side they are going to be on. In fact, it is almost as if they put this in on purpose, where you would have the Secretary of Defense or the Minister of Defense, in whichever of these countries I mentioned, on one side saying "Well, you know, the threat is not all that great," and the other one is saying "Yes, you have to do something because the world is coming to end." Well, they are on both sides of this issue.

It is fascinating. It is almost as if they got together, and they are doing it by design. Has this ever happened since World War II in our country? No, it hasn't. That is where we are right now.

We have problems that are facing our military; they are very real. This is something that has to be fixed. This bill corrects a lot of these things. We have defense now up to \$700 billion. I am going from memory here, but I think the last request that came from President Obama was \$548 billion. This is \$700 billion. We are rebuilding. We are trying to address the threats from both Russia and China.

By the way, I want to mention that there is one other threat in that same area where we were, in North Korea. I am sure everyone knows who Kim Jong Un is. He is the head guy of North Korea. Something happened on November 28. On November 28, he fired a rocket that had a range that could reach the United States of America. It could certainly reach where we are today. Some people say that can't be true. All they can say is—they fall into two areas of disagreement. They say: Yes, he has the range to reach us, but he couldn't carry a payload. We have no idea what payload was on this rocket that he sent. Let's assume there is no payload at all. It would be a matter of days before they make that up. Then they said that he couldn't reenter. Reentry is always a problem because to reenter you have to come in and have some level of accuracy. So you can't reenter there without accuracy.

Well, what difference does it make if they have a weapon that could take out a city the size of St. Louis? It doesn't really matter where it lands, so that is a hollow argument. The power is right there.

I have to compliment our President. I hesitate doing it this way because a lot of people don't understand. Remember when Kim Jong Un made the statement in which he said: Ah-ha, on November 28 I showed that I could reach the United States of America, and therefore I have a button I can press, and I could take out an American city—or words to that effect.

Instead of the policy of appeasement that we had for 8 years prior to this President coming in, this President said: Yes, and I have a button. It is bigger than yours. Ours works, yours doesn't, and we will blow you off the face of this Earth. That doesn't sound diplomatic does it? It is not. That is what is good about this President. He is not afraid to stand up and be strong. The policy of appeasement hasn't worked. It has never worked.

So what happened? Hours after he made that statement to Kim Jong Un, Un called South Korea and said: You know, we have changed our mind. We are going to send people to the Winter Olympics.

Wow, that is a major change. I can remember saying that in one of our own committee hearings, and even our own Intelligence Committee said: Well, he didn't really mean it. It was just a matter of days after that when he called and said: We want to negotiate, sit down and talk to President Trump, and we will even put things on the table, like denuclearizing. This is going to happen.

That is another threat. What I am trying to get across is that those threats are there. In my opinion, that is something that is actually working.

In this bill, we have \$700 billion. We have \$61 billion over the enacted levels of fiscal year 2017. We have a 2.4-percent pay raise for our kids out there. We have \$11.5 billion for missile defense.

One of the areas where I was most critical of the last budget that was put together by President Obama was missile defense. If there is ever any time in the history of this country where we have to have missile defense, this is it. They are out there right now. They have the capability; they have missiles that will reach us. We need missile defense.

We have ground-based interceptors. I was just in Alaska the other day. They now have 44 ground-based interceptors up there. What is really interesting about that is we had 44, and then the last President came in, and he knocked that down to 32, I think it was. Then, as soon as this President came in and looked at it, he went back to 44. Now we are looking at 20 more.

Is that going to give us the redundancy to protect my 20 kids and grandkids from somebody coming in? Well, it is a lot better than it was, and we are getting all kinds of new equipment in order to try to knock down—the big mistake we made in this country was when we were planning to put ground-based interceptors in Poland, in

the Czech Republic, and a radar there that would protect the eastern half of the United States and Western Europe. That was already started when Obama came into office. In his first year, he pulled that program down.

One of the persons whom I have always liked over there is Vaclav Klaus. He was the President. When I was over there, I could remember so well saying: We have to have your cooperation, the Czech Republic, to protect America.

He said: Are you sure? If I do this and I outrage Russia, they are going to be angry and take every step against us they can. You will not pull the rug out from under us?

I said: Absolutely, we are not going to pull the rug out from under you.

That is the first thing Obama did when he got into office. That is a problem we shouldn't have.

The threat is there. We are trying to meet the threat. This bill meets that threat. It gets us back to the amount of money that should have been left in missile defense. It is in there right now.

We have another \$11.5 billion for missile defense, and it is a 44-percent increase from 2017. The O&M budget right now is increased. The total budget is going to be \$238 billion. That is to offset the losses today that the O&M budget has created.

This budget that we are going to be voting on is a big budget. Those of us who are going to be voting for it are getting criticized. I will say this: The liberals all like it. They like to spend money. Conservatives don't. I don't like to do it.

That is all in this bill—57,100 troops over Obama's 2017 cut. We were not going to have—anyway, this is why we absolutely have to do this.

I look and I see that it would be nice if we had the comfort of believing that America is still the strongest out there, that we have everything we need, but we don't.

So let's look at what we are going to be doing. The Army, from a high point of 566,000 soldiers during the surge in 2007—Obama reduced it to just over 460,000. Thirty-three percent of the brigade combat teams didn't work. The aviation combat teams didn't work. We are on the road to recovery on this because we did a supplemental. We all remember that. But it is this budget that is going to bring us back, and we will end up having our military in the position that the American people think it is in right now.

I was on a TV show just a few minutes ago, and they said: Well, you know, with all this debt that is coming with this, and you are talking about the military—isn't that a good trade-off?

I said: You can't trade off something when you see the threat that is out there, which is unprecedented in the history of this country, and you have 20 kids and grandkids to protect. No, that is not a good trade-off.

I am hoping that those individuals who are conservatives—and I can't

imagine that anyone on the Senate Armed Services Committee who deals with these issues on a daily basis would not want to get in there and make America strong again. We can do it, but if you don't vote for this, it is not going to be done. That is the great fear that I have.

I hope the conservatives out there—I know for a lot of us, ratings always happen. You cast a vote, and they say: Ah, that is spending a lot of money. We are going to rate against you. Again, it is a tradeoff. It is defending America. That is the one thing we should be doing.

I would give anything if we could just pull that element—all that we are doing for the military—out of this budget and do it individually. Let me stand up here and read the riot act about what is happening in this country, the debt that is accumulating, but, unfortunately, I don't have that option today.

We have one vote where we can do it. That is going to be the vote that we do, hopefully, tonight. I am not sure when it is going to be. I just ask my colleagues to understand the threat facing our country—in my opinion, the greatest threat we have ever had.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. YOUNG). Without objection, it is so ordered.

TRIBUTE TO GABRIELLE BATKIN

Mr. CARPER. Mr. President, we are here today to discuss what we call an omnibus bill. I know that "omnibus" is another funny-sounding word that we use sometimes here in Washington, but it simply means a bill that covers a lot of topics.

There are provisions in the omnibus legislation that deal with everything from homeland security to the environment to veterans and science, just to name a few. It is particularly fitting that we are discussing an appropriations bill that covers such a wide range of topics, as I come to the floor to recognize the service of a member of our staff who has worked on most of the policies covered in the omnibus legislation—maybe all of them.

Gabrielle Batkin, seated to my left, will probably wish that I wasn't doing this right now, but there is no doubt that she deserves to be recognized for her more than 20 years of hard work in the U.S. Senate. For as long as I have known her, Gabrielle has been an incredibly gracious person—kind, easy with praise, making sure that her own staff and the staff across the aisle were appropriately recognized for their efforts. Now I think she deserves some recognition of her own.

To all of the young staff members who may be watching this right now or

to those who aspire to be staff members of the Senate someday, I would present Gabrielle Batkin as a shining example of what it means to be an exceptional staffer and a true public servant.

Every now and then we hear the term "nameless, faceless bureaucrat." This is not a nameless, faceless bureaucrat. This is a beautiful public servant. She works tirelessly and really believes in making government work better for the people that it serves.

Gabrielle and I first started working together back in 2014, when she came to lead my team on the Senate Homeland Security and Governmental Affairs Committee when I served as its chairman. Then, a little over a year ago, she seamlessly transitioned to her current role as staff director for the minority on the Environment and Public Works Committee. This encapsulates just a fraction of her service.

For over a decade, Gabrielle served as an appropriations staff member to former Senator Barbara Mikulski. I think she was the No. 2 person on Barbara's appropriations team. Gabrielle started on the Appropriations Committee's Subcommittees on Veterans Affairs and Housing and Urban Development and then moved on to the Commerce, Justice, and Science Subcommittee, where she handled everything from NASA to the grasses on the Chesapeake Bay.

Before that, she served in the office of the late Senator from New Jersey, Frank Lautenberg. She also worked on the House side for Congressman FRANK PALLONE from New Jersey and also served on the Senate Budget Committee.

Gabrielle has worked on everything from blue crabs to the Hubble telescope to cybersecurity and Central America. Those who know her will confirm that few people can shift between issues or committees as gracefully as she does, while also delivering results every step of the way. The day-to-day functions of the Federal Government are possible because there are people like Gabrielle Batkin who toil away behind the scenes making sure the hard work gets done for the American people.

She has been a tenacious and effective leader on my staff, but she also has what I like to call the "heart of a servant." Even as the boss, Gabrielle is in the trenches when things get tough or hectic around here, and she always takes time to make sure that those who work hard for her are doing OK. Her incredible work ethic, combined with her humility, means that she can be briefing Members of Congress on complex policies one minute and helping an overwhelmed junior staffer staple packets the next. That is just who Gabrielle is.

No matter how stressful her high-pressure career in the Senate was, Gabrielle never let it take her away from her most important job; that is, being the mother to three young men who are up in the Galleries tonight:

Henry, Will, and Charlie. She has always said to me: "My most important job is being a mom," and she is a darn good one. All of her family are up in the Galleries—not all of them, but some of the most important ones—her three sons and her husband Josh of 20 years and her sister Erin, who is, I understand, not just a sister but a great friend, a great aunt, and just a wonderful support system for Gabrielle during the times she has needed it.

I want to thank the three boys and Josh for sharing your mom and your wife with all of the people of our country, and I want to thank Erin for being just a terrific sister and supporter.

A few years back, Gabrielle brought her oldest son Henry to our staff holiday party at the Buena Vista in New Castle, DE. At the time I was talking with Henry, I think he was 12, and I asked him to tell us one thing his mom taught him. Henry told us that his mom tells him all the time that as long as they try to do their best in everything he and his brother do, that is always good enough for her. Think about that. As long as he and his brother do their best, that is always good enough for their mom. She just wants to make sure they do their best.

She has always given us her best for all these years—20 years and counting. I am immensely grateful to Gabrielle for her service to this institution, for her service to the American people, and for her indispensable counsel to me over the past 4 years that I have been fortunate enough to work with her—I like to say "to work for her." She is a great boss and a wonderful friend. I have learned a lot from her and treasure her and her friendship.

While we are sad to see her go, I am excited for her new adventures to come, and I wish her and her family—her husband Josh, and her boys, Henry, Will, and Charlie—all the best in this next chapter of their lives. I know her boys are her biggest fans and are so proud of the work she has done here in the Senate. I promise you, she is going to keep making you guys proud.

I will close with this. Every now and then throughout our lives, we meet people and sometimes are even fortunate enough to work with them—people who are just a joy to be with, people who make our days brighter and our workload lighter. I know I speak for so many people when I say that Gabrielle is just that kind of person.

We had breakfast today in the Senate Dining Room. When we walked out, going through the Capitol Building back to our offices in the Hart Building and the Dirksen Building, we passed so many people she knew, people who knew her by name. I am the only person who calls her Gabrielle, which is her real name. Everybody else calls her Gabby. The janitors, custodians, people running the elevators, the pages—she is Gabby to them.

Sometimes people rise to senior and leadership positions, whether they happen to be elected or members of our

staff, and maybe forget where they came from, or maybe they are not the same person they were when they started. She is probably smarter. She started out really smart, but she has gotten even better informed and just a more knowledgeable member of our team as time has gone by.

I will go back to when I interviewed her for the position of staff director on the Homeland Security and Governmental Affairs Committee when I was chairman. We talked about growing up, going to college, and her influences as a young woman. As it turned out, she went to school in the Midwest, Bradley in Peoria.

I said: Did you ever work while you were going to school?

I worked a couple jobs while I was going to Ohio State. ROTC. Midshipman. I had some help from the Navy. As it turned out, she worked full time while she was going to school at Bradley—not that she volunteered this, but I found out later on that she worked full-time for several of those years that she was an undergraduate—I think at the Social Security Administration—and carried a full load and a straight 4.0 average. I think that is amazing. As soon as she said that, I thought, I should be working for you, sister. But she has let me work with her, and we have had a great time and a great run.

I know I speak for the other members of the Environment and Public Works Committee who have an opportunity to see staff—Democrats and Republicans—and a chance to see her handiwork and the magic she brought to the committee. She had a good 1-plus years as a staff director when I was privileged to chair Homeland Security, and everybody—Tom Coburn, my colleague from Oklahoma, and a whole bunch of other people—certainly know her work and salute her.

In the Navy, when people do an especially great job, we have two words that we say: Bravo Zulu. I certainly say those words this evening to Gabrielle. We also have a saying when people are ready to weigh anchor and sail off into the sunrise and go on to their next challenge or next assignment. We always like to say: Fair winds and following seas. I say those words this evening somewhat reluctantly but with a great deal of affection and respect.

Gabrielle, we love you, we will miss you, and we will leave the light on.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we are at an interesting time. We have had months of intense negotiations, some-

times lasting all night and throughout weekends. We have had very tough choices. We have had some very good-faith compromises. In other words, we have actually handled legislation the way we should.

We have reached a bipartisan agreement to fund the government for this fiscal year and to make renewed investments in the American people and to protect our national security.

The fiscal year 2018 Omnibus appropriations bill has \$1.3 trillion in discretionary spending. That includes \$700 billion for defense programs to support our men and women in uniform and \$600 billion in nondefense programs that will help us invest in America and support our working families.

The bill has critical resources dedicated to combating the opioid epidemic, to rebuilding America's infrastructure, to improving healthcare facilities for our veterans, to improving access to affordable healthcare for all Americans, to ensuring the security of our elections, to supporting advances in scientific research, and to investing in rural communities across the country.

The Presiding Officer and every Senator have rural parts of their States, and the investments to be made in those rural communities should be good news for every Senator.

These investments would not have been possible without the 2018 bipartisan budget agreement that lifted the budget caps on discretionary spending—lifted the caps for defense by \$80 billion and for nondefense by \$63 billion—providing relief from the severe cuts in both defense and nondefense known as sequestration.

The consequences of the 2011 Budget Control Act, which mandated sequestration, have been devastating to our military and domestic priorities. This bill is a long-awaited step toward reversing those cuts and allowing us to reinvest in the American people.

I wish the President would actually read what is in the bill. He is calling these investments in our country's priorities a waste. Can you imagine—investing in the priorities of the United States of America a waste?

This morning, he tweeted that they were "Dem"—I suppose he means Democrats—"giveaways." I would ask, Mr. President, is it a giveaway to provide medical care for the 7 million veterans who rely on the VA? I would ask, is it a giveaway to help the family in Rutland, VT, heat their home during a dangerously cold winter so they can afford their groceries? I would ask, is it a giveaway to finally take the opioid crisis seriously by making investments in research, treatment, and prevention?

The President slammed our efforts for budget parity, but he has since shamelessly held press conferences to tout initiatives only made possible by this agreement, including the sizeable new investments to counter the opioid epidemic. Even though it was critical

that we put money in for that, he is now saying, of course, it was his idea.

A budget is where you set your priorities. The President made clear in his budget that his priorities do not rest with the needs of hard-working, middle-class Americans. The bill rejects many of those areas where the President wanted cuts in the needs of hard-working, middle-class Americans. Instead, the bill sets a vision for the future of our country. We invest not only in the wealthiest among us but in middle-class families and those who are struggling to make their way and make their community better.

We dedicate \$18.25 billion to begin rebuilding our infrastructure. The American Society of Civil Engineers gives our country's infrastructure a D-plus. A lot of countries have much higher. This was the collective grade for the roads, bridges, dams, drinking water, wastewater, public parks, and schools on which we all depend. That is not acceptable, not in this country, and this bill is an important, long-overdue step toward bringing our infrastructure into the 21st century.

The bill takes the opioid crisis seriously by investing \$3.3 billion into law enforcement, healthcare, and community efforts that we know help to rid our country of this scourge. The time for sloganeering and sound bites is over. I have always preferred substance over slogans, and the time for real, effective, and meaningful investment in ending this epidemic has arrived. Marcelle and I have met with too many Vermonters as we go around our State who are impacted by opioid abuse, too many neighbors and friends who are struggling to get the help they need or to help those in need. I am glad that when I return to Vermont, I can say that we heard them, and we delivered.

This bill strongly rejects the partisan package passed by House Republicans in September, which would have recklessly slashed funding for domestic priorities by \$68 billion below the bipartisan agreement introduced Wednesday. Most importantly, this bill rejects devastating cuts proposed by the Trump administration. These included the President's proposed cuts to the Environmental Protection Agency, which helps ensure we have clean air and drinking water. The bill rejects his cuts to job training, education, and childcare programs that so many of our Nation's working families rely on. It rejects the President's misguided proposal to slash the budget for the Department of State. This bill also rejects the President's misguided immigration priorities by refusing his request to hire an additional 850 ICE agents and increase the number of ICE detention beds. It also rejects his request to build a "big, beautiful wall" on the southern border—something that reflects last century's technology. Instead of his original \$1.6 billion request for 74 miles of wall, which was later increased to a request for \$18 billion to build a wall on the entire south-

ern border, the bill funds only a fraction of that, and it includes important restrictions on how the funds can be used.

The bill provides \$641 million for 33 miles of fencing in the Rio Grande Valley, \$251 million to replace secondary fencing, which is already in San Diego, and \$445 million for replacement of existing pedestrian fencing. It speaks to real need, not to funding a campaign slogan.

Incidentally, in the request, somehow the campaign promise that this would be paid for by Mexico, and not by American taxpayers, seems to have been forgotten.

Importantly, the bill includes language requiring the Department of Homeland Security to use proven fence designs that currently exist on the border instead of allowing the President to build a 30-foot concrete wall, which would endanger our men and women who patrol the border.

I would still like the President to tell us when and how he wants Mexico to cover these costs because, time and again, he promised the American people Mexico would pay for it. Time and again, he gave us his word. We now know that was never a promise he could keep.

One critical thing missing from this bill, though, is a remedy for the crisis the President has created, and that crisis relates to DACA recipients. I have watched with fury as the President has, day after day, tweeted the Democrats are responsible for not addressing DACA. Late last night, he tweeted:

Democrats refused to take care of DACA. Would have been so easy, but they just didn't care.

Balderdash. For nearly two decades, I have been a proud supporter of the DREAM Act. I included it in the 2013 comprehensive immigration bill. I care. Democrats care. We voted for that bill on the floor of the Senate. Republican leadership in the House refused to take it up. Yet, after promising before Members of Congress in both parties and the American people, making a big splash on TV, the President said he would sign an agreement to address DACA, but then he walked away from a bipartisan DACA and border security compromise in February.

There is no fix for DACA because the President and the Republican leadership are not serious about getting one. I wish they would. This Senator is willing to sit down with any Senator—Republican or Democratic—if we can get such an agreement.

This bill does strike more than 130 poison pill riders. These riders would have restricted women's access to healthcare. They would have rolled back environmental protections. They would have put significant restrictions on consumer financial protections. Had these riders stayed in, we would not have reached a successful conclusion to this negotiation, notwithstanding the all-night sessions of negotiating, notwithstanding the weekends.

I do not agree with everything in this bill. When you have a package of this magnitude, there is always going to be matters included that we like and things on which we disagree. That is the nature of compromise, but the Senate was designed by the Founders of this country to require compromise. This bill represents tangible progress that is going to benefit all Americans, and I am proud of the compromise Republicans and Democrats reached together.

I thank my own staff. They have worked days and nights and weekends. I am able to leave at night. They are still working well past midnight. I was able to go to Vermont last weekend. I worked with them by phone, but they stayed here working throughout the weekend—all hours, for several weeks, and nonstop in the homestretch of finishing this comprehensive bill:

My staff director, Chuck Kieffer, whose experience and depth of knowledge has become essential to me in my role as vice chairman of the Appropriations Committee. It was especially helpful, too, that Mr. Kieffer's expertise was available to any Senator who asked—Republican or Democratic;

Chanda Betourney, a native Vermonter, deputy staff director and general counsel, who has taken with her to these negotiations her Vermont values and her long Senate experience;

Jessica Berry, another native Vermonter, who has fought for many of my priorities, and those of other Members in this body, in this spending bill;

Jay Tilton, my committee press secretary, who has gotten the word out far and wide about the importance of this bill so everybody, even though we work all night long many times—people would know exactly what we have been doing;

Jean Kwon, who has provided hours of support to the entire Appropriations Committee staff.

I also thank the Democratic subcommittee clerks for their support and their tireless efforts in crafting this bill:

Tim Rieser, Jessica Schulken, Jean Toal Eisen, Erik Raven, Doug Clapp, Ellen Murray, Scott Nance, Rachel Taylor, Alex Keenan, Melissa Zimmerman, Chad Schulken, and Dabney Hegg.

I also thank my dear friend, one of the most senior Republicans in this body, the chairman of the Appropriations Committee, THAD COCHRAN. It has been an honor and pleasure to serve with him. Senator COCHRAN and I have served together since 1978. We have worked together on appropriations matters, agriculture matters, every matter before this body. We have traveled the world together to help carry out America's interests. It has been a particular honor to work with him on this appropriations bill. It is his last in the U.S. Senate. As vice chairman, I salute the chairman. He is going to be sorely missed. I spoke about him earlier today.

I thank Chairman COCHRAN's staff for all their hard work on this bill. Particularly, I want to thank Bruce Evans and Fitzhugh Elder. They both have had long careers in the U.S. Senate. They share Chairman COCHRAN's dedication to this institution and his dedication to his own State of Mississippi, and they have been a pleasure for me and my staff to work with.

I say this to the Appropriations Committee staff—both the Democrats and the Republicans, some who are in the Chamber today—I thank you for the long nights and weekends you worked to get this bill across the finish line. We could not have done it without your hard work. I hope you will soon be able to spend time with your families and friends. I am sure they remember what you looked like since you left to continue this work. Certainly, we Senators know what you look like because we have seen you practically around the clock. The work has been worth it. Because of the tremendous work the staff on both sides of the aisle and the leadership staff have done, I urge an "aye" vote on this bill. When we can, I hope this body will give a resounding aye and send the bill to the President.

I don't see any Senator seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2629

Mr. MCCONNELL. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 2629) to improve postal operations, service, and transparency.

Mr. MCCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 762, 763, and 764.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Thomas T. Cullen, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years; Robert K. Hur, of Maryland, to be United States Attorney for the District of Maryland for the term of four years; and David C. Joseph, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 330 and 331.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Steven T. Mnuchin, of California, to be United States Governor of the European Bank for Reconstruction and Development, United States Governor of the African Development Fund, and United States Governor of the Asian Development Bank; and Steven T. Mnuchin, of California, to be United States Governor of the International Monetary Fund, United States Governor of the African Development Bank, United States Governor of the Inter-American Development Bank, and United States Governor of the International Bank for Reconstruction and Development for a term of five years?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 721.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Anne Marie White, of Michigan, to be an Assistant Secretary of Energy (Environmental Management).

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the White nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent the Senate proceed to the consideration of the following nomination: Executive Calendar No. 722.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Brent K. Park, of Tennessee, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Park nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 723 and 725.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of James Edwin Williams, of Utah, to be Chief Financial Officer, Department of Labor; and Mark Schneider, of the District of Columbia, to be Director of the Institute of Education Science, Department of Education for a term of six years?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 616, 752, 753, 754, 755, 756, 759, 760, and 761.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Carlos Trujillo, of Florida, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador; Robert Frank Pence, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland; Edward Charles Prado, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Argentine Republic; Trevor D. Traina, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria; Erik Bethel, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years; Judy Lynn Shelton, of Virginia, to be United

States Director of the European Bank for Reconstruction and Development; Kevin Edward Moley, of Arizona, to be an Assistant Secretary of State (International Organization Affairs); Josephine Olsen, of Maryland, to be Director of the Peace Corps; and Marie Royce, of California, to be an Assistant Secretary of State (Educational and Cultural Affairs)?

The nominations were confirmed en bloc.

NOMINATION DISCHARGED

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Committee on Environment and Public Works be discharged and the Senate proceed to the consideration of the following nomination: PN1369.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Tim Thomas, of Kentucky, to be Federal Cochairman of the Appalachian Regional Commission.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Thomas nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of Executive Calendar Nos. 742 through 751 and all nominations on the Secretary's Desk; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER (Mr. ROUNDS). Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE ARMY

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Timothy J. Hilty

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Matthew J. Kohler

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Vincent K. Becklund
Brig. Gen. Charles S. Corcoran
Brig. Gen. Barry R. Cornish
Brig. Gen. Christopher E. Craig
Brig. Gen. Andrew A. Croft
Brig. Gen. Allan E. Day
Brig. Gen. Eric T. Fick
Brig. Gen. Chad P. Franks
Brig. Gen. John R. Gordy, II
Brig. Gen. Gregory M. Guillot
Brig. Gen. Stacey T. Hawkins
Brig. Gen. Cameron G. Holt
Brig. Gen. Kevin A. Huyck
Brig. Gen. David J. Julazadeh
Brig. Gen. Kevin B. Kennedy
Brig. Gen. Kyle J. Kremer
Brig. Gen. Peter J. Lambert
Brig. Gen. William J. Liguori, Jr.
Brig. Gen. Randall Reed
Brig. Gen. Lenny J. Richoux
Brig. Gen. Carl E. Schaefer
Brig. Gen. John E. Shaw
Brig. Gen. Brad M. Sullivan
Brig. Gen. Stephen C. Williams

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. James W. Bierman, Jr.
Brig. Gen. David J. Furness
Brig. Gen. John M. Jansen
Brig. Gen. Michael E. Langley
Brig. Gen. David A. Ottignon
Brig. Gen. Thomas D. Weidley

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Timothy M. Ray

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David D. Thompson

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Christopher W. Grady

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Timothy J. White

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David A. Welch

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Scott A. Stearney

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1684 AIR FORCE nomination of Arthur W. Primas, Jr., which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1685 AIR FORCE nomination of Gregory J. Payne, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1686 AIR FORCE nomination of Michael J. Patterson, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1687 AIR FORCE nomination of Brad R. Matherne, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1688 AIR FORCE nomination of Jonathan A. Morris, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

IN THE ARMY

PN1563 ARMY nominations (533) beginning RACHEL L. ADAIR, and ending D014124, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2018.

PN1564 ARMY nominations (35) beginning ROSE ABIDO, and ending JOSEPH P. WZOREK, II, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2018.

PN1575 ARMY nominations (2) beginning JOHN P. KILBRIDE, and ending JOHN J. NEAL, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2018.

PN1581 ARMY nominations (530) beginning GREGORY J. ABIDE, and ending G010452, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2018.

PN1582 ARMY nominations (993) beginning STEVEN ABADIA, and ending G010479, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2018.

PN1629 ARMY nomination of Steven M. Hemmann, which was received by the Senate and appeared in the Congressional Record of February 13, 2018.

PN1691 ARMY nominations (35) beginning HAYLEY R. ASHBAUGH, and ending JORDAN N. YOLLES, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1692 ARMY nominations (62) beginning JEFFREY A. ANDERSON, and ending D012878, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1693 ARMY nominations (169) beginning AHMAD B. ALEXANDER, and ending STEVEN D. ZUMBRUN, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1694 ARMY nominations (137) beginning ASHLEY K. AITON, and ending TRACY L. ZINN, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1695 ARMY nomination of Wilson R. Ramos, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1696 ARMY nomination of Curtis D. Bowe, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1697 ARMY nomination of Carl E. Foster, III, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1698 ARMY nomination of Michael A. Fowles, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1699 ARMY nomination of Andrew K. Sinden, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1700 ARMY nominations (2) beginning D013264, and ending D013298, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1701 ARMY nomination of Christopher F. Ruder, which was received by the Senate and appeared in the Congressional Record of March 6, 2018.

PN1736 ARMY nominations (2) beginning JOHN J. MORRIS, and ending MIN S. RO, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2018.

PN1737 ARMY nominations (2) beginning CHRISTOPHER M. BELL, and ending ADRIANA B. DEJULIO, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2018.

PN1738 ARMY nomination of Mikal L. Stoner, which was received by the Senate and appeared in the Congressional Record of March 12, 2018.

IN THE MARINE CORPS

PN1432 MARINE CORPS nominations (7) beginning ERIC G. BURNS, and ending DAVID P. SHEEHAN, which nominations were received by the Senate and appeared in the Congressional Record of January 8, 2018.

PN1491 MARINE CORPS nominations (2) beginning THESOLINA D. HUBERT, and ending TIMOTHY W. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 18, 2018.

PN1592 MARINE CORPS nominations (337) beginning BENJAMIN S. ADAMS, and ending CARL L. ZEPPEGNO, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2018.

PN1611 MARINE CORPS nomination of Aaron J. King, which was received by the Senate and appeared in the Congressional Record of February 8, 2018.

IN THE NAVY

PN1740 NAVY nomination of Jeffrey G. Benson, which was received by the Senate and appeared in the Congressional Record of March 12, 2018.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING IRISH IMMIGRANTS AND IRISH-AMERICANS IN ILLINOIS

Mr. DURBIN. Mr. President, this past Saturday was St. Patrick's Day. The city of Chicago celebrated, as it has every St. Patrick's Day since 1962, by dyeing the Chicago River a deep emerald green.

In the Windy City and in cities and towns throughout Illinois, across America, and around much of the world, people wore green and attended St. Patrick's Day parades and parties.

No nation—including Ireland herself—celebrates St. Patrick's Day with as much enthusiasm as Americans do. Whether your ancestors came to this country from Dublin or the Dominican Republic, from Galway or Greece, on March 17, as the saying goes, everyone is Irish.

But America didn't always love the Irish. From the middle of the 19th century and well into the 20th century, it was not uncommon for employment ads in America to carry the warning: "No Irish Need Apply." In 1857, Harpers Weekly asserted that "nearly 75 percent of our criminals and paupers are Irish . . . [and] 75 percent of the crimes of violence committed among us are the work of Irishmen."

Irish immigrants had been an integral part of America since our earliest days as a nation. Nine of the 56 men who signed the Declaration of Independence were Irish Americans. They included four men who were born in Ireland. And Irish Americans fought and died in the Revolutionary War to secure America's freedom from England.

The Irish who came to America beginning in the mid-1840s, however, were different than the earlier arrivals from Erin's shores. These were "the Famine Irish." They fled Ireland to escape one of the greatest catastrophes ever to befall that nation.

We know it today as "the potato famine." In Ireland, it was called "the Great Hunger" or, in Gaelic, the old Irish tongue, "An Gorta Mor."

In 1845, a fungus, carried to Ireland from America, destroyed all of Ireland's potato crops. All across Ireland, potato fields turned black and rotted from the blight.

Ireland was not an independent nation then, as it is now. It had been occupied and ruled for hundreds of years by England, and most of the land was owned by absentee English landlords.

The native Irish were mostly tenant farmers, what Americans would call "sharecroppers," allowed to farm only tiny plots of land. The calorie-rich potato became the subsistence crop for the Irish, the one crop they could grow on their small parcels of land that could feed a family.

When the potato crops failed, England refused to intervene. Some in England warned that providing emergency food relief to the starving Irish would disrupt with the workings of a free market. Others declared that famine

and death were God's way of punishing the Irish.

Starving Irish who could no longer pay their rent were driven off their land and into workhouses. Others died on the sides of roads, their mouths stained green from eating grass. Soon, typhus and cholera were claiming as many lives as starvation.

When the Great Hunger began, 3 million people lived in Ireland. Three years later, 1 million people had died, and another 1 million had fled Ireland, most of them to America. In the period between 1845 and 1860, approximately 20,000 Irish a month were flooding into America.

They called America "An t-Oilean Ur"—"The Fresh Land," but many of the old prejudices followed them. The Famine Irish, the first large group of non-Protestants immigrants to America, were derided as superstitious Papists incapable of adapting to America's Anglo-Saxon culture.

Irish Americans were denounced as "simian" or apelike.

An editorial published in the Chicago Tribune in 1855 captured the antipathy with which many native-born Americans regarded Irish immigrants. It asked, "Who does not know that the most depraved, debased, worthless and irredeemable drunkards and sots which curse the community are Irish Catholics?"

In the 1850s, a new political party emerged. The Native American Party, better known as the "Know Nothings," was virulently anti-Catholic and anti-immigrant.

Many politicians were cowed by the anger of the Know Nothings, but Abraham Lincoln was not. Lincoln employed Irish staff at his home in Springfield and, later, in the White House. He donated to Irish famine relief.

In a letter he wrote to a friend in 1855, he came out foursquare against Know Nothingness. "How can anyone who abhors the oppression of Negroes, be in favor or degrading classes of white people?" he asked. "Our progress in degeneracy appears to me to be pretty rapid." As a nation, we began by declaring that 'all men are created equal.' We now practically read it 'all men are created equal, except Negroes.' When the Know-Nothings get control, it will read 'all men are created equal, except Negroes, and foreigners, and Catholics.' When it comes to this," Lincoln continued, "I should prefer emigrating to some country where they make no pretense of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy."

A decade later, Lincoln's brave refusal to embrace the bigotry of the Know Nothings helped save the Union. Although Irish Americans were mostly Democrats, they heeded the call of America's first Republican President to save the Union when slavery threatened to destroy it.

During the Civil War, more than 150,000 of the reviled Irish rallied to the

side of Lincoln and the Union. They included some of Lincoln's best generals.

Among them was Brigadier General Thomas Francis Meagher. A brilliant orator and the son of a wealthy Catholic family in Ireland, Meagher was a leader in a failed 1848 revolution in Ireland called the Young Ireland Rebellion. He was convicted of treason and sentenced to a life in exile in an Australian penal colony. Within 3 years, he had escaped to New York and became a prominent attorney.

Thomas Meagher's remarkable, improbable life is told in an excellent new biography, "The Immortal Irishman," by National Book Award winner Timothy Egan. I recommend it highly.

When the Civil War broke out, Tom Meagher wrote to President Lincoln seeking permission to form an ethnic Irish brigade. He recruited a full company of infantrymen to be attached to the U.S. 69th Infantry Regiment New York State Volunteers.

"The Fighting 69th" fought in some of the war's bloodiest conflicts, including the first battle of Bull Run and the battles of Antietam and Chancellorsville. After seeing Meagher's men at the Battle of Fredericksburg, General Robert E. Lee declared, "Never were men so brave."

The Fighting 69th was not the only Irish brigade fighting for the Union.

This year, Illinois is celebrating its 200th anniversary as a State. Among the countless chapters in our State's history in which we take pride is the story of the 23rd Regiment of the Illinois Infantry, Illinois' own "Irish Brigade."

The brigade's commander, James Mulligan, was born in New York and moved to Chicago as a boy. He became the first graduate of Chicago's first university, St. Mary's of the Lake. Later, he became a lawyer and a friend and confidant of Stephen Douglas.

When the Civil War broke out, Mulligan placed an ad in the Chicago Tribune on April 20, 1861, calling for a rally that evening. Thirty-two men enlisted at the rally; 3 days later, 1,000 men had joined the regiment.

Mulligan's Irish brigade spent most of the war in Virginia. They participated in Siege of Petersburg, and they were present for Lee's surrender at Appomattox.

James Mulligan did not live to see the Union victory. He was wounded on September 19, 1864, at the third battle on Winchester. As his Irish soldiers rushed to his side, Mulligan saw that the colors of the 23rd Illinois were about to be captured, and he gave his men an order, "Lay me down, and save the flag."

The colors were saved; Mulligan was captured and died of his wounds in Confederate captivity.

Private Albert Cashier was an Irish immigrant who fought for 3 years with the 95th Illinois Infantry, Company G. At just 5' 3", he was the smallest man in his company and, many said, the bravest.

He returned to Belvidere, IL, after the war, and in 1869, he moved to Saunemin, IL, where he made his living as a farmhand and church janitor.

In 1911, after he was hit by a car and was no longer able to work, Albert Cashier moved to the soldiers and sailors home in Quincy, Illinois.

His mental state deteriorated, and he was moved to Watertown State Hospital for the Insane. It was there that hospital staff discovered his secret and told it to newspapers: Albert Cashier was born Jennie Rodgers.

The reactions were disastrous for Private Cashier. The government charged him with defrauding the government in order to receive a pension. The case was dropped after Private Cashier's comrades from the 95th Illinois rallied to his defense.

The hospital staff forced Private Cashier to wear women's clothing. At 67 and frail, he tripped on his skirt, broke his hip, and spent the rest of his life despondent and bedridden.

He died on October 10, 1915, and was buried in the Army uniform he had kept intact all those years. His tombstone was inscribed "Albert D. J. Cashier, Co. G, 95 Ill. Inf."

Albert Cashier is one of the best known of the 400 women who fought in the Civil War.

Whether Private Cashier was transgender or simply a woman unwilling to accept the severe limits imposed on women in the 19th century will likely never be known.

This much is clear, however: The brave service of Irish Americans in the Civil War helped to diminish the hostility that greeted the Famine Irish. Within two or three generations, Americans would elect two Irish-American Presidents: John Fitzgerald Kennedy, still the only Catholic President, and Ronald Reagan.

Some of the voices we hear in today's immigration debate would sound right at home among the Know Nothings of Lincoln's time. Sadly, one of the loudest of those harsh voices belongs to the current President of the United States.

President Trump opened his campaign by vilifying Mexican immigrants. He tried to ban visitors from seven predominantly Muslim nations from entering the United States. He has cruelly placed Dreamers in legal jeopardy. He has recommended cutting legal immigration—legal immigration—to America by one-half, to its lowest levels since the 1920s.

President Trump's anti-immigrant, antirefugee proposals are an affront to America's history as a nation of immigrants, and they would deal a harsh blow to our economic future. If you doubt it, just ask yourself: Where would America's economy be today without the contributions of immigrants Sergey Brin and Elon Musk, or Steve Jobs, the son of a Syrian immigrant?

I believe that future generations of Americans will look back on today's anti-immigrant agitators with sadness

and bewilderment. They will applaud those Americans who worked to preserve America's values as a nation of immigrants.

I am proud to say that one of those champions is an Irish immigrant from Chicago. His name is Billy Lawless. He moved to America with his family nearly 20 years ago.

Billy, his wife, Anne, and their four grown children are all American citizens now. Together, they own some of the best, most popular restaurants and pubs in Chicago.

Billy Lawless is also a tireless and eloquent advocate for immigration reform. It is not just Irish immigrants that he cares about; it is all immigrants and refugees. He is chairman of a group called Chicago Celts for Immigration Reform and a founding member of the Illinois Business Immigration Coalition.

Two years ago, he gained another, extraordinary platform from which to advocate for just immigration policies. Lawless, who holds dual U.S.-Irish citizenship, was appointed to serve in the Irish Senate, representing the Irish Diaspora overseas.

"The America that I believe in," he says, "is a humane nation. It is the land of the free, the land of opportunity, and the land of immigrants."

Let us remember that this month, as we celebrate the contributions of Irish immigrants to America.

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, it has been nearly 4 years since the collapse of Corinthian Colleges and almost 2 years since the collapse of ITT Tech, two of the largest college collapses in U.S. history.

These infamous companies left tens of thousands of students in the lurch, interrupting their education and leaving them with worthless credits and tons of debt.

Rather than being anomalies, these companies embodied the for-profit college industry, an industry that enrolls only 9 percent of all postsecondary students but accounts for 33 percent of all Federal student loan defaults. The same predatory practices that took down Corinthian and ITT Tech are commonplace throughout the for-profit college industry, even today.

So this notion that some would have you believe—that, with Corinthian and ITT Tech gone, this industry is magically cleaned up and purged of bad actors—is nothing more than an attempt by the industry to justify rolling back important consumer protections like the Gainful Employment and Borrower Defense rules.

Case in point: Ashford University is owned by Bridgepoint Education. This is a company that, from its very inception, has shown a determination to work the system in order to profit.

It all began in 2005, when a group of investors bought a tiny Catholic college in Iowa, which at the time had an

enrollment of 312 students, but what came along with that small campus was the gold for Ashford: regional accreditation. That accreditation opened the company's coffers to millions in Federal student aid funds.

Since that time, Ashford has closed the Iowa campus and become an online giant, enrolling more than 40,000 students across the country and taking in almost \$390 million in Federal title IV funds.

Boy, have Ashford executives and owners gotten rich. From 2014 to 2016, Bridgepoint's CEO, Andrew Clark, made more than \$10 million in total compensation.

Meanwhile, its students have been left buried in debt with worthless diplomas that employers often don't recognize. According to a recent Brookings study, as of 2014, Ashford student cumulatively owed almost \$6 billion in Federal student loan debt, making it one of eight for-profit schools in the top 10 schools whose students owe the most cumulative debt. Of the Ashford students who left in 2009, nearly half had defaulted on their debt 5 years later.

Just like Corinthian and ITT Tech, Ashford has been the subject of numerous Federal and State investigations and lawsuits.

Ashford is currently being investigated by State attorneys general in Iowa, Massachusetts, New York, and North Carolina, as well as the U.S. Securities and Exchange Commission and U.S. Department of Justice. The California Attorney General is currently suing Ashford for "defrauding and deceiving students."

In addition, in 2014, Ashford was forced to pay \$7.25 million in a settlement with the Iowa Attorney General for consumer fraud. Once again, Ashford used false and misleading statements, as well as unfair and high-pressure sales tactics to lure students into enrolling and taking on debt.

Just last year, Ashford agreed to pay \$30 million to the Consumer Financial Protection Bureau for deceptive acts and practices, including misleading students about their student loan payments.

Also like Corinthian and ITT Tech, Ashford uses mandatory predispute arbitration clauses to hide its misconduct and prevent students from holding them accountable in court.

These clauses, often buried in stacks of enrollment documents that students must sign in order to take classes, force students to give up their right to sue the school of misconduct either as individuals or part of a class. The practice is almost unheard of at public and legitimate not-for-profit institutions, but is a hallmark of the for-profit college industry.

Not only does the practice steer disputes into arbitration proceeding where the deck is often stacked against the student, nondisclosure agreements often prevent the alleged misconduct or the outcome of the arbitration pro-

ceeding from becoming public. This hides misconduct from regulators and accreditors, often allowing for-profit colleges like Ashford to continue illegal practices for years without detection.

In addition to receiving millions of dollars in Department of Education title IV funds, Ashford also heavily recruits veterans and servicemembers who qualify for Department of Veterans Affairs G.I. bill funds.

You see, for-profit colleges see veterans and servicemembers as gold.

Federal law prohibits for-profit colleges from receiving more than 90 percent of their revenue from Federal sources, but rather than counting all taxpayer-funded education assistance programs, including VA G.I. bill and Department of Defense tuition assistance, current law only counts title IV funds as Federal revenue.

This means that by aggressively targeting and recruiting veterans and servicemembers, for-profit colleges like Ashford can receive an unlimited amount of their revenue straight from the Federal Treasury.

Marine veteran James Long found himself on the receiving end of that aggressive recruiting. A few years ago, Bloomberg told his story:

His Humvee was struck by artillery shells in Iraq. He suffered a severe brain injury. While recovering at Camp Lejeune, he was visited by an Ashford recruiter who signed him up for classes. But despite knowing he was enrolled, his brain injury was so severe that he couldn't remember what courses he was enrolled in.

The California Attorney General's complaint against Ashford includes the stories of two other veterans.

First, an Army Reserve veteran referred to as P.M. was encouraged by Ashford representatives to attend courses at a local community college while taking classes at Ashford.

P.M. was told that, by attending a ground-based campus rather than just Ashford's online classes, he would qualify for a higher monthly housing allowance under the G.I. bill, and he could transfer his community college credits toward his Ashford program. He was later "alarmed" to find that Ashford limited the number of credits he could transfer and refused to recognize some of the courses he had previously completed.

As a result, P.M. had to take additional courses at Ashford, receiving the lower housing allowance rate, to make up for the lost credits. He then "fell behind on his rent, had to take on another job to keep up with his bills, and his credit score suffered." In addition, he wasted part of his limited G.I. bill education benefits on courses that he could not put toward a degree.

Another veteran, "P.J.," was told that Ashford would accept most of the 140 credits he had earned at other institutions and could expect to graduate within 18 months. He was also assured that he would be able to transfer his Ashford credits to a community college.

After he had already enrolled and began taking classes at Ashford, P.J. discovered that Ashford had accepted none of his credits from other schools despite their promises. When he later tried to transfer his Ashford credits to two other schools, he found that neither would accept them.

This is how Ashford treats veterans.

In recent years, Ashford has taken in as much as \$38 million in G.I. bill funds and is currently engaged in a fight to maintain eligibility to receive these funds in the future.

Here is what it boils down to: Ashford is not approved for G.I. bill benefits by the California State Approving Agency, a requirement for it to be eligible for G.I. bill funds nationwide. The company has spent months on dubious legal action and other schemes to skirt Federal G.I. bill eligibility requirements. The matter is now in court.

With its G.I. bill eligibility in doubt, Ashford announced in November it would voluntarily suspend new enrollments of veterans using G.I. bill funds. This would prevent new veterans from being put at risk and additional taxpayer dollars being wasted should the company lose eligibility.

As reported by The Chronicle of Higher Education, the company resumed new G.I. bill enrollments in February and acknowledged on a call with investors that the suspension had "negatively impacted fourth-quarter performance." That is right; the company made the blatant decision that profits are more important than veterans.

Last week, Senator HASSAN and I sent a letter to Bridgepoint's CEO, Andrew Clark, expressing our outrage and calling on him to immediately halt new enrollments until their G.I. bill eligibility is resolved with the VA. If the company fails to do so, it will lay bare the true disregard they have for the students, especially veterans, they claim to serve.

Also last week, Bridgepoint announced that it is up to even more shenanigans. It will attempt to separate from Ashford and another school it owns to become an Online Program Management company while Ashford seeks to become a not-for-profit college. If approved, this complicated maneuver would mean that Ashford would no longer have to abide by the Federal 90-10 rule or other accountability measures focused on for-profit colleges.

At the same time, other for-profit conversions have been structured in a way that their owners are still able to personally profit from the new not-for-profit entity. It is the best of both worlds for owners and investors; the school is able to shed Federal accountability requirements while still profiting off of students and taxpayers.

I call on the Internal Revenue Service, the Department of Education, and Ashford's accreditor—the WASC Senior College and University Commission—to carefully scrutinize this proposal in light of other dubious for-profit conver-

sions and Bridgepoint's own long record of misconduct.

Despite the closure of Corinthian and ITT Tech, companies like Ashford continue to exploit students and veterans while raking in billions in Federal taxpayer dollars, using every possible scheme they can think of to do it.

Until Secretary DeVos stops siding with her friends in the for-profit college industry or Congress acts, students will continue to be harmed and taxpayer dollars will continue to line the pockets of cheats and crooks.

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
*Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-60, concerning the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services estimated to cost \$300 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

GREGORY M. KAUSNER
(for Charles W. Hooper, Lieutenant
General, USA, Director).

Enclosures.

TRANSMITTAL NO. 17-60

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:
Major Defense Equipment* \$0 million.
Other \$300 million.
Total \$300 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-MDE: A new Foreign Military Sales Order (FMSO) II to provide funds for blanket order requisitions under a Cooperative Lo-

gistics Supply Support Agreement (CLSSA) for common spares/repair parts to support Saudi Arabia's fleet of M1A2 Abrams tanks, M2 Bradley Fighting Vehicles, High Mobility Multipurpose Wheeled Vehicles (HMMWVs), Light Armored Vehicles (LANs), M198 Towed Howitzers, additional support, and other related elements of logistics and program support.

(iv) Military Department: Army (XX-B-KYN).

(v) Prior Related Cases, if any: SR-B-KYM, SR-B-KYL, SR-B-KSB, SR-B-KRK, SR-B-KRI, SR-B-KRE, SR-B-KRB, SR-B-KRA, SR-B-KLF, SR-B-KEZ, SR-B-UBW.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: March 22, 2018.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia—Royal Saudi Land Forces Ordnance Corps Foreign Military Sales Order (FMSO) II Case

The Government of the Kingdom of Saudi Arabia has requested a possible purchase of a new Foreign Military Sales Order (FMSO) II to provide funds for blanket order requisitions under a Cooperative Logistics Supply Support Agreement (CLSSA) for common spares/repair parts to support Saudi Arabia's fleet of M1A2 Abrams tanks, M2 Bradley Fighting Vehicles, High Mobility Multipurpose Wheeled Vehicles (HMMWVs), Light Armored Vehicles (LANs), M198 Towed Howitzers, additional support, and other related elements of logistics and program support. The total estimated program cost is \$300 million.

This proposed sale will contribute to U.S. foreign policy and national security objectives by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic growth in the Middle East. This potential sale is consistent with U.S. initiatives to provide key allies in the region with modern systems that will enhance interoperability with U.S. forces and increase stability.

The primary objective of this proposed sale is to allow the Royal Saudi Land Forces Ordnance Corps to continue to purchase needed spare/repair parts to maintain Saudi Arabia's fleet of M1A2 Abrams Tanks, M2 Bradley Fighting Vehicles, High Mobility Multipurpose Wheeled Vehicles (HMMWVs), Light Armored Vehicles (LANs), M198 Towed Howitzers, additional support vehicles and other related logistics support as part of the Cooperative Logistics Supply Support Arrangement (CLSSA) program. Saudi Arabia will have no difficulty absorbing this equipment and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There are no principal contractors involved with this potential sale. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the permanent assignment of any U.S. Government or contractor representatives to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-52, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost \$106.8 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

GREGORY M. KAUSNER
(for Charles W. Hooper, Lieutenant
General, USA, Director).

Enclosures.

TRANSMITTAL NO. 17-52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:

Major Defense Equipment* \$0 million.

Other \$106.8 million.

Total \$106.8 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-MDE: Continuation of Maintenance Support Services (MSS) contract that supports the Royal Saudi Land Forces Aviation Command's (RSLFAC) fleet of AH-64D/E, UH-60L, Schweizer 333 and Bell 406CS helicopters. The MSS contract services includes the management and installation of engineering change proposals and modification work orders; Repair and Return (R&R) management services and component repairs; aircraft simulator logistics, maintenance and technical support; training; and maintenance management support for the RSLFAC Headquarters staff; and other related elements of logistics and program support.

(iv) Military Department: Army (SR-B-ZAU).

(v) Prior Related Cases, if any: SR-13-UAF; SR-B-UGZ; SR-B-WAL.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: March 22, 2018.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Saudi Arabia—Continuation of Maintenance Support Services (MSS)

The Kingdom of Saudi Arabia has requested the continuation of the Maintenance Support Services (MSS) contract that supports the Royal Saudi Land Forces Aviation Command's (RSLFAC) fleet of AH-64D/E, UH-60L, Schweizer 333 and Bell 406CS helicopters. The MSS contract services includes management and installation of engineering change proposals and modification work orders; Repair and Return (R&R) management services and component repairs; aircraft simulator logistics, maintenance and technical support; training; and maintenance management support for the RSLFAC Headquarters staff; and other related elements of logistics and program support. The estimated total case value is \$106.8 million.

This proposed sale will support U.S. foreign policy and national security objectives

by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic growth in the Middle East. This potential sale is a continuation of current support. Saudi Arabia will have no difficulty absorbing this equipment and support into its armed forces.

The continuation of MSS services will aid in the maintenance support of Saudi Arabia's rotary wing aircraft fleet, engines, avionics, weapons, and missile components.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be DynCorps International, McLean, VA. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require the assignment of one (1) U.S. Government and up to three hundred twenty (320) contractor representatives to travel to Saudi Arabia for a period of two (2) years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-62, concerning the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services estimated to cost \$670 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

GREGORY M. KAUSNER
(for Charles W. Hooper, Lieutenant
General, USA, Director).

Enclosures.

TRANSMITTAL NO. 17-62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:

Major Defense Equipment* \$647 million.

Other \$23 million.

Total \$670 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Up to six thousand six hundred (6,600) TOW 2B Missiles (BGM-71F-Series)

Ninety-six (96) TOW 2B (BGM-71F-Series) Fly-to-Buy Lot Validation Missiles

Non-MDE:

Also included is government furnished equipment; technical manuals and publications; essential spares and repair parts; consumables; live fire exercise and ammunition; tools and test equipment; training; transportation; U.S. Government technical support and logistic support; contractor technical support; repair and return support; quality assurance teams; in-country Field Service Representative (FSR); other associated equipment and services in support of TOW 2B missiles; and other related elements of logistics and program support.

(iv) Military Department: Army (SR-B-VBQ).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: March 22, 2018.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia—TOW 2B (BGM-71F-Series) Missiles

The Government of the Kingdom of Saudi Arabia has requested to buy up to six thousand six hundred (6,600) TOW 2B missiles (BGM-71F-Series) and ninety-six (96) TOW 2B (BGM-71F-Series) fly-to-buy lot validation missiles. Also included is government furnished equipment; technical manuals and publications; essential spares and repair parts; consumables; live fire exercise and ammunition; tools and test equipment; training; transportation; U.S. Government technical support and logistic support; contractor technical support; repair and return support; quality assurance teams; in-country Field Service Representative (FSR); other associated equipment and services in support of TOW 2B missiles; and other related elements of logistics and program support. The total estimated program cost is \$670 million.

This proposed sale will support U.S. foreign policy and national security objectives by improving the security of a friendly country which has been, and continues to be, an important force for political stability and economic growth in the Middle East. This potential sale is consistent with U.S. initiatives to provide key partners in the region with modern systems that will enhance interoperability with U.S. forces and increase stability.

The proposed sale of TOW 2B missiles and technical support will advance the Kingdom of Saudi Arabia's efforts to develop an integrated ground defense capability. A strong national defense and dedicated military force will assist Saudi Arabia to sustain itself in its efforts to maintain stability. Saudi Arabia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor is Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the permanent assignment of any U.S. Government or contractor representatives to Saudi Arabia. There will be no more than two contractor personnel in the Kingdom of Saudi Arabia at any one time and all efforts will take less than two weeks in total.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17-62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The TOW 2B RF Missile is a fly-over-shoot-down missile designed to defeat armored vehicles. These missiles are fired from a variety of TOW launchers in the U.S. Army, USMC and FMS customer forces. The TOW 2B RF can be launched from the same launcher platforms as the existing wire-guided TOW 2B missiles without modification to the launcher. The TOW 2B missile (both wire & RF) contains two tracker beacons (xenon and thermal) for the launcher to track and guide the missile in flight. Guidance commands from the launcher are provided to the

missile by an RF link contained within the missile case. The hardware, software and technical publications provided with the sale are unclassified; however, the system itself contains sensitive technology that instructs the system on how to operate in the presence of countermeasures.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Saudi Arabia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Kingdom of Saudi Arabia.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, on February 9, 2018, the President signed the Bipartisan Budget Act of 2018 into law, H.R. 1892, P.L. 115-123. This bill passed the Senate by a vote of 71 to 28 and the House of Representatives by a vote of 240 to 186. Section 30101 of H.R. 1892 increased the statutory discretionary spending limits for Fiscal Year 2018. More specifically, it increased the Fiscal Year 2018 discretionary spending limit for the revised security category to \$629 billion in new budget authority and the revised nonsecurity category to \$579 billion in new budget authority. Section 4108 of the Fiscal Year 2018 congressional budget resolution provides me with the authority to adjust enforceable levels and allocations for such changes in the statutory limits. I am therefore adjusting the allocation

to the Committee on Appropriations and the budgetary aggregates to reflect the new spending limits imposed by the Bipartisan Budget Act of 2018.

In addition to the changes triggered by P.L. 115-123, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, BBEDCA, establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while sections 302 and 314(a) of the Congressional Budget Act of 1974 allow the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate is considering the House amendment to the Senate amendment to H.R. 1625, the Consolidated Appropriations Act, 2018. This measure provides full-year appropriations for Federal Government agencies and contains spending that qualifies for cap adjustments under current statute.

This measure includes \$78,097 million in budget authority that is designated as being for overseas contingency operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of BBEDCA. Of that amount, \$66,079 million is for spending in the security category and \$12,018 million is for non-security spending. CBO estimates that this budget authority will result in \$43,344 million in outlays in Fiscal Year 2018.

This measure also includes \$7,366 million in nonsecurity discretionary budget authority designated for disaster relief pursuant to section 251(b)(2)(D) of BBEDCA. This designation makes the spending associated with this provision and its associated outlays of \$368 million eligible for an adjustment.

This legislation provides \$1,896 million in nonsecurity discretionary bud-

et authority for program integrity efforts. This funding is designated pursuant to section 251(b)(2)(B) and section 251(b)(2)(C) of BBEDCA. CBO estimates that this budget authority will result in \$1,576 million in outlays this fiscal year.

Finally, this legislation repurposes existing emergency funding increasing outlays by \$1 million. This action is designated as an emergency pursuant to section 251(b)(2)(A)(i) of BBEDCA.

As a result of the aforementioned designations, I am revising the budget authority and outlay allocations to the Committee on Appropriations by increasing revised security budget authority by \$146,022 million, revised non-security budget authority by \$84,531 million, and outlays by \$108,997 million in Fiscal Year 2018. Further, I am increasing the budgetary aggregate for Fiscal Year 2018 by \$230,553 million in budget authority and \$108,997 million in outlays.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISION TO BUDGETARY AGGREGATES

(Pursuant to Section 4108 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018 and Sections 311 and 314(a) of the Congressional Budget Act of 1974)

(\$ in millions)		2018
Current Spending Aggregates:		
Budget Authority	3,169,583	
Outlays	3,112,609	
Adjustments:		
Budget Authority	230,553	
Outlays	108,997	
Revised Spending Aggregates:		
Budget Authority	3,400,136	
Outlays	3,221,606	

REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2018

(Pursuant to Section 4108 of H.Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018 and Sections 302 and 314(a) of the Congressional Budget Act of 1974)

(\$ in millions)		2018
Current Allocation:		
Revised Security Discretionary Budget Authority		554,913
Revised Nonsecurity Category Discretionary Budget Authority		635,532
General Purpose Outlays		1,199,535
Adjustments:		
Revised Security Discretionary Budget Authority		146,022
Revised Nonsecurity Category Discretionary Budget Authority		84,531
General Purpose Outlays		108,997
Revised Allocation:		
Revised Security Discretionary Budget Authority		700,935
Revised Nonsecurity Category Discretionary Budget Authority		720,063
General Purpose Outlays		1,308,532

	Regular	OCO	Program Integrity	Disaster Relief	Emergency	Total
Memorandum: Detail of Adjustments Made Above:						
Revised Security Discretionary Budget Authority	79,943	66,079	0	0	0	146,022
Revised Nonsecurity Category Discretionary Budget Authority	63,251	12,018	1,896	7,366	0	84,531
General Purpose Outlays	63,708	43,344	1,576	368	1	108,997

YEMEN WAR POWERS RESOLUTION

Mr. VAN HOLLEN. Mr. President, the brutal war in Yemen has raged for 3 years. At least 10,000 civilians have lost their lives in this conflict. More than 8 million Yemenis are on the brink of starvation. The worst cholera outbreak in modern history has afflicted over 1 million people, including over 600,000 children. Millions more are

displaced from their homes. As the years wear on, the cycle of desperation, destruction, and death continues unabated.

Make no mistake: The Houthis and their Iranian backers bear great responsibility for the civilian toll of this war. However, the Saudi-led coalition, with U.S. military support, continues to conduct hundreds of airstrikes each

month. According to the United Nations, almost two-thirds of reported civilian deaths are the result of these airstrikes.

The administration claims U.S. military support for the coalition, in the form of aerial refueling, munitions sales, and targeting assistance, provides leverage in the conflict; yet the Defense Department appears to know

disturbingly little about how U.S. military assistance is used on the battlefield, including whether our refueling enables the bombing of civilians. Most critically, with both sides at a total impasse, the prospect of a political settlement is farther from reach now than at the beginning of this devastating war.

In short, U.S. policy in Yemen has been an abject failure, and by continuing our military assistance unmitigated, we are complicit in this tragedy.

This complicity is fueled by President Trump's unquestioning embrace of the Saudi monarchy, and his apparent inability to use our leverage to place meaningful restraints on the Saudi attacks in Yemen. In addition, more than a year after his inauguration, the President has not put forward nominees to fill key diplomatic posts that would be responsible for addressing this conflict, including the Assistant Secretary of State for Near Eastern Affairs or the U.S. Ambassador to Saudi Arabia. He has alienated our counterparts at the United Nations. In action and in deed, President Trump has all but ensured the onslaught in Yemen will continue.

I believe it is incumbent on the Congress to hold the Saudi-led coalition accountable and no longer to abdicate our responsibility in decisions of peace and war. S.J. Res. 54 reins in the President's largely unencumbered war making powers and ends unconditional U.S. military support for the Saudi campaign in Yemen without an authorization from Congress. For these reasons, I voted against the motion to table this resolution.

ECONOMIC GROWTH, REGULATORY RELIEF, AND CONSUMER PROTECTION ACT

Mr. VAN HOLLEN. Mr. President, I want to discuss S. 2155, the banking bill, and explain the provisions of the bill I supported, those I opposed, and my reasons for ultimately opposing this legislation.

Over the past year, I have appreciated the opportunity to meet with Maryland community bankers, consumers, and an array of stakeholders who would be impacted by this bill. I have organized roundtables on economic development in Howard County and Baltimore. I have met with consumer groups who want a strong regulatory framework to ensure fair lending and to protect taxpayers from excessive risk-taking by some of the biggest banks. Most recently, I held a forum with my State's attorney general, Brian Frosh, where hundreds of passionate Marylanders came out on a rainy night to talk about consumer protection.

We need a healthy banking system that serves Maryland businesses and consumers, and banking regulations should be appropriately tailored to the risks a bank poses to consumers, taxpayers, and the economy. Community

banks should not have to comply with all of the regulations that apply to large Wall Street banks. That is why I support many of the reforms in this bill to relieve community banks of some unnecessary regulations. I also support provisions to modernize the Federal Deposit Insurance Act, so that reciprocal deposits are not considered to be brokered deposits.

While I supported most of the reforms relating to community banks and credit unions, I have concerns with provisions in the bill that will encourage excessive risk-taking in systemically important banks and am disappointed by the absence of strengthened protections for consumers.

For example, this legislation significantly raises the threshold for enhanced prudential standards for systemically important financial institutions, SIFIs. While I can support an increase in the threshold, I believe this bill goes too far. Gary Gensler, the chair of the Maryland Financial Consumer Protection Commission, and the former chairman of the Commodities Futures Trading Commission, has pointed out that this bill dials down prudential oversight for about 20 percent of U.S. banking sector assets. Mr. Gensler also noted that section 401 could be construed as possibly requiring the Federal Reserve to raise the threshold at which foreign megabanks are subject to the enhanced standards, thereby potentially allowing the very biggest banks to escape some of the current regulations.

I am also concerned that section 402 of the bill modifies the supplementary leverage ratio by excluding custodial assets for custodial banks. This provision allows for greater risk-taking among megabanks. Removing custodial assets from the denominator of the supplementary leverage ratio will allow these banks to take on risk in all areas. Former Federal Reserve Governor Daniel Tarullo said that removing one type of asset from a ratio on the grounds that it is safe "would defeat the whole purpose of a leverage ratio, which is to place a cap on total leverage, no matter what the assets on the other side of the balance sheet may be." Former FDIC Chair Sheila Bair wrote that "Section 402 will create an uneven playing field by giving big systemic banks a special capital break not applicable to community and regional institutions." Moreover, this could create a slippery slope where we start excluding other items banks deem "safe" from the ratio.

Additionally, I cannot ignore the fact that this bill does very little to help strengthen consumer protections at a time when the Trump administration is eliminating rules that protect consumers. If we can reach bipartisan agreement to modify regulations for banks, surely we can find agreement on ways to help protect consumers from the abuses we have seen from the likes of Wells Fargo and Equifax.

I am particularly troubled by two last-minute changes that benefit

Equifax. Section 310 has the admirable goal of increasing competition in the credit scoring industry. However, the primary beneficiary of this provision is VantageScore, a company jointly created by the three consumer credit reporting agencies, Equifax, TransUnion, and Experian. This means that a company that is essentially owned by the credit bureaus will also have the ability to determine your score. In short, this bill gives the credit bureaus a key tool to take over the credit reporting and scoring markets. Be assured that I will closely watch how the Federal Housing Finance Agency implements section 310.

After both Republicans and Democrats spent the past 6 months saying that we would hold the credit reporting agencies more accountable, this bill makes a second last-minute change that would prevent members of the armed services who receive a free credit freeze from suing the credit reporting bureaus for wrongdoing.

We hear time and time again about how poorly the credit reporting bureaus treat consumers. False information in credit reports can do great harm to consumers; yet the credit rating agencies face no real sanctions for their culpability. That is unacceptable. We need to change the system so that these companies have better incentives to produce accurate credit reports, including sanctioning them for inaccurate and breached data. We must give consumers the power to control their own data and provide them with the ability to take legal action against the bureaus when they have been wronged. Providing the bureaus with a shield from legal liability and opening the door for them to manipulate the credit reporting industry is going in the wrong direction.

In conclusion, while I support many provisions in the bill, especially those relating to community banks and credit unions, I believe other provisions in the bill create excessive risks. Those risks, as well as the failure to use this opportunity to further protect consumers, led me to oppose this bill.

TRIBUTES TO THAD COCHRAN

Mr. GRASSLEY. Mr. President, Senator COCHRAN and I met while serving together in the House of Representatives, but it was in the Senate that we became close colleagues. Throughout his service, Senator COCHRAN has remained devoted to the U.S. Senate functioning as a bipartisan, deliberative body. It is a goal I have long admired about Senator COCHRAN and a mission I share.

As only the second Republican to be elected to represent Mississippi in the House of Representatives since Reconstruction and the first Republican to win a statewide election in a century at the time he was elected to the U.S. Senate, Senator COCHRAN proved that it is ideas and commitment to constituents that move communities and

States forward. Throughout his career, Senator COCHRAN continued to prove time and again that this is the path to legislative success.

You really get to know a colleague when you travel with them. I know Senator COCHRAN as a deliberative and thoughtful colleague. Though collegial and cautious, Senator COCHRAN was dogged in his pursuit to represent the interests of Mississippi. Senator COCHRAN and I often exchanged ideas in the Senate Agriculture Committee while he served as chairman. I can say with certainty that he represented the farmers of his State extremely well.

A hallmark of Senator THAD COCHRAN's distinguished career has been his ability to work effectively and thoughtfully on behalf of Mississippi. He has a courteous manner but commands the attention and respect of his colleagues. His deep institutional knowledge and dedication to public office will make him a sorely missed member of the United States Senate.

I thank him for his faithful service to this body and wish him well in his retirement.

Mr. NELSON. Mr. President, I would like to take a few moments to recognize my friend and colleague Senator COCHRAN of Mississippi. On April 1, the Senate will lose a tremendous public servant.

Between the House and Senate, Senator COCHRAN devoted nearly 46 years of service to his State, and I am sad to hear it is coming to an end.

The son of two educators and a fellow 4-H alumnus, Senator COCHRAN knows the importance of serving his community. In 1973, he answered the call to represent the people of Mississippi and hasn't stopped since.

As outgoing chairman of the Senate Appropriations Committee, Senator COCHRAN leaves a legacy of providing many victories to Florida. From funding the restoration of the Everglades, to ensuring our Nation's military has enough funding to defend our country, Senator COCHRAN's enduring contributions are to be commended.

I think TIME Magazine said it right when Senator COCHRAN was selected as one of America's 10 Best Senators in 2006, accurately dubbing him the "quiet persuader" after he secured nearly \$29 billion for Hurricane Katrina recovery efforts in our Gulf Coast.

His proven bipartisanship will be remembered by the people of Mississippi and by his colleagues here in the Senate.

I am proud to have served with Senator COCHRAN, and we will all miss his leadership. I wish him well on his next endeavor.

Mr. CARDIN, Mr. President, while we are all looking forward to the Passover-Easter recess, wrapping up our work this week feels bittersweet because, when we return on April 9, our dear friend and colleague THAD COCHRAN will not be returning with us. It is fitting, given his retirement, that we passed the fiscal year 2018 Omnibus Ap-

propriations Act since the senior Senator from Mississippi deserves so much of the credit for negotiating that package and getting it to the floor.

Senator COCHRAN was born and raised in Mississippi in a close-knit family that valued academic achievement, civic engagement, and hard work. Both of his parents were teachers. Senator COCHRAN was an Eagle Scout. He earned varsity letters in football, basketball, baseball, and tennis at Byram High School, where he gave a piano and voice recital his senior year, and he graduated as class valedictorian.

Senator COCHRAN attended the University of Mississippi, where he was student body vice president and earned a bachelor of arts degree with a major in psychology and a minor in political science. After he graduated, he was commissioned an ensign in the U.S. Naval Reserve and assigned to duty aboard the USS *Macon*, a heavy cruiser homeported in Boston, MA.

After Senator COCHRAN completed his tour of Active Duty in the Navy, he attended the school of law at the University of Mississippi. While in law school, he won an award for having the highest scholastic average in the first-year class, served on the editorial board of the Mississippi Law Journal, and argued before the Mississippi Supreme Court as a moot court finalist. He was awarded a Rotary Foundation graduate fellowship and studied jurisprudence and international law for a year at Trinity College in Dublin before returning to Ole Miss for his final year of law school. Senator COCHRAN's law school grade point average was the third highest of all students who graduated from the Ole Miss law school during the 1960s.

Senator COCHRAN joined the law firm of Watkins & Eager in Jackson, MS, and was made a partner in less than 3 years. It was around this time that he became a Republican, and in 1972, he elected to Congress to represent the Fourth District. He became just the second Republican to be elected to represent Mississippi in the U.S. House of Representatives since Reconstruction, after Prentiss Walker was the first in 1964. He won reelection twice, in each instance with more than 70 percent of the vote.

In 1978, Senator COCHRAN became the first Republican in more than 100 years to win a statewide election in Mississippi when he was elected to the U.S. Senate. He has since been reelected six times. Last March, he became the tenth longest serving Senator in U.S. history.

Our Nation and the State of Mississippi have benefited from Senator COCHRAN's long service. His legislative accomplishments are too numerous to list here, but I will highlight a few. First, Senator COCHRAN has been a champion of a strong national defense, both as chairman of the Appropriations Committee and the Subcommittee on Defense. Second, he has been a champion of America's farmers and ranchers

through his long service on the Senate Committee on Agriculture, Nutrition, and Forestry, which he also chaired. Third, he has been a champion for education and our Nation's cultural institutions, including the Kennedy Center and the Smithsonian Institution, serving as a regent. He has a passion for education. I mentioned that his parents were teachers; so, too, is his daughter. Senator COCHRAN has worked hard to improve educational opportunities for students in Mississippi and across the country. He has advocated for early childhood education, literacy programs, teacher development, vocational education, arts education, year-round Pell grants, and the Promise Neighborhood Program. He has increased funding for title I and to Historically Black Colleges and Universities.

In 2005, Senator COCHRAN spearheaded the effort to secure more than \$87 billion in supplemental Federal assistance to Mississippi and the other Gulf Coast States devastated by Hurricane Katrina. More recently, he coauthored the 'RESTORE the Gulf Coast Act' to help Gulf Coast States recover from the 2010 Deepwater Horizon oil spill. He helped develop, maintain, and improve the Natchez Trace Parkway, the Natchez National Historical Park, the Vicksburg National Military Park, and the Gulf Islands National Seashore. In addition, he authored provisions to promote National Park Service efforts to research and preserve sites associated with the Civil Rights movement.

Senator COCHRAN is a sportsman and a conservationist in the tradition of Teddy Roosevelt. He authored the Mississippi Wilderness Act, which was the first Federal legislation ever passed for the perpetual protection of lands in the State of Mississippi. He helped to establish national wildlife refuges as a member of the Migratory Bird Conservation Commission, and he authored the Wildlife Habitat Incentives Program. He has received numerous awards from conservation groups, including Ducks Unlimited, the North American Waterfowl Federation, the National Wildlife Federation, and the Nature Conservancy.

I could go on, but I hope this summary of just some of Senator COCHRAN's accomplishments is sufficient to illustrate how remarkably effective he has been over a long and distinguished career in public service. Senator COCHRAN is an exemplary public servant. In 2006, TIME magazine selected him as one of "America's 10 Best Senators"—a distinction I am sure no one in this Chamber would dispute. TIME called him the "quiet persuader"—an apt description—and commented on his "courtly manner." We use the term "gentleman" frequently here in the Senate, perhaps too frequently sometimes, but Senator COCHRAN truly is a gentleman, and he is a gentle man. He doesn't raise his voice. He doesn't solicit attention to himself. He goes about his work quietly but effectively.

His word is his bond. The Senate is a better place because of his service, and we will miss him. Rather than feel sorrow over his imminent departure, I feel gratitude that we are so fortunate he chose a life of public service and I have had the privilege of serving with him here in the Senate for the past 12 years.

I wish all the best for our dear friend from Mississippi, his wife, Kay, and the rest of his family and thank them for their willingness to share him with us.

Mr. CASEY. Mr. President, I wanted to pay tribute to my colleague THAD COCHRAN as he retires from the Senate after almost 40 years of service.

Former Senator Margaret Chase Smith once said, "Public service must be more than doing a job efficiently and honestly. It must be complete dedication to the people and the nation." Senator THAD COCHRAN brought that dedication to the Senate every day. During his tenure, Senator COCHRAN has served as chairman of the Senate Agriculture Committee and the Senate Appropriations Committee, using those positions to help the people of Mississippi. The Senator's commitment to help alleviate the poverty in the Mississippi delta is well documented.

As Senator COCHRAN ends this chapter of his life, I wish him well and thank him for the decency and courtesy that he consistently brought to the Senate. We are better for it.

REMEMBERING LOUISE SLAUGHTER

Mr. CARDIN. Mr. President, I am deeply saddened by the recent death of my friend and colleague, Representative LOUISE SLAUGHTER. We served together in the House of Representatives and on the Helsinki Commission, which monitors human rights commitments across the globe. Her time on the Commission is one of the many examples of her unwavering commitment to justice and human dignity.

Louise first became interested in the Helsinki Commission's work in the early 1990s when she joined congressional efforts to address the mass rape of women and girls as a deliberate and systematic part of the ethnic cleansing campaign in Bosnia and Herzegovina. In her calls for justice, she worked to ensure that rape wouldn't be considered as unfortunate violence incidental to conflict, but as a war crime and crime against humanity to be prosecuted as such. Her commitment to peace, justice, and reconciliation in Bosnia and the Balkans extended well beyond the period of conflict. In 2009, she joined a Helsinki Commission delegation I led to Sarajevo, where she championed the efforts of university students who saw the politics of ethnicity and nationalism—and the corruption it perpetuates—as denying them opportunities for a brighter future in a more prosperous Bosnia. She also worked to ensure those guilty of war crimes in the former Yugoslavia

were prosecuted and to provide humanitarian relief to victims of the conflict.

As part of her efforts to promote human rights around the world, we traveled together on a commission delegation to Greece in 1998 to advance the rights of Roma, Europe's largest ethnic minority population that historically faced persecution, were the victims of genocide during the Second World War, and continue to face disproportionate levels of racism and discrimination to this day.

Few other Members of Congress, House or Senate, matched her ongoing and effective engagement. During her time on the Helsinki Commission, Louise represented the United States at numerous meetings of the Organization for Security and Co-operation in Europe, OSCE, Parliamentary Assembly, an interparliamentary body which has encouraged diplomats to focus on issues of concern and importance to the United States, especially human rights and fundamental freedoms. From 1993 to 2010, she participated in more than a dozen assembly meetings as a member of U.S. delegations, helping to show the depth of our country's commitment to transatlantic relations.

LOUISE was born in Kentucky. Her father was a blacksmith for a coal mine. She had a sister who died of pneumonia as a child, which impelled Louise to pursue degrees in microbiology and public health at the University of Kentucky. She moved to New York to work for Procter & Gamble and was elected to the New York State Assembly in 1982 and then to the U.S. House of Representatives in 1986. We were House freshmen together. She coauthored the Violence Against Women Act—VAWA—secured funding for breast cancer research, and was responsible for establishing an office of research on women's health at the National Institutes of Health, NIH. In 2007, she became the first woman in U.S. history to chair the House Committee on Rules.

LOUISE was legendary in the Rochester area as her constituents know well. Her background as a microbiologist shaped her priorities in securing infrastructure upgrades, research funding for local universities, and bringing two manufacturing institutes to the area. She most recently secured funding for Rochester's new Amtrak station, which is rightfully being renamed in her memory.

LOUISE was universally respected, and it has been an honor to call her a friend and colleague, as well as to have served on the Helsinki Commission with her for two decades. My thoughts and prayers go out to her children and the rest of her family, friends, and constituents during this difficult time. She had an extraordinary life and her myriad accomplishments on behalf of her constituents, other New Yorkers, all Americans, and indeed all of humanity secure her legacy and are a wonderful testament of her commitment to public service.

NATIONAL STOP THE BLEED DAY

Mr. BLUMENTHAL. Mr. President, I would like to take the time to recognize March 31, 2018, as National Stop the Bleed Day. Stop the Bleed is a program offered by the American College of Surgeons to help educate the general public on techniques to assist victims suffering from uncontrolled bleeding using direct pressure, gauze and bandages, and tourniquets. As someone who has personally been trained to "Stop the Bleed," I can attest to its importance and value.

Each year, more than 180,000 people die from traumatic injuries sustained as a result of events including vehicle crashes, falls, industrial and farm accidents, shootings, and natural disasters. The most common preventable cause of these deaths is losing too much blood in the minutes before trained responders arrive. Just like CPR training, a civilian familiar with basic bleeding control techniques is better equipped to save a life. The effort to make this training available to the public is driven by the goal to reduce or eliminate preventable death from bleeding.

I urge my colleagues to join me in recognizing National Stop the Bleed Day so that we may raise awareness and work to end the loss of life from uncontrolled bleeding by getting trained to "Stop the Bleed."

WEEK ON THE STATUS OF BLACK WOMEN

Ms. HARRIS. Mr. President, on behalf of myself and Senator Gillibrand, we rise to request that, for the 4th year in a row, the U.S. Government officially recognize the last week in March as the Week on the Status of Black Women. During the week of March 26, 2018, as part of Women's History Month and in honor of the UN International Decade for People of African Descent, several leading social justice organizations will be holding events across the country to honor Black women's momentous contributions to our country and to shed light on the struggles Black women continue to face in American society.

Black women have long gone above and beyond the call of duty in their contributions to American civic society, particularly when it comes to voter turnout and political participation. They have routinely stepped up as leaders and bulwarks in their communities, sacrificing their own health and time for the betterment of others. Even in the face of grave oppression dating back to our Nation's origins, Black women have continued to stand strong and contribute to the well-being of families, communities, the economy, and our country as a whole. A recognition of the Week on the Status of Black Women would send a critical message that the government wishes to elevate Black women's role in history and contemporary society and recognizes the unique struggles they continue to experience today.

Black women have played a critical role in this Nation's history and evolution, often with little thanks or recognition. Harriet Tubman escaped slavery and bravely returned to the enslaved South over a dozen times to herald her people to freedom on the Underground Railroad. She served in the Union army as a spy, a medic, and the first woman ever to lead an armed expedition; yet despite this immense service to our country, we are still debating her recognition on our currency. A century later, Rosa Parks resisted the continued oppression and marginalization of her people. Before she was the face and organizational leader of the Montgomery Bus Boycott, she led campaigns against the sexual harassment and assault of Black women. The Week on the Status of Black Women offers us a chance to honor and uplift the sacrifices of Black women such as Harriet Tubman and Rosa Parks, who gave us so much and received so little in return.

It gives us an opportunity to add new names to celebrate to this list, for contributions that build the future as much as they ground the past. This week of recognition honors so many of whom we are proud, an infinite list at which we can only hint. It includes those hidden figures who did the math to get us to the stars—Katherine Johnson, Dorothy Vaughan, Mary Jackson, and Dr. Christine Darden—and the interstellar figures who have actually been there, like Dr. Mae Jemison, the first African-American woman astronaut to travel in space; those consciousness raisers who provoked thought and progress in a country that needed to catch up with them, like Pauli Murray, who graduated first in her class from Howard Law and offered up the visionary arguments that won *Brown v. Board of Education*, and Chimamanda Ngozi Adichie, who has issued an international invitation to embrace feminism; those courageous testifiers who spoke out with such foresight, from Anita Hill's willingness to speak her own truth to power, to Tarana Burke, whose compassionate decision to say "Me Too" inspired and named a movement that is changing the world; those athletes and artists who inspire us with their unprecedented feats and the lyricism of their movement, from American Ballet Theater's principal dancer Misty Copeland to America's swiftest young icon on ice, Maame Biney; and those who hold and disseminate knowledge, expanding our horizons and our minds, like Monica Drake, who last year became the first African-American woman on the New York Times' print masthead, and Carla Hayden, a visionary librarian who is the first woman and first African American to lead the Library of Congress, the largest library in the world.

We celebrate that this momentous week gives us an opportunity to both enrich the historical record, and to enliven our future possibilities. We know

that raising the stories of Black women in every walk of life teaches little girls to see themselves in all their full and powerful potential.

As we anticipate the future, we must also stand to recognize that, while Black women have dedicated themselves to bettering our country, they continue to face countless barriers to full inclusion and equality in American society. Black women are disproportionately subject to compromising health conditions, such as poor-quality environments in impoverished neighborhoods, food deserts, and a lack of access to basic healthcare—conditions that make them more susceptible to life-threatening diseases such as HIV and heart disease and which often make highly treatable illnesses, like breast cancer, lethal. Single Black women's median wealth is just \$100, while single White women have a median wealth of \$41,000; and White households have a median wealth of 13 times more than Black households. Even more alarming, around half of single Black women have zero or negative wealth, meaning their debt equals or exceeds their assets. On average, Black women workers are paid only 67 cents on the dollar relative to White non-Hispanic men, even after controlling for education, years of experience, and location.

Further, while Black women, especially trans Black women, are exceptionally vulnerable to violence, both at the hands of the state and at the hands of intimate partners, often they are not listened to or believed when they speak out. On all these fronts, we can and must do better, and we will.

In conjunction with the congressional declaration, a coalition of organizations advocating for the well-being of women and communities of color will partner to elevate the stories, histories, and realities of Black women's lives through a series of events entitled "Her Dream Deferred". These events will address a number of issues facing Black women today, including maternal mortality, sexual assault and harassment, political participation, and police violence through artistic expression and academic fora.

Exploring these issues and acknowledging the centrality of Black women to our history and social fabric, along with recognizing the uniquely gendered and racialized inequities they face, is critical as we seek to extend equal rights to all Americans. We hope and request that this year will be a continuation of years past in celebration and recognition of Black women through the Week on the Status of Black Women.

Thank you.

TRIBUTE TO MARY ANNE SCIUTO

Mr. MARKEY. Mr. President, today, I wish to recognize Mary Anne Sciuto for more than 38 years of service to the Federal Government. As Boston's first full-time congressional liaison, Mary

Anne will retire at the end of March from her post as district congressional lead at U.S. Citizenship and Immigration Services' Boston district office.

Mary Anne's expertise, combined with her eagerness to assist the people of Massachusetts, has been an invaluable resource to me and my staff. Throughout her venerated career, she has assisted countless immigrants and refugees and has made the difference for individuals and families who dream of making the United States their home. Though navigating our Nation's immigration system can be a long and complicated process, Mary Anne is widely known for her patience and compassion. She has continually provided my office with important advice and training to ensure that we best meet the needs of our constituents. While she will be sorely missed, her legacy of helping and mentoring so many during her long career will live on.

My staff and I would like to extend our sincere gratitude to Mary Anne for her years of dedicated service and wish her well as she embarks on this next chapter in her life.

Congratulations, Mary Anne, and thank you for the enormous contributions you have made to the community, the Commonwealth of Massachusetts, and the United States of America.

ADDITIONAL STATEMENTS

TRIBUTE TO J. MICHAEL "MIKE" NUSSMAN

• Mr. CARDIN. Mr. President, I want to take this opportunity to congratulate J. Michael "Mike" Nussman, who is retiring next week from the American Sportfishing Association, ASA, the trade association that represents the recreational fishing industry. Mr. Nussman joined the ASA's government relations team in 1992 and became president and chief executive office of the association in 2001. I am proud to call him a fellow Marylander.

Sportfishing provides outdoor recreation for more than 47 million Americans each year. In Maryland, we are blessed with some of the best fishing opportunities in the Nation. From fishing for striped bass—"rockfish"—on the Chesapeake Bay, to fly fishing for trout on the Gunpowder, to fishing for smallmouth bass on the Potomac, we have great waters and angling throughout our State. Whether casting for yellow perch and pickerel on the Eastern Shore or trolling for tuna and white marlin off Ocean City, fishing in Maryland provides opportunities for young people and families to get into the great outdoors and enjoy our public lands and waters.

Like many other outdoor industries, sport fishing is sometimes overlooked as a significant job generator and economic engine. The U.S. Fish and Wildlife Service estimates that, nationwide,

recreational fishing generates \$48 billion in retail sales, \$115 billion in total economic activity, and 828,000 jobs. In 2016, Congress passed the Outdoor Recreation Jobs and Economic Impact Act. Because of that legislation, in 2018, the U.S. Commerce Department Bureau of Economic Analysis included outdoor recreation's impact, including fishing and boating, in our Nation's gross domestic product, GDP, for the first time.

Possibly the most important aspect of recreational fishing is that sportfishing manufacturers, anglers, and boaters pay for most of State fish and wildlife agencies' fisheries conservation and boating programs. Through special Federal excise and fishing license sales, anglers and boaters are providing more than \$1.2 billion each year in funds that are allocated to the States.

Much of this progress is due to the leadership of Mr. Nussman, who hails from Crownsville, MD. While ASA has been a trade association since 1933, it has really been in the past 25 years—a period that coincides with his tenure—that the organization has assumed more of a leadership role in the angling community.

With the support of ASA, the aforementioned excise taxes have been expanded to cover programs such as wetlands restoration, boating safety and infrastructure, and the establishment of the Recreational Boating & Fishing Foundation, RBFF. In fact, Mike Nussman led the effort to establish RBFF to turn around a decline in recreational fishing participation, which started to appear in the 1990s. The most recent data indicate an upward trend in recreational fishing, including among more diverse and urban communities.

Mr. Nussman's success should come as no surprise. He worked for the Senate Commerce Committee and then Chairman Fritz Hollings of South Carolina. Mr. Nussman was the lead professional staff member for the subcommittee that oversees fisheries policy, the National Ocean and Atmospheric Administration, NOAA, and the U.S. Coast Guard. Prior to that, Mr. Nussman worked for the South Carolina Sea Grant Program, earning undergraduate and graduate degrees in science, and an MBA from the University of South Carolina.

Mr. Nussman's tenure at the ASA also has improved the organization's business operations. The sportfishing industry's annual trade show is now the largest in the world. His leadership has made the organization financially strong, helping it weather economic downturns. He has also served on numerous boards of directors and advisory groups, from the Theodore Roosevelt Conservation Partnership to the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources. He has served as a U.S. Commissioner on the International Commission for the Conservation of Atlantic Tunas.

Trade associations serve a unique role by allowing companies in the same industry to come together to express their views on issues affecting the entire industry. They are an important segment of our U.S. private sector and provide a legal, accepted mechanism to allow small and large companies in an industry to have a common voice when working with the Congress, the Executive, the States, and local governments. When Mr. Nussman joined the ASA, he brought special expertise as a former Senate staffer to the recreational fishing industry and conservation communities. So upon the occasion of his retirement, I think it appropriate that he be recognized and congratulated today for a job well done. Anglers and sportfishing-related businesses in Maryland and across our Nation can be thankful that he has been at the ASA helm.

I wish him all the best as he begins the next chapter in his life which will include, presumably, even more time for fishing.●

TRIBUTE TO TONY PRATT

● Mr. CARPER. Mr. President, it is with great pleasure that I rise on behalf of the Delaware delegation to honor the exemplary service of Tony Pratt, administrator of the Shoreline and Waterway Management section within the Delaware Department of Natural Resources and Environmental Control. Tony has devoted his life's work to preserving our coastal communities and documenting its beauty through his talented photography.

Tony, sometimes known affectionately around Delaware as the Sand Man, is an expert on natural coastal infrastructure including beaches, dunes, and wetlands. He has ensured that Delaware has safe, clean, and broad beaches for its nearly 3 million visitors a year to enjoy. As a leader of the American Shore and Beach Preservation Association, he has an understanding of the complexities facing the coastal resources not just in Delaware, but around our great Nation. He is so well respected in his field that, in February 2017, he testified before the U.S. Senate Committee on the Environment and Public Works on the value of beaches, dunes, wetlands, and other natural coastal infrastructure.

Tony has been a key figure in turning around Delaware's beaches from being in a state of chronic erosion in the 1990s, to today serving as a top tourist destination and providing protection during the strongest of storms. These storms have continuously battered the coastline and back bays; however, Delaware coastal communities have fared better than most due to beach renourishment projects and mitigation work in the back bays. Tony has led these efforts not only to try and prepare for the next superstorm, but learn from past storms in order to keep our roads, bridges, homes, businesses, and animal habitats safe from rising waters.

You would be hard pressed to find him behind a desk, especially during a storm. You are more likely to find him standing in the water, investigating the environment, and possibly even taking photos of the beautiful land and sea. He is there for Delaware any time of the day and night, on weekends and holidays. He is personally vested in his work and has somehow maintained that same level of passion for nearly four decades.

On behalf of Delaware Senator CHRIS COONS and our Congresswoman, LISA BLUNT ROCHESTER, I wholeheartedly thank Tony Pratt for his service to Delaware. His model leadership and dedication has served to improve our coastal communities and Delawareans' quality of life. We offer Tony our sincere congratulations on a job well done and wish him well as he embarks on the next chapter of his career.

When people in the Navy accomplish extraordinary things in their lives, we say, "Bravo Zulu!" Today we are in your debt, and we are deeply grateful, as well, to your family for sharing with the people of Delaware and America for all these years a very good man.●

REMEMBERING RICHARD E. "DICK" HAINES

● Mr. DAINES. Mr. President, I have the honor of remembering Mr. Richard E. "Dick" Haines as he is laid to rest at the Western Montana State Veterans Cemetery with full military honors on April 6, 2018.

Dick was born in Billings, MT, on September 28, 1936, and spent much of his life in service to our great State. Dick graduated from Montana State University in 1959 with a degree in mechanical engineering, while also completing the Army's ROTC program. After serving in the U.S. Army as an officer teaching marksmanship skills and shooting on Army rifle teams, Dick began his engineering career. In 1962, he was offered an engineering position with the U.S. Forest Service. During his career, he served on the Kootenai, Kaniksu, Clearwater, Deer Lodge, and Siskiyou Forests. His years of public service, however, did not stop there. From 1999 through 2004, Dick served in the Montana State House of Representatives, where he played a key role in the establishment of the Western Montana State Veterans Cemetery. In addition, he served a total of 8 years on the Missoula City Council and served for countless years with many other local organizations.

When Dick wasn't serving his constituents or volunteering, he enjoyed Montana's beautiful outdoor recreational activities, including hunting, fishing, hiking and backpacking. His selfless public service and commitment to volunteering will never be forgotten.●

TRIBUTE TO LOYD RENNAKER

● Mr. DAINES. Mr. President, this week I have the honor of recognizing

Darby Superintendent Loyd Rennaker for his 24 years of service to the Darby School District.

After graduating from Darby himself, Loyd furthered his education at the University of Montana Western. With degrees to teach high school math and chemistry, Loyd first taught for 1 year in Malta before returning to Darby. Since then, he has served the school district in a number of roles, including as high school math and science teacher, elementary school principal, high school principal, athletic director, coach, and superintendent.

As superintendent, Loyd helped bring high-speed internet to the town of Darby, providing more opportunity to students and teachers, as well as the whole Darby community.

Loyd Rennaker is a wonderful example of Montana's rich heritage of deep community ties. He has had a great career at Darby schools and has loved teaching and watching students grow into successful citizens. After 25 years of investing in the next generation, Loyd will retire from the Darby School District in June.

Thank you, Loyd, for all your hard work and service.●

TRIBUTE TO AIDAN VERESS

● Mr. DAINES. Mr. President, this week I have the honor of recognizing 14-year-old Aidan Veress for winning the Treasure State Spelling Bee for the second year in a row. Aidan is no stranger to success when it comes to spelling. He has competed in spelling bees since the second grade and has won the Park County Spelling Bee 3 years in a row.

When asked about his preparation for success, Aidan talks about his love for reading. Beyond memorization of words, Aidan also studies pronunciation, the definitions, and even the rules for various languages. His advice for younger Montanans who wish to win spelling bees is this: Read often, study by yourself and with friends, properly enunciate, push yourself to grow your vocabulary, and stay calm.

Aidan dreams of going to college 1 day and perhaps even working in a STEM field, but for right now, he is busy reading, hiking, camping, traveling, playing basketball and video games, and making Montana proud. This two-time State champ will represent Montana in the Scripps National Spelling Bee in Washington, DC, this May.

Congratulations, Aidan, you make us Montana proud.●

TRIBUTE TO DOROTHY P. CAMPBELL

● Ms. HASSAN. Mr. President, today I wish to recognize and extend my sincerest congratulations and happy birthday wishes to Dorothy P. Campbell, who will celebrate her 100th birthday on March 23, 2018.

Dorothy was born in Langdon, NH, on March 23, 1918, to Frank and Frances

Pelton. On October 4, 1936, Dorothy married Rodney H.J. Campbell, and together, they raised 11 children in the same town where Dorothy was born. Dorothy is extremely proud of her 32 grandchildren, 44 great-grandchildren, and 20 great-great-grandchildren.

Dorothy spent several years as a homemaker before beginning work as a spinner in a local mill. Dorothy also drove a school bus before her retirement. Today Dorothy spends her free time playing cribbage, completing puzzles, reading, and crocheting. In the last 10 years, Dorothy has crocheted nearly 160 blankets for each of her family members and for several charities. As an active member in her community, Dorothy is involved in the Congregational Church, the Langdon Community Club, and the Warren Pond Grange.

I hope you join me, Dorothy's friends and family, and many people in the town of Langdon and across the Granite State in wishing Dorothy Campbell a very happy 100th birthday.●

RECOGNIZING COLYER HEREFORDS AND ANGUS

● Mr. RISCH. Mr. President, as you may know, agriculture is vital to the economic success of my home State of Idaho, and ranching in particular has a long and proud history in the State. A rancher myself, I know that operating a ranch and managing land and cattle are challenging propositions that require quite a bit of industriousness and determination. While American ranches are often depicted as those with huge quantities of cattle and vast land holdings, it is important to remember the numerous small, family owned agricultural operations that exist all across our country. These smaller enterprises, like Colyer Herefords and Angus Ranch in Bruneau, are successful in part because they are committed to finding innovative ways to meet specific market demands. It is my pleasure as the chairman of the Senate Committee on Small Business and Entrepreneurship to recognize Colyer Herefords and Angus Ranch as the Senate Small Business of the Month for March 2018 and to highlight the unique story of their family focused small business.

Not only do small businesses like Colyer's make a positive economic impact to State, local, and national economies, but they also contribute to the well-being of our communities. A mainstay in the Bruneau community, the Colyers have been in business for more than 42 years. This family owned business has worked diligently, incorporated new innovations into their business model, and displayed dedication to the quality of their product.

Located just 60 miles southeast of Boise along the beautiful Snake River, Colyer Hereford and Angus Ranch has truly been a family run operation for decades. In 1976, the ranch's founders, Ray and Bonnie Colyer, sold their Bu-

reau of Land Management permit and moved their herd to deeded lands and rented private lands in order to better monitor the health and quality of their cattle. This early commitment to the quality of their purebred bulls and sires has continued and is a key to their success in building a loyal customer base over the years. Innovation has also been a major focus for the Colyer family, passed from generation to generation. For example, in 1993, Ray and Bonnie added an Angus cattle herd to the ranch as a response to commercial customer demand for a breed of cattle uniquely suited to Idaho's environment. Additionally, the ranch has adapted a number of innovative technologies to help select the finest bulls and sires to breed superior cattle for their customers, including ultrasound, artificial insemination, DNA markers, herd management software, and embryo transplants.

Today the ranch is managed by Ray and Bonnie's son and grandson, Guy and Kyle. Kyle and his sister Katie grew up helping out on the family ranch, which fostered their shared love of the industry. The two went on to pursue animal science degrees in college and were active in agriculture activities such as livestock judging and ag student government. Since graduating, both have helped their father, Guy, with the family business. Kyle helps with the day-to-day management of the ranch, while Katie coordinates cattle shows, manages auction broadcasts, and travels to sales across the country. Katie is also a part-time employee of the Idaho Cattlemen's Association and owns her own video production company. The Colyer family and their enterprise have also greatly benefited from the hard work and expertise of longtime employees Adan Juarez and Tony Willis, who have worked on the ranch for over 30 and 15 years, respectively.

Apart from the Colyers' commitment to their product, their commitment to the community is also self-evident. Several members of the family serve as emergency first responders on a volunteer basis in the Bruneau area. Guy is a member of several local and national cattle associations, including the Owyhee County Cattle Association, the Idaho Cattle Association, and the National Cattlemen's Beef Association. He also serves on the board of directors of the American Hereford Association. Guy and his wife, Sherry, have also served as advisers for the American Junior Hereford Association to help mentor the next generation of ranchers.

Colyer Herefords and Angus has been a pillar of Bruneau and surrounding communities for many, many years. This family owned business is a prime example of the American entrepreneurial spirit. Through hard work, a commitment to a quality product, and community service, the ranch has thrived as a small family owned agricultural operation.

I would like to extend my sincerest congratulations to the Colyer family and all of the employees at Colyer Herefords and Angus for being selected as the March 2018 Small Business of the Month. You make our great State of Idaho proud, and I look forward to watching your continued growth and success.●

TRIBUTE TO TAMMY FREEMAN

● Mr. RUBIO. Mr. President, today I recognize Tammy Freeman, the Broward County Teacher of the Year from Monarch High School in Coconut Creek, FL.

Tammy received the Teacher of the Year award because of her efforts to challenge and encourage young learners to grow as critical thinkers. She empowers her students by not only instilling skills to help them become successful in life, but also by helping them see how important their own voice truly is. Instead of giving her students the answers, which she believes makes them dependent on her, Tammy instead empowers her students by teaching them the process to discover the answers on their own. According to her, this will help them become better thinkers and learners throughout their lifetime.

Tammy believes a commitment to personalized instruction builds students' confidence in their abilities and a strong foundation for a lifetime of learning. Tammy is dedicated to knowing each of her students and walks into her classroom each day with the desire to inspire her students, the same way she was inspired by her own teachers.

Tammy has been an English teacher at Monarch High School for 10 years and serves as chair of the language arts department. Her passion for her work has earned the respect and admiration of both students and colleagues, and she has shown outstanding ability as both collaborator and leader.

I would like to express my sincere thanks and appreciation to Tammy for all the hard work she has done for her students, and I extend my best wishes on her continued success in the years to come.●

TRIBUTE TO LILLIEMARIE GORE

● Mr. RUBIO. Mr. President, today I recognize Lilliemarie Gore, the Alachua County Teacher of the Year from Idylwild Elementary School in Gainesville, FL.

When Lilliemarie was named Teacher of the Year, she thanked two of her own teachers who played important roles in her life, Mrs. Jackson and Mrs. Gloria Jean Merriex. Mrs. Jackson was her third-grade teacher who inspired her to use education as a vehicle to escape the tough Miami neighborhood where she grew up. Mrs. Merriex was a teacher Lilliemarie worked with at Duval Elementary School who was known for using rhymes, music, and other innovative techniques to teach math to students.

While Lilliemarie learned about teaching concepts and theories in college, she said the 4 years of mentoring by Gloria taught her the fundamentals of teaching. Lilliemarie says teaching starts with having a genuine love for students and believes that, when the children know you love them, they are willing to jump through hoops to do whatever needs to be done. She loves her kids with everything she has, and they know she loves them.

Lilliemarie attended the University of Florida and earned degrees in early elementary and special education. She is a fourth-grade teacher at Idylwild Elementary School and has been an Alachua County Public School teacher for 5 years.

I would like to extend my sincere thanks and appreciation to Lilliemarie for all the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE HOUSE

At 10:35 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3731) to provide overtime pay for employees of the United States Secret Service, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5247. An act to authorize the use of eligible investigational drugs by eligible patients who have been diagnosed with a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months, or with another eligible illness, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 2040. An act to designate the facility of the United States Postal Service located at 621 Kansas Avenue in Atchison, Kansas, as the "Amelia Earhart Post Office Building".

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 11:22 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1865. An act to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 2:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the

following bills, in which it requests the concurrence of the Senate:

H.R. 4227. An act to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes.

H.R. 4467. An act to require the Federal Air Marshal Service to utilize risk-based strategies, and for other purposes.

H.R. 5089. An act to improve threat information sharing, integrated operations, and law enforcement training for transportation security, and for other purposes.

H.R. 5131. An act to improve the effectiveness of Federal efforts to identify and address homeland security risks to surface transportation, secure against vehicle-based attacks, and conduct a feasibility assessment of introducing new security technologies and measures, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 116. Concurrent resolution providing for a correction in the enrollment of H.R. 1625.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1625) to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

At 3:20 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3731. An act to provide overtime pay for employees of the United States Secret Service, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 3:56 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4851) to establish the Kennedy-King National Commemorative Site in the State of Indiana, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4227. An act to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4467. An act to require the Federal Air Marshal Service to utilize risk-based strategies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5089. An act to improve threat information sharing, integrated operations, and law enforcement training for transportation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5131. An act to improve the effectiveness of Federal efforts to identify and address homeland security risks to surface transportation, secure against vehicle-based attacks, and conduct a feasibility assessment of introducing new security technologies and measures, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5247. An act to authorize the use of eligible investigational drugs by eligible patients who have been diagnosed with a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months, or with another eligible illness, and for other purposes.

S. 2629. A bill to improve postal operations, service, and transparency.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 22, 2018, she had presented to the President of the United States the following enrolled bills:

S. 2030. An act to deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020, and for other purposes.

S. 2040. An act to designate the facility of the United States Postal Service located at 621 Kansas Avenue in Atchison, Kansas, as the "Amelia Earhart Post Office Building".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4636. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Restructuring of Regulations on the Importation of Plants for Planting" (RIN0579-AD75) received in the Office of the President of the Senate on March 20, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4637. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost (PAUC) for the Littoral Combat Ship (LCS) Mission Modules (MM) Program; to the Committee on Armed Services.

EC-4638. A communication from the Acting Director, Consumer Financial Protection Bureau, transmitting, pursuant to law, the 2018 annual report relative to the Fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-4639. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant General Counsel (Treasury)/Chief Counsel, Department of the Treasury, received in the Office of the President of the Senate on March 20, 2018; to the Committee on Finance.

EC-4640. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Report to the Congress: Medicare Payment Policy"; to the Committee on Finance.

EC-4641. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification to Revenue Procedure 2018-4" (Rev. Proc. 2018-19) received in the Office of the President of the Senate on March 20, 2018; to the Committee on Finance.

EC-4642. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Issuance of Opinion and Advisory Letters for Pre-approved Defined Benefit Plans for the Second Six-Year Cycle, Deadline for Employer Adoption of the Pre-approved Plans, and Opening of Determination Letter Program for the Pre-approved Plan Adopters" (Announcement 2018-05) received in the Office of the President of the Senate on March 20, 2018; to the Committee on Finance.

EC-4643. A communication from the United States Trade Representative, Executive Office of the President, transmitting a report relative to the ongoing negotiations in the World Trade Organization (WTO) known as the WTO Environmental Goods Agreement (EGA); to the Committee on Finance.

EC-4644. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Belarus; to the Committee on Finance.

EC-4645. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Finance.

EC-4646. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2018-0024–2018-0029); to the Committee on Foreign Relations.

EC-4647. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the Benjamin A. Gilman International Scholarship Program for 2016; to the Committee on Foreign Relations.

EC-4648. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the Benjamin A. Gilman International Scholarship Program for 2015; to the Committee on Foreign Relations.

EC-4649. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a waiver of section 1003 of Public Law 100-204 regarding the Palestine Liberation Organization Office; to the Committee on Foreign Relations.

EC-4650. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "United States Participation in the United Nations in 2013"; to the Committee on Foreign Relations.

EC-4651. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the National Credit Union Administration's fiscal year 2017 annual report relative to the Notifica-

tion and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-4652. A communication from the Executive Director, Office of Equal Employment Opportunity, Central Intelligence Agency, transmitting, pursuant to law, the Agency's fiscal year 2014 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 70. A bill to amend the Federal Advisory Committee Act to increase the transparency of Federal advisory committees, and for other purposes (Rept. No. 115-217).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 374. A bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products (Rept. No. 115-218).

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals for Fiscal Year 2018" (Rept. No. 115-219).

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 426. A resolution supporting the goals of International Women's Day.

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 429. A resolution commemorating the 59th anniversary of Tibet's 1959 uprising as "Tibetan Rights Day", and expressing support for the human rights and religious freedom of the Tibetan people and the Tibetan Buddhist faith community.

By Mr. CORKER, from the Committee on Foreign Relations, without amendment:

H.R. 1660. A bill to direct the Administrator of the United States Agency for International Development to submit to Congress a report on the development and use of global health innovations in the programs, projects, and activities of the Agency.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Thomas T. Cullen, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

Robert K. Hur, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

David C. Joseph, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

By Mr. BURR for the Select Committee on Intelligence.

*Army nomination of Lt. Gen. Paul M. Nakasone, to be General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to

respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. HASSAN (for herself and Mrs. CAPITO):

S. 2589. A bill to amend title V of the Public Health Service Act to establish a grant program to create comprehensive opioid recovery centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DONNELLY (for himself and Mr. GRAHAM):

S. 2590. A bill to authorize previously appropriated resources for communities to address persistent or historical crime through collaborative cross-sector partnerships; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Mr. BOOKER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Mr. LEAHY, Mr. MARKEY, Mr. MERKLEY, Mr. MENENDEZ, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mrs. SHAHEEN, Mr. UDALL, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. BROWN, Ms. CORTEZ MASTO, Mr. HEINRICH, and Mr. SCHATZ):

S. 2591. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mrs. ERNST:

S. 2592. A bill to establish a competitive bidding process for the relocation of the headquarters of Executive agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD (for himself, Ms. KLOBUCHAR, Mr. GRAHAM, Ms. HARRIS, Ms. COLLINS, Mr. HEINRICH, Mr. BURR, and Mr. WARNER):

S. 2593. A bill to protect the administration of Federal elections against cybersecurity threats; to the Committee on Rules and Administration.

By Mr. MURPHY:

S. 2594. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion of gain or loss from the sale or exchange of certain brownfield sites from unrelated business taxable income, and to extend expensing of environmental remediation costs; to the Committee on Finance.

By Mr. FLAKE (for himself and Mr. COONS):

S. 2595. A bill to amend the Zimbabwe Democracy and Economic Recovery Act of 2001; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. 2596. A bill to amend the Higher Education Act of 1965 to amend the process by which students with certain special circumstances apply for Federal financial aid; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. ISAKSON, Mr. BROWN, Mr. BLUNT, Mr. WHITEHOUSE, Mr. PORTMAN, Ms. WARREN, Mr. ROBERTS, Mr. MURPHY, Mr. CORNYN, Mr. REED, Mr. PERDUE, and Mr. BLUMENTHAL):

S. 2597. A bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself, Mrs. GILLIBRAND, Mr. BOOKER, Ms. HARRIS, Mr. MERKLEY, Ms. WARREN, Mr. BROWN, Mr. BLUMENTHAL, and Ms. BALDWIN):

S. 2598. A bill to establish State-Federal partnerships to provide students the opportunity to attain higher education as in-State public institutions of higher education without debt, to provide Federal Pell Grant eligibility to DREAMer students, to repeal suspension of eligibility under the Higher Education Act of 1965 for drug-related offenses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SMITH:

S. 2599. A bill to provide for the transfer of certain Federal land in the State of Minnesota for the benefit of the Leech Lake Band of Ojibwe; to the Committee on Indian Affairs.

By Mr. PAUL (for himself and Ms. HEITKAMP):

S. 2600. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services; to the Committee on Finance.

By Mr. COONS (for himself and Mr. HATCH):

S. 2601. A bill to amend the Leahy-Smith America Invents Act to extend the period during which the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office may set or adjust certain fees, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. WHITEHOUSE, Mrs. CAPITO, and Ms. HEITKAMP):

S. 2602. A bill to support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself, Ms. WARREN, and Ms. BALDWIN):

S. 2603. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified conservation contributions which include National Scenic Trails; to the Committee on Finance.

By Mr. CASEY:

S. 2604. A bill to amend the Oil Region National Heritage Area Act to reauthorize the Oil Region National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. BALDWIN (for herself, Ms. WARREN, and Mr. SCHATZ):

S. 2605. A bill to prohibit public companies from repurchasing their shares on the open market, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHATZ (for himself, Mrs. CAPITO, and Mr. UDALL):

S. 2606. A bill to require the Secretary of Health and Human Services to award grants for training health professionals to treat opioid addiction and other substance use disorders through using technology-enabled models, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself, Mr. NELSON, and Mr. REED):

S. 2607. A bill to provide family members of an individual who they fear is a danger to himself, herself, or others, or law enforce-

ment, with new tools to prevent gun violence; to the Committee on the Judiciary.

By Ms. WARREN (for herself and Mrs. CAPITO):

S. 2608. A bill to provide that a risk evaluation and mitigation strategy communication plan may include information about Federal and State prescribing requirements for controlled substances; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURPHY (for himself and Mrs. CAPITO):

S. 2609. A bill to amend the Public Health Service Act to provide grants for State alcohol and drug agencies to use recovery coaches in hospital emergency departments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CAPITO (for herself and Mr. MURPHY):

S. 2610. A bill to require the Secretary of Health and Human Services to provide coordinated care to patients who have experienced a non-fatal overdose after emergency department discharge, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE:

S. 2611. A bill to amend the Food Security Act of 1985 to repeal the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MARKEY:

S. 2612. A bill to provide for the establishment of clean technology consortia to enhance the economic, environmental, and energy security of the United States by promoting domestic development, manufacture, and deployment of clean technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. BARRASSO):

S. 2613. A bill to amend title XVIII of the Social Security Act to improve access to mental health services under the Medicare program; to the Committee on Finance.

By Mr. THUNE:

S. 2614. A bill to amend the Food Security Act of 1985 to improve the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SMITH (for herself and Mr. YOUNG):

S. 2615. A bill to establish an interagency One Health Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 2616. A bill to prioritize education and training for current and future members of the environmental health workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOZMAN (for himself and Mr. COTTON):

S. 2617. A bill to recognize the National Aviation Cadet Museum of the United States; to the Committee on Energy and Natural Resources.

By Mr. RUBIO:

S. 2618. A bill to amend subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 in order to ensure that grant activities do not discourage the reporting of violent offenses or interfere with Federal, State, or local law enforcement agencies; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SMITH:

S. 2619. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize energy programs through fiscal year 2023, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PETERS:

S. 2620. A bill to establish a Federal cyber joint duty program for cyber employees of

Federal agencies; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN (for herself, Mrs. MURRAY, Mr. BROWN, Ms. WARREN, Mr. MARKEY, and Mr. SANDERS):

S. 2621. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for high gravity violations, to adjust penalties for inflation, to provide rights for victims or their family members, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mrs. SHAHEEN, and Mr. LANKFORD):

S. 2622. A bill to require directors of medical facilities of the Department of Veterans Affairs to submit plans to the Secretary of Veterans Affairs on how to improve such facilities, to provide rights for victims; to the Committee on Veterans' Affairs.

By Mr. COTTON (for himself and Mr. RUBIO):

S. 2623. A bill to require the Secretary of Transportation to modify hours of service requirements to include all fish in the definition of "agricultural commodity", and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER (for himself and Mr. LEE):

S. 2624. A bill to amend the Food Security Act of 1985 to make adjustments to the environmental quality incentives program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Ms. HARRIS, and Mr. CORKER):

S. 2625. A bill to amend title 17, United States Code, to provide for the payment of performance royalties to certain producers, mixers, and sound engineers of sound recordings, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG (for himself and Mr. CASSIDY):

S. 2626. A bill to clarify the requirements for receiving certain grants through the National Mental Health and Substance Use Policy Laboratory; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, and Mr. WHITEHOUSE):

S. 2627. A bill to appropriately restrict sales of ammunition; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 2628. A bill to reaffirm the Mashpee Wampanoag Tribe reservation, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARPER (for himself, Mr. MORAN, Ms. HEITKAMP, and Mrs. MCCASKILL):

S. 2629. A bill to improve postal operations, service, and transparency; read the first time.

By Ms. DUCKWORTH:

S. 2630. A bill to amend section 5707 of title 5, United States Code, to require the General Services Administration to make information regarding travel by the heads of Executive agencies and other individuals in senior positions publicly available; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRAHAM:

S.J. Res. 56. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Payday, Vehicle, Title, and Certain High-Cost Installment Loans"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MORAN (for himself, Mr. TOOMEY, Mr. ENZI, Mr. ROUNDS, Mr. LANKFORD, Mr. KENNEDY, Mr. HATCH, Mr. WICKER, Mr. HOEVEN, Mr. BLUNT, Mr. JOHNSON, Mr. INHOFE, Mr. HELLER, Mr. ISAKSON, Mr. SCOTT, and Mr. BOOZMAN):

S.J. Res. 57. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act"; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. BENNET, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HARRIS, Mr. HEINRICH, Ms. HIRONO, Mr. MARKEY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHUMER, Ms. SMITH, Mr. UDALL, and Ms. WARREN):

S. Res. 441. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. COONS (for himself, Mr. RUBIO, Mr. PORTMAN, and Mrs. SHAHEEN):

S. Res. 442. A resolution expressing solidarity with the United Kingdom after the nerve agent attack in Salisbury; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. DURBIN, Mr. MURPHY, Mr. REED, Mr. CASEY, Mr. WYDEN, Mr. VAN HOLLEN, Mr. GARDNER, Mr. ENZI, Mr. NELSON, Mr. COONS, Mr. BOOKER, Mr. CARPER, Mr. JOHNSON, Mr. RUBIO, Mr. CARDIN, Mr. DONNELLY, Mr. BENNET, Mrs. SHAHEEN, and Mr. PERDUE):

S. Res. 443. A resolution recognizing the 197th anniversary of the independence of Greece and celebrating democracy in Greece and the United States; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Mr. UDALL, Mr. HOEVEN, Ms. HIRONO, Ms. HARRIS, Ms. HEITKAMP, Ms. WARREN, Mr. TESTER, Ms. SMITH, Ms. CORTEZ MASTO, Ms. CANTWELL, Mr. SCHATZ, Mr. SCHUMER, Mr. HEINRICH, Mr. DAINES, Mr. LANKFORD, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. WYDEN, Ms. KLOBUCHAR, and Mr. SANDERS):

S. Res. 444. A resolution recognizing the heritage, culture, and contributions of American Indian, Alaska Native, and Native Hawaiian women in the United States; to the Committee on Indian Affairs.

By Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. BLUMENTHAL, Mr. CASEY, Ms. CORTEZ MASTO, Mr. DURBIN, Mrs. GILLIBRAND, Ms. HARRIS, Mr. NELSON, Mr. SCHUMER, Ms. WARREN, Mr. SANDERS, Ms. BALDWIN, and Mr. WYDEN):

S. Res. 445. A resolution marking the 6-month anniversary of the devastation of Puerto Rico and the United States Virgin Islands by Hurricane Maria; considered and agreed to.

By Mr. ISAKSON (for himself, Mr. CASEY, and Ms. HASSAN):

S. Res. 446. A resolution designating March 25, 2018, as "National Cerebral Palsy Awareness Day"; considered and agreed to.

By Mr. CASEY (for himself and Mr. ISAKSON):

S. Res. 447. A resolution designating March 22, 2018, as "National Rehabilitation Coun-

selors Appreciation Day"; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. MENENDEZ, Ms. MURKOWSKI, Ms. COLLINS, Mr. CARPER, Ms. WARREN, Mr. VAN HOLLEN, Mr. REED, Ms. BALDWIN, Mr. KAINE, Mrs. SHAHEEN, Mr. BROWN, Mr. KING, Mr. COONS, Ms. HIRONO, Mrs. ERNST, Mrs. MURRAY, Mr. MARKEY, Mr. BENNET, Ms. DUCKWORTH, Mr. BOOKER, Mr. SANDERS, Ms. HARRIS, Mr. DURBIN, Ms. CORTEZ MASTO, Ms. SMITH, and Ms. CANTWELL):

S. Res. 448. A resolution designating March 2018 as "National Women's History Month"; considered and agreed to.

By Mr. TESTER (for himself, Mr. DAINES, Mr. CARDIN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Ms. HARRIS, Mr. LEAHY, Mr. MERKLEY, Mr. BOOKER, Mr. MARKEY, Mr. ISAKSON, and Ms. WARREN):

S. Res. 449. A resolution designating the first week of April 2018 as "National Asbestos Awareness Week"; considered and agreed to.

By Mr. RUBIO (for himself and Mr. MENENDEZ):

S. Res. 450. A resolution reaffirming the United States-Egypt partnership and the Egyptian people's right to free, fair, credible, and peaceful elections on March 26, 2018; to the Committee on Foreign Relations.

By Ms. DUCKWORTH (for herself and Ms. WARREN):

S. Res. 451. A resolution recognizing the significance of endometriosis as an unmet chronic disease for women and designating March 2018 as "Endometriosis Awareness Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 266

At the request of Mr. HATCH, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 281

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 281, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

S. 292

At the request of Mr. REED, the names of the Senator from Idaho (Mr. RISCH), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 292, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 356

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 356, a bill to amend title XXI of the Social Security Act to improve access to, and the delivery of, children's

health services through school-based health centers, and for other purposes.

S. 382

At the request of Mr. MENENDEZ, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 382, a bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters.

S. 548

At the request of Ms. CANTWELL, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Massachusetts (Mr. MARKEY), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. COONS), the Senator from Maine (Mr. KING), the Senator from Hawaii (Ms. HIRONO), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Pennsylvania (Mr. CASEY), the Senator from Florida (Mr. NELSON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 548, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 601

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 601, a bill to ensure that significantly more students graduate college with the international knowledge and experience essential for success in today's global economy through the establishment of the Senator Paul Simon Study Abroad Program in the Department of Education.

S. 834

At the request of Mr. MARKEY, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 834, a bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.

S. 1022

At the request of Mr. ISAKSON, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1022, a bill to amend the Public Health Service Act to facilitate assignment of military trauma care providers to civilian trauma centers in order to maintain military trauma readiness and to support such centers, and for other purposes.

S. 1112

At the request of Ms. HEITKAMP, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1112, a bill to support States in their work to save and sustain the health of mothers during pregnancy, childbirth, and in the postpartum period, to elimi-

nate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

S. 1212

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1212, a bill to provide family members of an individual who they fear is a danger to himself, herself, or others, and law enforcement, with new tools to prevent gun violence.

S. 1539

At the request of Ms. KLOBUCHAR, the names of the Senator from Michigan (Mr. PETERS) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1774

At the request of Mr. HATCH, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 1774, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1989

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 1996

At the request of Mr. BOOKER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1996, a bill to require Federal agencies to address environmental justice, to require consideration of cumulative impacts in certain permitting decisions, and for other purposes.

S. 2143

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 2143, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment, to expand coverage under such Act, to provide a process for achieving initial collective bargaining agreements, and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2448

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2448, a bill to provide for the issuance of a rule to advance next-generation technologies to provide alternatives to hydrofluorocarbons, and for other purposes.

S. 2463

At the request of Mr. CORKER, the name of the Senator from Georgia (Mr.

PERDUE) was added as a cosponsor of S. 2463, a bill to establish the United States International Development Finance Corporation, and for other purposes.

S. 2495

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. GARDNER), the Senator from South Dakota (Mr. ROUNDS) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 2495, a bill to reauthorize the grant program for school security in the Omnibus Crime Control and Safe Streets Act of 1968.

S. 2513

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2513, a bill to improve school safety and mental health services.

S. 2521

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2521, a bill to authorize the issuance of extreme risk protection orders.

S. 2538

At the request of Mr. FLAKE, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 2538, a bill to prohibit an increase in duties on imports of steel and aluminum.

S. 2543

At the request of Ms. HEITKAMP, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2543, a bill to amend part B of title IV of the Social Security Act to provide grants to develop and enhance, or to evaluate, kinship navigator programs, and for other purposes.

S. 2551

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2551, a bill to modernize United States international food assistance programs made available through the Food for Peace Act, and for other purposes.

S. 2574

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 2574, a bill to provide rental assistance to low-income tenants of certain multifamily rural housing projects, and for other purposes.

S. 2578

At the request of Mr. SCHATZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2578, a bill to amend title 13, United States Code, to require the Secretary of Commerce to provide advanced notice to Congress before changing any questions on the decennial census, and for other purposes.

S. 2580

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2580, a bill to amend title 13, United States Code, to make clear

that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census.

S. 2582

At the request of Ms. WARREN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2582, a bill to provide health insurance reform, and for other purposes.

S. 2584

At the request of Ms. BALDWIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2584, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. RES. 432

At the request of Mr. JOHNSON, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Res. 432, a resolution congratulating the Baltic states of Estonia, Latvia, and Lithuania on the 100th anniversary of their declarations of independence.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. 2596. A bill to amend the Higher Education Act of 1965 to amend the process by which students with certain special circumstances apply for Federal financial aid; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARDIN. Mr. President, I would like to bring the Senate's attention to Free Application for Federal Student Aid (FAFSA) Fairness Act of 2018, the common sense legislation I am introducing with the junior Senator from Maryland today. This legislation seeks to eliminate a barrier that potential college students with difficult personal and financial circumstances face when applying for Federal financial aid.

This body has worked to improve the college application process for students and their families over the last several years and successfully lobbied the Department of Education to allow students and their families to submit their FAFSA application in October and utilize prior-prior year tax data. These changes provide future college students and their families with several months to submit their financial information instead of a short time frame between January and February to meet State and institutional based deadlines for need- and merit-based financial aid programs. These steps have made it easier to students to sit with their families and make informed financial decisions on which college or university will provide the student

with the highest quality yet least expensive college education.

Despite our work, a number of our students are being left behind and cannot take advantage of these changes. Those students, who face difficult personal and financial situations, including those who have left home due to abusive family environments, have parents who are incarcerated, or are unable to locate their parents are unable to fill out the FAFSA application. Rather than fill out one universal Federal financial aid application form, a potential college student must contact each institution they are applying to and undergo a "dependency override" process before a college or university will put together an estimated financial aid package for the student. Under this process, a student applying to one university in my state must submit nine different pieces of financial information, personal statement, and references in order to verify their independent status. These students, often first generation students unfamiliar with the process for applying to school, may give up on the dependency override process and fail to finish the college application process or leave significant Federal financial aid on the table.

The FAFSA Fairness Act would seek to correct this inequity for some of our most vulnerable students. If enacted, my legislation would allow students in these difficult personal and financial circumstances to fill out a FAFSA as a "provisional independent" student that colleges and universities would be able to provide those students with an initial financial aid award package. Once the student has had the opportunity to review the financial aid award packages from the schools they applied to and selected the school of their choice, that school's financial aid administrators will work with the student to complete the "dependency override" process and finalize the student's financial aid award package.

I'm proud to lead the Senate efforts with my seatmate from Maryland and appreciate the work of my colleague from Maryland's 7th Congressional District to lead this effort in the House of Representatives. I urge my colleagues to join in this effort to help students achieve their dream of higher education despite their difficult family and financial circumstances.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S. 2596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FAFSA Fairness Act of 2018".

SEC. 2. CHANGES TO THE FAFSA FOR CERTAIN STUDENTS.

Section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) is amended—

(1) in subsection (h)(1), by inserting the following before the semicolon: "including the special circumstances under which a student may qualify for a determination of independence"; and

(2) by adding at the end the following:

"(i) PROVISIONAL INDEPENDENT STUDENTS.—

"(1) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

"(A) enable each student who, based on the special circumstance specified in subsection (h)(1), may qualify for an adjustment under section 479A that will result in a determination of independence under such section and section 480(d)(1)(I), to complete the forms developed by the Secretary under subsection (a) as an independent student for the purpose of an initial determination of the student's Federal financial aid award by a financial aid administrator at an institution of higher education to which the student is applying for financial aid, but subject to verification under paragraph (2)(B) for the purpose of the final determination of the award; and

"(B) specify, on the forms, the consequences under section 490(a) of knowingly and willfully completing the forms as an independent student under subparagraph (A) without meeting the special circumstances to qualify for such a determination.

"(2) REQUIREMENTS FOR FINANCIAL AID ADMINISTRATORS.—With respect to a student who completes the forms as an independent student under paragraph (1)(A), a financial aid administrator shall—

"(A) provide an initial determination of the student's Federal financial aid award to the student in the same manner as, and by not later than the date that, the administrator provides other independent students their initial determinations of Federal financial aid awards; and

"(B) in making a final determination of the student's Federal financial aid award, use the discretion provided under sections 479A and 480(d)(1)(I) to verify whether the student meets the special circumstances to qualify as an independent student.

"(3) DEFINITION.—For purposes of this subsection, the term 'other independent students' means students—

"(A) who meet the definition of 'independent' under section 480(d)(1); and

"(B) whose independent status is not subject to verification by a financial aid administrator under paragraph (2)(B)."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 441—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CESAR ESTRADA CHAVEZ

Mr. MENENDEZ (for himself, Mr. BENNET, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HARRIS, Mr. HEINRICH, Ms. HIRONO, Mr. MARKEY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHUMER, Ms. SMITH, Mr. UDALL, and Ms. WARREN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 441

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona;

Whereas César Estrada Chávez spent his early years on a family farm;

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest after a bank foreclosure resulted in the loss of the family farm;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an eighth grade education, left school to work full-time as a farm worker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and served the United States with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he had met while working in the vineyards of central California;

Whereas César Estrada Chávez and Helen Fabela had 8 children;

Whereas, as early as 1949, César Estrada Chávez was committed to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, livable housing, and the outlawing of child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization to coordinate voter registration drives and conduct campaigns against discrimination in east Los Angeles;

Whereas César Estrada Chávez served as the national director of the Community Service Organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to establish the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of non-violence practiced by Mahatma Gandhi and Dr. Martin Luther King Jr.;

Whereas César Estrada Chávez effectively used peaceful tactics that included fasting for 25 days in 1968, 25 days in 1972, and 38 days in 1988 to call attention to the terrible working and living conditions of farm workers in the United States;

Whereas, through his commitment to non-violence, César Estrada Chávez brought dignity and respect to the organized farm workers and became an inspiration to and a resource for individuals engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for individuals working to better human rights, empower workers, and advance the American Dream, which includes all individuals of the United States;

Whereas César Estrada Chávez died on April 23, 1993, at the age of 66 in San Luis, Arizona, only miles from his birthplace;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California;

Whereas César Estrada Chávez was laid to rest at the headquarters of the United Farm Workers of America, known as “Nuestra Señora de La Paz”, located in the Tehachapi Mountains in Keene, California;

Whereas, since the death of César Estrada Chávez, schools, parks, streets, libraries, and other public facilities, as well as awards and scholarships, have been named in his honor;

Whereas more than 10 States and dozens of communities across the United States honor the life and legacy of César Estrada Chávez each year on March 31;

Whereas March 31 is recognized as an official State holiday in California, Colorado, and Texas, and there is growing support to designate the birthday of Cesar Estrada Chavez as a national day of service to memorialize his heroism;

Whereas, during his lifetime, César Estrada Chávez was a recipient of the Martin Luther King Jr. Peace Prize;

Whereas, on August 8, 1994, César Estrada Chávez was posthumously awarded the Presidential Medal of Freedom;

Whereas, on October 8, 2012, President Barack Obama authorized the Secretary of the Interior to establish a César Estrada Chávez National Monument in Keene, California;

Whereas President Barack Obama was the last President to honor the life and service of Cesar Estrada Chavez by proclaiming March 31, 2016, to be “Cesar Chavez Day” and by asking all people of the United States to observe March 31 with service, community, and education programs to honor the enduring legacy of Cesar Estrada Chavez; and

Whereas the United States should continue the efforts of César Estrada Chávez to ensure equality, justice, and dignity for all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments and example of César Estrada Chávez, a great hero of the United States;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry, “¡Sí, se puede!”, which is Spanish for “Yes, we can!”.

SENATE RESOLUTION 442—EXPRESSING SOLIDARITY WITH THE UNITED KINGDOM AFTER THE NERVE AGENT ATTACK IN SALISBURY

Mr. COONS (for himself, Mr. RUBIO, Mr. PORTMAN, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations.:

S. RES. 442

Whereas the United States and the United Kingdom have a special relationship grounded in the rule of law, democratic principles, a common language, and a strong commitment to peace and security;

Whereas, on August 14, 1941, President Franklin Roosevelt and Prime Minister Winston Churchill issued the Atlantic Charter, which defined American and British war aims and laid the foundation for a post-war international system founded on free trade and freedom of the seas that persists to this day;

Whereas, on March 5, 1946, Winston Churchill delivered his “Iron Curtain Speech” in Fulton, Missouri, stating, “Neither the sure prevention of war, nor the continuous rise of world organization will be gained without what I have called the fraternal association of the English-speaking peoples. . . a special relationship between the British Commonwealth and Empire and the United States.”;

Whereas the United States and the United Kingdom have stood side by side through two World Wars, the Korean War, the Cold War, the Gulf War, and the ongoing wars in Iraq and Afghanistan with Americans and Britons fighting and dying together to defend our common interests and principles;

Whereas the United States and the United Kingdom have played central roles in the North Atlantic Treaty Organization (NATO) and are critical to maintaining its future strength;

Whereas, in the 1970s and 1980s, scientists in the Soviet Union developed a group of advanced nerve agents, known as “Novichok”, designed to escape detection by international inspectors;

Whereas Russia is party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at

Paris January 13, 1993 (commonly known as the “Chemical Weapons Convention”), which clearly prohibits the production and use of chemical weapons;

Whereas former Russian spy Alexander Litvinenko was killed by a radioactive substance in London in November 2006, and an inquiry by the Government of the United Kingdom found that President of the Russian Federation Vladimir Putin “probably” approved the murder;

Whereas, on March 4, 2018, Sergei Skripal and his daughter, Yulia Skripal, were found unconscious on a park bench in Salisbury, United Kingdom;

Whereas dozens of British civilians and first responders were exposed to the nerve agent, a British police officer who responded to the attack remains seriously ill, and the lives of innocent British citizens and residents of Salisbury have been endangered;

Whereas, on March 12, 2018, Theresa May, Prime Minister of the United Kingdom, in a speech before the House of Commons, noted that the attack was conducted “with a military-grade nerve agent of a type developed by Russia. This is part of a group of nerve agents known as ‘Novichok’”;

Whereas, on March 12, 2018, Secretary of State Rex Tillerson noted the nerve agent “came from Russia” and “does not exist widely”, and that its use would “certainly trigger a response”;

Whereas, on March 14, 2018, the United Kingdom expelled 23 Russian diplomats identified as undeclared intelligence officers;

Whereas, on March 14, 2018, United States Ambassador to the United Nations Nikki Haley said the United States “stands in absolute solidarity” with the United Kingdom and that “the United States believes that Russia is responsible for the attack”;

Whereas, on March 15, 2018, the United States, the United Kingdom, France, and Germany issued a joint statement and noted the incident “constitutes the first offensive use of a nerve agent in Europe since the Second World War” and that “there is no plausible alternative explanation” to Russia’s responsibility for the attack: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the special relationship between the United States and the United Kingdom;

(2) expresses its solidarity with the people of Salisbury and the United Kingdom;

(3) reiterates its commitment to collective defense and security through NATO;

(4) wishes for the full recovery of Sergei Skripal, his daughter, and the British police official seriously injured in the attack;

(5) condemns the indiscriminate and reckless assault by the Government of the Russian Federation on United Kingdom sovereignty, and notes that any use of a nerve agent by a state party is a clear contravention of the Chemical Weapons Convention and a violation of international law;

(6) calls on the Government of the Russian Federation to fully and completely answer questions related to the chemical attack and also provide full and comprehensive disclosure of its Novichok program to the Organization for the Prohibition of Chemical Weapons (OPCW); and

(7) urges the President of the United States to personally condemn the attack in clear, unambiguous terms and to take proportionate, measured, and defensive retaliatory actions against the Government of the Russian Federation in coordination with United States allies in Europe.

SENATE RESOLUTION 443—RECOGNIZING THE 197TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING DEMOCRACY IN GREECE AND THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. DURBIN, Mr. MURPHY, Mr. REED, Mr. CASEY, Mr. WYDEN, Mr. VAN HOLLEN, Mr. GARDNER, Mr. ENZI, Mr. NELSON, Mr. COONS, Mr. BOOKER, Mr. CARPER, Mr. JOHNSON, Mr. RUBIO, Mr. CARDIN, Mr. DONNELLY, Mr. BENNET, Mrs. SHAHEEN, and Mr. PERDUE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 443

Whereas the people of ancient Greece developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the founding fathers of the United States, many of whom read Greek political philosophy in the original Greek language, drew heavily on the political experience and philosophy of ancient Greece in forming the representative democracy of the United States;

Whereas Petros Mavromichalis, the former Commander in Chief of Greece and a founder of the modern Greek state, said to the citizens of the United States in 1821, "It is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you.";

Whereas the Greek national anthem, the "Hymn to Liberty", includes the words, "most heartily was gladdened George Washington's brave land";

Whereas the people of the United States generously offered humanitarian assistance to the people of Greece during their struggle for independence;

Whereas Greece heroically resisted Axis forces at a crucial moment in World War II, forcing Adolf Hitler to change his timeline and delaying the attack on Russia;

Whereas Winston Churchill said that "if there had not been the virtue and courage of the Greeks, we do not know which the outcome of World War II would have been" and "no longer will we say that Greeks fight like heroes, but that heroes fight like Greeks";

Whereas hundreds of thousands of the people of Greece were killed during World War II;

Whereas Greece consistently allied with the United States in major international conflicts throughout the 20th century;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested billions of dollars in the countries of the region and having contributed more than \$750,000,000 in development aid for the region;

Whereas the Government and people of Greece actively participate in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat the Government and people of Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas Greece remains an integral part of the European Union;

Whereas the Government of Greece has taken important steps in recent years to further cross-cultural understanding, rapprochement, and cooperation in various fields with Turkey, and has also improved its relations with other countries in the region, including Israel, thus enhancing the stability of the wider region;

Whereas the Governments and people of Greece and the United States are at the forefront of efforts to advance freedom, democracy, peace, stability, and human rights;

Whereas those efforts and similar ideals have forged a close bond between the people of Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2018, Greek Independence Day, with the people of Greece and to reaffirm the democratic principles from which those two great countries were founded: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 197th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 197 years ago.

SENATE RESOLUTION 444—RECOGNIZING THE HERITAGE, CULTURE, AND CONTRIBUTIONS OF AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN WOMEN IN THE UNITED STATES

Ms. MURKOWSKI (for herself, Mr. UDALL, Mr. HOEVEN, Ms. HIRONO, Ms. HARRIS, Ms. HEITKAMP, Ms. WARREN, Mr. TESTER, Ms. SMITH, Ms. CORTEZ MASTO, Ms. CANTWELL, Mr. SCHATZ, Mr. SCHUMER, Mr. HEINRICH, Mr. DAINES, Mr. LANKFORD, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. WYDEN, Ms. KLOBUCHAR, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 444

Whereas the United States celebrates National Women's History Month every March to recognize and honor the achievements of women throughout the history of the United States;

Whereas an estimated 3,081,000 American Indian, Alaska Native, and Native Hawaiian women live in the United States;

Whereas American Indian, Alaska Native, and Native Hawaiian women helped shape the history of their communities, Tribes, and the United States;

Whereas American Indian, Alaska Native, and Native Hawaiian women contribute to their communities, Tribes, and the United States through work in many industries, including business, education, science, medicine, literature, fine arts, military service, and public service;

Whereas American Indian, Alaska Native, and Native Hawaiian women have fought to defend and protect the sovereign rights of Native Nations;

Whereas American Indian, Alaska Native, and Native Hawaiian women have demonstrated resilience and courage in the face

of a history of threatened existence, constant removals, and relocations;

Whereas more than 6,000 American Indian, Alaska Native, and Native Hawaiian women bravely serve as members of the United States Armed Forces;

Whereas more than 17,000 American Indian, Alaska Native, and Native Hawaiian women are veterans who have made lasting contributions to the United States military;

Whereas American Indian, Alaska Native, and Native Hawaiian women broke down historical gender barriers to enlistment in the military, including—

(1) Inupiat Eskimo sharpshooter Laura Beltz Wright of the Alaska Territorial Guard during World War II; and

(2) Minnie Spotted Wolf of the Blackfeet Tribe, the first Native American woman to enlist in the United States Marine Corps in 1943;

Whereas American Indian, Alaska Native, and Native Hawaiian women have made the ultimate sacrifice for the United States, including Lori Ann Piestewa, a member of the Hopi Tribe and the first woman in the United States military killed in the Iraq War in 2003;

Whereas American Indian, Alaska Native, and Native Hawaiian women have contributed to the economic development of Native Nations and the United States as a whole, including Elouise Cobell of the Blackfeet Tribe, a recipient of the Presidential Medal of Freedom, who—

(1) served as the treasurer of her Tribe;

(2) founded the first Tribally-owned national bank; and

(3) led the fight against Federal mismanagement of funds held in trust for more than 500,000 Native Americans;

Whereas American Indian, Alaska Native, and Native Hawaiian women own an estimated 154,900 businesses;

Whereas these Native women-owned businesses employ more than 50,000 workers and generate over \$10,000,000,000 in revenues as of 2016;

Whereas American Indian and Alaska Native women have opened an average of more than 17 new businesses each day since 2007;

Whereas American Indian, Alaska Native, and Native Hawaiian women have made significant contributions to the field of medicine, including Susan La Flesche Picotte of the Omaha Tribe, who is widely acknowledged as the first Native American to earn a medical degree;

Whereas American Indian, Alaska Native, and Native Hawaiian women have contributed to important scientific advancements, including—

(1) Floy Agnes Lee of Santa Clara Pueblo, who—

(A) worked on the Manhattan Project during World War II; and

(B) pioneered research on radiation biology and cancer; and

(2) Native Hawaiian Isabella Kauakea Yau Yung Aiona Abbott, who—

(A) was the first woman on the biological sciences faculty at Stanford University; and

(B) was awarded the highest award in marine botany from the National Academy of Sciences, the Gilbert Morgan Smith medal, in 1997;

Whereas American Indian, Alaska Native, and Native Hawaiian women have achieved distinctive honors in the art of dance, including Maria Tall Chief of the Osage Nation the first major prima ballerina of the United States and was a recipient of a Lifetime Achievement Award from the Kennedy Center;

Whereas American Indian, Alaska Native, and Native Hawaiian women have accomplished notable literary achievements, including Northern Paiute author Sarah

Winnemucca Hopkins who wrote and published one of the first Native American autobiographies in United States history in 1883;

Whereas American Indian, Alaska Native, and Native Hawaiian women have regularly led efforts to revitalize and maintain Native cultures and languages, including—

(1) Tewa linguist and teacher Esther Martinez, who developed a Tewa dictionary and was credited with revitalizing the Tewa language; and

(2) Native Hawaiian scholar Mary Kawena Pukui, who published more than 50 academic works and was considered the most noted Hawaiian translator of the 20th century;

Whereas American Indian, Alaska Native, and Native Hawaiian women have excelled in athletic competition and created opportunities for other female athletes within their sport, including Rell Kapoliokaehukai Sunn who—

(1) ranked as longboard surfing champion of the world; and

(2) co-founded the Women's Professional Surfing Association in 1975, the first professional surfing tour for women;

Whereas American Indian, Alaska Native, and Native Hawaiian women have played a vital role in advancing civil rights, protecting human rights, and safeguarding the environment, including Elizabeth Wanamaker Peratrovich of the Tlingit Nation who helped secure the passage of the Anti-Discrimination Act of 1945 of the Alaska Territory, the first anti-discrimination law in the United States;

Whereas American Indian, Alaska Native, and Native Hawaiian women have succeeded as judges, attorneys, and legal advocates, including Eliza "Lyda" Conley, a Wyandot-American lawyer and the first Native woman admitted to argue a case before the United States Supreme Court in 1909;

Whereas American Indian, Alaska Native, and Native Hawaiian women have paved the way for women in the law, including Native Hawaiian Emma Kailikapiolono Metcalf Beckley Nakuina who served as the first female judge in Hawaii;

Whereas American Indian, Alaska Native, and Native Hawaiian women are dedicated public servants, holding important positions in State governments, local governments, the Federal judicial branch, and the Federal executive Branches;

Whereas American Indian and Alaska Native women have served as remarkable Tribal councilwomen, Tribal court judges, and Tribal leaders, including Wilma Mankiller, the first woman elected to serve as Principal Chief of the Cherokee Nation who fought for Tribal self-determination and improvement of the community infrastructure of her Tribe;

Whereas Native Hawaiian women have also led their People through notable acts of public service, including Kaahumanu who was the first Native Hawaiian woman to serve as regent of the Kingdom of Hawaii;

Whereas the United States should continue to invest in the future of American Indian, Alaska Native, and Native Hawaiian women to address the barriers they face, including access to justice, health care, and opportunities for educational and economic advancement; and

Whereas American Indian, Alaska Native, and Native Hawaiian women are the life givers, the culture bearers, and the caretakers of Native peoples who have made precious contributions enriching the lives of all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates and honors the successes of American Indian, Alaska Native, and Native Hawaiian women and the contributions they

have made and continue to make to the United States; and

(2) recognizes the importance of supporting equity, providing safety, and upholding the interests of American Indian, Alaska Native, and Native Hawaiian women.

SENATE RESOLUTION 445—MARKING THE 6-MONTH ANNIVERSARY OF THE DEVASTATION OF PUERTO RICO AND THE UNITED STATES VIRGIN ISLANDS BY HURRICANE MARIA

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. BLUMENTHAL, Mr. CASEY, Ms. CORTEZ MASTO, Mr. DURBIN, Mrs. GILLIBRAND, Ms. HARRIS, Mr. NELSON, Mr. SCHUMER, Ms. WARREN, Mr. SANDERS, Ms. BALDWIN, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 445

Whereas, on September 13, 2017, the National Hurricane Center began tracking a tropical wave that ultimately became Hurricane Maria;

Whereas Hurricane Maria became the tenth most intense Atlantic hurricane on record and the most intense tropical storm of the 2017 season;

Whereas, on September 20, 2017, Hurricane Maria made landfall in Puerto Rico as a Category 4 storm with sustained wind speeds of 155 miles per hour;

Whereas Hurricane Maria hit Puerto Rico and the United States Virgin Islands (referred to in this preamble as the "U.S. Virgin Islands") just 14 days after Puerto Rico and the U.S. Virgin Islands were hit by Hurricane Irma;

Whereas, on March 20, 2018, the people of the United States that live in Puerto Rico and the U.S. Virgin Islands will mark 6 months since Hurricane Maria nearly destroyed Puerto Rico and the U.S. Virgin Islands;

Whereas, 6 months since Hurricane Maria made landfall in Puerto Rico, more than 120,000 people are still without electricity, and hundreds of thousands of people continue to lose power on a temporary basis;

Whereas Puerto Rico remains under a state of emergency and reconstruction efforts are still underway;

Whereas tens of thousands of people in Puerto Rico and the U.S. Virgin Islands are still awaiting permanent shelter;

Whereas more than 67,000 households in Puerto Rico and the U.S. Virgin Islands needed blue roof tarps as a form of temporary roofing for homes;

Whereas Puerto Rico was struggling with a severe debt crisis and a deteriorating health care system prior to Hurricane Maria, the effects of which have exacerbated the suffering in Puerto Rico;

Whereas more than 700,000 cubic yards of debris, or the equivalent of 190 Olympic-sized swimming pools, have been collected in the U.S. Virgin Islands;

Whereas approximately 3,900,000 cubic yards of debris need removal from Puerto Rico;

Whereas, when calculating customer hours of lost electricity service, Puerto Rico is experiencing the longest blackout in the history of the United States;

Whereas thousands of Puerto Ricans have relocated to the mainland of the United States as a result of Hurricane Maria;

Whereas the official death toll from Hurricane Maria stands at 64 victims in Puerto Rico; and

Whereas research suggests that the actual direct and indirect death toll from Hurricane

Maria in Puerto Rico may be more than 1,000 victims: Now, therefore, be it

Resolved, That the Senate—

(1) remains profoundly concerned with the continuing crisis plaguing Puerto Rico and the United States Virgin Islands (referred to in this resolving clause as the "U.S. Virgin Islands") as a result of Hurricane Maria; and

(2) pledges continued support to—

(A) the millions of citizens of the United States living in Puerto Rico and the U.S. Virgin Islands; and

(B) to the citizens of the United States who have relocated from Puerto Rico and the U.S. Virgin Islands to the mainland of the United States in the aftermath of Hurricane Maria.

SENATE RESOLUTION 446—DESIGNATING MARCH 25, 2018, AS "NATIONAL CEREBRAL PALSY AWARENESS DAY"

Mr. ISAKSON (for himself, Mr. CASEY, and Ms. HASSAN) submitted the following resolution; which was considered and agreed to:

S. RES. 446

Whereas a group of permanent disorders of the development of movement and posture that are attributed to nonprogressive disturbances that occur in the developing brain is referred to as "cerebral palsy";

Whereas cerebral palsy, the most common motor disability in children, is caused by damage to 1 or more specific areas of the developing brain, which usually occurs during fetal development before, during, or after birth;

Whereas the majority of children who have cerebral palsy are born with cerebral palsy, but cerebral palsy may be undetected for months or years;

Whereas 75 percent of individuals with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairment, or blindness;

Whereas, according to information released by the Centers for Disease Control and Prevention—

(1) the prevalence of cerebral palsy is not changing over time; and

(2) an estimated 1 in 323 children has cerebral palsy;

Whereas approximately 764,000 individuals in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful for breakthroughs in cerebral palsy research;

Whereas researchers across the United States conduct important research projects involving cerebral palsy; and

Whereas the Senate can raise awareness of cerebral palsy in the public and the medical community: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2018, as "National Cerebral Palsy Awareness Day";

(2) encourages each individual in the United States to become better informed about and aware of cerebral palsy; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Executive Director of Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

SENATE RESOLUTION 447—DESIGNATING MARCH 22, 2018, AS “NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY”

Mr. CASEY (for himself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 447

Whereas rehabilitation counselors support individuals with disabilities by—

- (1) conducting assessments;
- (2) providing counseling;
- (3) supporting families; and
- (4) assisting in the development of individualized plans for employment for individuals with disabilities who are in need of rehabilitation;

Whereas the purpose of professional organizations for rehabilitation counseling and education is to promote the improvement of rehabilitation services available to individuals with disabilities through quality education for counselors and rehabilitation research;

Whereas various professional organizations have vigorously advocated for up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education, including—

- (1) the National Rehabilitation Association;
- (2) the Rehabilitation Counselors and Educators Association;
- (3) the National Council on Rehabilitation Education;
- (4) the National Rehabilitation Counseling Association;
- (5) the American Rehabilitation Counseling Association;
- (6) the Commission on Rehabilitation Counselor Certification;
- (7) the Council of State Administrators of Vocational Rehabilitation; and
- (8) the Council on Rehabilitation Education;

Whereas, in March of 1983, the president of the National Council on Rehabilitation Education testified before the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives and was instrumental in bringing to the attention of Congress the need for qualified rehabilitation counselors; and

Whereas credentialed rehabilitation counselors provide a higher quality of service to individuals in need of rehabilitation and the development of an accreditation system for rehabilitation counselors supports the continued education of rehabilitation counselors: Now, therefore, be it

Resolved, That the Senate—

- (1) designates March 22, 2018, as “National Rehabilitation Counselors Appreciation Day”; and

- (2) commends—

(A) rehabilitation counselors for their dedication and hard work in providing counseling to individuals with disabilities who are in need of rehabilitation; and

(B) professional organizations for their efforts in assisting individuals with disabilities who are in need of rehabilitation.

SENATE RESOLUTION 448—DESIGNATING MARCH 2018 AS “NATIONAL WOMEN’S HISTORY MONTH”

Mrs. FEINSTEIN (for herself, Mr. MENENDEZ, Ms. MURKOWSKI, Ms. COLLINS, Mr. CARPER, Ms. WARREN, Mr. VAN HOLLEN, Mr. REED, Ms. BALDWIN,

Mr. KAINE, Mrs. SHAHEEN, Mr. BROWN, Mr. KING, Mr. COONS, Ms. HIRONO, Mrs. ERNST, Mrs. MURRAY, Mr. MARKEY, Mr. BENNET, Ms. DUCKWORTH, Mr. BOOKER, Mr. SANDERS, Ms. HARRIS, Mr. DURBIN, Ms. CORTEZ MASTO, Ms. SMITH, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 448

Whereas National Women’s History Month recognizes and spreads awareness of the importance of women in the history of the United States;

Whereas throughout the history of the United States, whether in the home, their workplace, school, the courts, or in wartime, women have fought for themselves, their families, and all people of the United States;

Whereas, even from the early days of the history of the United States, Abigail Adams urged her husband to “Remember the ladies” when representatives met for the Continental Congress in 1776;

Whereas women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in the United States;

Whereas women led the efforts to secure suffrage and equal opportunity for women, and also served in the abolitionist movement, the emancipation movement, labor movements, civil rights movements, and other causes to create a more fair and just society for all;

Whereas suffragists wrote, marched, were arrested, and ultimately succeeded in achieving the enactment of the 19th Amendment of the Constitution of the United States, section 1 of which provides that “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex”, as well as the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), which extended the protection of the right to vote to women of color and language minorities;

Whereas women have been and continue to step up as leaders in the forefront of social change efforts, business, science, government, math, art, literature, music, film, athletics, and more;

Whereas women now represent approximately half of the workforce of the United States;

Whereas women once were routinely barred from attending medical schools of the United States, but now are enrolling in medical schools of the United States at higher numbers than men;

Whereas women previously were turned away from law school, but now represent approximately half of law students in the United States;

Whereas women have been vital to the mission of the Armed Forces since the American Revolution, serving in volunteer and enlisted positions, with more than 200,000 active-duty servicewomen and 2,000,000 veterans representing every branch of service;

Whereas more than 10,000,000 women own businesses in the United States;

Whereas Jeannette Rankin of Montana was the first woman elected to the House of Representatives in 1916 and Hattie Wyatt Caraway of Arkansas was the first woman elected to the United States Senate in 1932;

Whereas Margaret Chase Smith of Maine was the first woman to serve in both houses of Congress;

Whereas, in the 115th Congress, a record 22 women serve as United States Senators, and 89 women serve in the House of Representatives;

Whereas President Jimmy Carter issued the first Presidential Proclamation designating March 2 through 8, 1980, as “National Women’s History Week”;

Whereas, in 1987, a bipartisan group of Senators introduced the first joint resolution to pass Congress designating “Women’s History Month”;

Whereas President Ronald Reagan issued the first “Women’s History Month” Presidential Proclamation in 1987; and

Whereas, despite the advancements of women in the United States, much remains to be done to ensure that women realize their full potential as equal members of society in the United States: Now, therefore, be it

Resolved, That the Senate—

- (1) designates March 2018 as “National Women’s History Month”;

- (2) recognizes the celebration of “National Women’s History Month” as a time to reflect on the many notable contributions that women have made to the United States;

- (3) urges the people of the United States to observe “National Women’s History Month” with appropriate programs and activities.

Mrs. FEINSTEIN. Mr. President, I rise today in honor of Women’s History Month to reflect on the remarkable contributions women have made to the United States and the challenges we must still face today to ensure women are able to realize their full potential as equal partners in American society.

For over 30 years, we have set aside this month to pay tribute to the amazing women who have fought tirelessly for themselves, their families, and all Americans.

I look back on their courage with great admiration and continue to be inspired by those who blazed the trail for women like me. When I first came to Washington in 1992, they called it the “Year of the Woman,” with four women being elected to the Senate. Today, we have a record 22 women serving in the United States Senate and 89 women serving in the House of Representatives.

Even at record levels, women only account for about 20 percent of the 115th Congress, which falls far short of the 51 percent of our nation’s population that are women.

Still, women have proven themselves as true political forces and I have great hope for the next generations of women who will also lead the way in building a better California and United States.

Women have been and continue to step up as leaders in the forefront of social change efforts, business, science, government, math, art, literature, music, film, athletics, and more.

Today, half of our workforce is made up of women and more than 10 million American businesses are women owned.

Where women were once turned away from attending medical and law schools, enrollment numbers are now almost evenly split between men and women.

Women have risen to the top of Fortune 500 companies and fill the domes of capitol and the halls of universities.

Women now also have a larger role in the U.S. Armed Forces, with more than 200,000 active-duty servicewomen proudly serving and 2 million veterans representing every branch of service.

My utmost respect goes out to these women warriors who selflessly answered the call to duty and served with honor, courage, and distinction.

As a United States Senator proudly representing California, I have seen first-hand some of the millions of outstanding women who achieve greatness.

As we celebrate the stories of American women who defied all odds to accomplish the unprecedented, we must also honor their legacies by continuing to defend the rights they worked so hard to achieve.

We have fought together on so many issues that affect women, families, and all Americans. During this month, I invite all women to pledge to continue this fight together and never relent on these important issues.

Thank you Mr. President and I yield the floor.

SENATE RESOLUTION 449—DESIGNATING THE FIRST WEEK OF APRIL 2018 AS “NATIONAL ASBESTOS AWARENESS WEEK”

Mr. TESTER (for himself, Mr. DAINES, Mr. CARDIN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Ms. HARRIS, Mr. LEAHY, Mr. MERKLEY, Mr. BOOKER, Mr. MARKEY, Mr. ISAKSON, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 449

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer (such as mesothelioma), asbestosis, and other health problems;

Whereas symptoms of asbestos-related diseases can take between 10 and 50 years to present themselves;

Whereas the projected life expectancy for an individual diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for those diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve the prognoses of those patients;

Whereas while the consumption of asbestos within the United States has been substantially reduced, the United States continues to consume tons of the fibrous mineral each year for use in certain products throughout the United States;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas while exposure to asbestos continues, safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of those diseases;

Whereas thousands of workers in the United States face significant asbestos exposure, which has been a cause of occupational cancer;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana, suffer from asbestos-related diseases, including mesothelioma, at a significantly higher rate than people in the United States as a whole; and

Whereas the designation of a “National Asbestos Awareness Week” will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2018 as “National Asbestos Awareness Week”;

(2) urges the Surgeon General of the United States to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

SENATE RESOLUTION 450—RE-AFFIRMING THE UNITED STATES-EGYPT PARTNERSHIP AND THE EGYPTIAN PEOPLE'S RIGHT TO FREE, FAIR, CREDIBLE, AND PEACEFUL ELECTIONS ON MARCH 26, 2018

Mr. RUBIO (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 450

Whereas the Governments of the United States and Egypt have long-shared a strong bilateral working relationship;

Whereas respect for democracy, human rights, and civil liberties are fundamental principles of the United States and critical to our national security objectives;

Whereas the Government and people of Egypt have played a critical role in global and regional politics;

Whereas a strong United States-Egypt partnership is important for the peace, stability, and prosperity of the Middle East;

Whereas the people and Government of the United States have a deep and abiding interest in Egypt's prosperity, political progress, and long-term stability;

Whereas an inclusive government responsive to the needs of all of its citizens, including religious minorities, is vital for such stability and prosperity;

Whereas international and public confidence in any electoral process is an essential element for advancing inclusive, representative forms of government;

Whereas Egypt will hold a presidential election on March 26, 2018;

Whereas the Department of State's 2016 Human Rights Report noted that the 2015 parliamentary election raised “concern[s] about restrictions on freedoms of peaceful assembly, association, and expression and their negative effect on the political climate surrounding elections”;

Whereas the same report notes that the 2014 presidential election raised “serious concerns regarding constraints on the freedoms of expression and association and limits on freedom of the press leading up to the election which prevented free political participation and severely compromised the broader electoral environment”;

Whereas the Government of Egypt, through legal action and a highly restrictive new law, has created a hostile environment for nongovernmental organizations (NGOs), which provide essential services to the people of Egypt and for whom peaceful associa-

tion for civic activities is a fundamental right;

Whereas the United States Government reprogrammed and withheld some assistance to Egypt in August 2017 due in part to the inability to certify, as required by Congress, “that Egypt is advancing democracy and human rights”;

Whereas the Department of State, in an August 23, 2017, press briefing, reported that it was “unable to certify that Egypt is advancing democracy and human rights”;

Whereas, in January 2018, Department of State Spokesperson Heather Nauert affirmed that the United States supports “free and fair elections” in Egypt and said, “We support a timely and credible electoral process and believe it needs to include the opportunity for citizens to participate freely in Egyptian elections. We believe that that should include addressing restrictions on freedom of association, peaceful assembly, and also expression.”;

Whereas Secretary of State Rex Tillerson visited Egypt on February 12, 2018, and stated during a joint press availability with Egyptian Foreign Minister Sameh Shoukry, “With the presidential elections planned for the end of March, the United States, as it does in all countries, supports a transparent and credible electoral process, and all citizens being given the right and the opportunity to participate freely and fairly.”;

Whereas President of Egypt Abdel Fattah el-Sisi, in a televised interview on September 16, 2016, with CBS Evening News, said, “We uphold the principles of respecting people, of honoring their rights.”;

Whereas President el-Sisi has asserted his commitment to term limits and free and fair elections over the years, stating in a CNBC interview on November 6, 2017, “There is no president who will sit in the chair without the will of the Egyptian people. . . the one that is in the president's seat will not be able to stay after the term allowed by the law and the constitution. And what determines this will be the vote of the Egyptian people.”;

Whereas all credible opposition candidates in Egypt's 2018 presidential election faced pressure, harassment, or arrest and subsequently withdrew their candidacies;

Whereas several prominent Egyptian opposition politicians released a statement on January 28, 2018, calling for Egyptians “to boycott these elections. . . not only for the absence of the idea of electoral competition, but also because [it] is an obvious first step toward changing the Constitution, removing the limit on presidential terms and eliminating all chances of a peaceful transfer of power”;

Whereas, in the same statement, these political figures went on to note that “the security and administrative practices taken by the current system [are intended] to prevent any fair competition in the upcoming elections. . . spreading a climate of security fear, media bias. . . and then with a tight schedule that does not provide a real opportunity for competitors to put themselves and their programs forward”;

Whereas the only current opposition candidate, Mr. Moussa Mostafa Moussa, is from the Al-Ghad party, which has no seats in parliament, and only a few days before declaring his candidacy led a campaign called “We Support” calling for el-Sisi's reelection: Now, therefore, be it

Resolved, That the Senate—

(1) reasserts its commitment to the United States-Egypt partnership and to advancing the common interests of both countries;

(2) recognizes that Egypt faces legitimate security threats and expresses condolences for the loss of life suffered by the Egyptian

people in attacks by violent extremist organizations;

(3) reaffirms the commitment of the United States to democracy, human rights, civil liberties, and the rule of law, including the universal rights of freedom of assembly, freedom of speech, freedom of the press, and freedom of association;

(4) expresses support for human rights, civil liberties, and rule of law in Egypt, and for elections that are free, fair, and credible;

(5) notes that a lack of progress in these areas will undermine Egypt's security and economic stabilization;

(6) supports the people of Egypt, who are entitled to determine their own destiny, including selecting their political leadership through a fair and credible electoral process without fear of or intimidation by their government;

(7) urges the Government of Egypt to take meaningful steps to enable free, fair, credible, and peaceful elections in March 2018 and in the future;

(8) expresses concern regarding the intimidation and detention of credible opposition candidates, as well as the restrictive environment for nongovernmental organizations and media;

(9) calls on the United States Government, foreign governments, and parliaments to speak out in support of the right of the Egyptian people to free, fair, and credible elections; and

(10) encourages the President to appoint an Assistant Secretary of State for Near Eastern Affairs and a United States Ambassador to Egypt to bolster diplomatic engagement with the Government of Egypt, electoral stakeholders, and civil society as well as consistently raise issues of human rights, rule of law, and governance.

SENATE RESOLUTION 451—RECOGNIZING THE SIGNIFICANCE OF ENDOMETRIOSIS AS AN UNMET CHRONIC DISEASE FOR WOMEN AND DESIGNATING MARCH 2018 AS “ENDOMETRIOSIS AWARENESS MONTH”

Ms. DUCKWORTH (for herself and Ms. WARREN) submitted the following resolution; which was referred to the Committee on the Judiciary :

S. RES. 451

Whereas 6,500,000 women in the United States are living with endometriosis;

Whereas endometriosis is a chronic disease affecting 176,000,000 women throughout the world and an estimated 1 in 10 women in the United States ages 18 through 49;

Whereas medical societies and patient groups including the Endometriosis Association, the American College of Obstetricians and Gynecologists, the National Association of Nurse Practitioners in Women's Health, the American Society for Reproductive Medicine, and the American Social Health Association all have expressed the need for greater public attention and updated resources targeted to public education about this unmet health need for women;

Whereas endometriosis occurs when tissue similar to that normally found in the uterus begins to grow outside the uterus;

Whereas, while endometriosis is one of the most common gynecological disorders in the United States, there is a lack of awareness and prioritization of endometriosis as an important health issue for women;

Whereas women can suffer up to 6 to 10 years before properly diagnosed;

Whereas approximately ⅓ to ½ of all women with endometriosis will have difficulty getting pregnant;

Whereas endometriosis is a painful and debilitating disorder;

Whereas endometriosis is associated with increased health care costs and poses a substantial burden to patients in the healthcare system;

Whereas the total annual direct health care cost of symptoms associated with endometriosis is \$56,000,000,000, or nearly \$11,000 per patient;

Whereas 51 percent of endometriosis patients report that the disease detrimentally affects their performance of their job;

Whereas the Centers for Disease Control and Prevention found that the average number of “bed days” for patients with endometriosis was 18 days per year;

Whereas women with endometriosis can lose 11 hours per work week through lost productivity;

Whereas, in 2010, endometriosis patients were hospitalized over 100,000 days because of this disease;

Whereas there is a need for more research and updated guidelines to treat endometriosis;

Whereas the research dollars from the National Institutes of Health dedicated to endometriosis has dropped from \$16,000,000 in 2010 to \$7,000,000 in 2018;

Whereas there is an ongoing need for additional clinical research and treatment options to manage this debilitating disease; and

Whereas there is no known cure for endometriosis: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2018 as “Endometriosis Awareness Month”;

(2) recognizes the importance of endometriosis as a health issue for women that requires far greater attention, public awareness, and education about the disease;

(3) encourages the Secretary of Health and Human Services—

(A) to provide information to women, patients, and health care providers with respect to endometriosis, including available screening tools and treatment options, with a goal of improving the quality of life and health outcomes of women affected by endometriosis;

(B) to conduct additional research on endometriosis and possible clinical options; and

(C) to update information, tools, and studies currently available with respect to helping women live with endometriosis; and

(4) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Health and Human Services.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2215. Mr. CORNYN (for Mr. YOUNG (for himself and Mr. DONNELLY)) proposed an amendment to the bill H.R. 4851, to establish the Kennedy-King National Historic Site in the State of Indiana, and for other purposes.

SA 2216. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. GRAHAM, Mr. ROUNDS, Ms. MURKOWSKI, Mr. ISAKSON, and Mr. MCCONNELL) submitted an amendment intended to be proposed by her to the bill H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; which was ordered to lie on the table.

SA 2217. Mr. MCCONNELL proposed an amendment to the bill H.R. 1625, supra.

SA 2218. Mr. MCCONNELL proposed an amendment to amendment SA 2217 proposed by Mr. MCCONNELL to the bill H.R. 1625, supra.

SA 2219. Mr. MCCONNELL proposed an amendment to the bill H.R. 1625, supra.

SA 2220. Mr. MCCONNELL proposed an amendment to amendment SA 2219 proposed by Mr. MCCONNELL to the bill H.R. 1625, supra.

SA 2221. Mr. MCCONNELL proposed an amendment to amendment SA 2220 proposed by Mr. MCCONNELL to the amendment SA 2219 proposed by Mr. MCCONNELL to the bill H.R. 1625, supra.

SA 2222. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1625, supra; which was ordered to lie on the table.

SA 2223. Mr. MCCONNELL (for Mr. HOEVEN) proposed an amendment to the bill S. 607, to establish a business incubators program within the Department of the Interior to promote economic development in Indian reservation communities.

SA 2224. Mr. MCCONNELL (for Mr. HOEVEN) proposed an amendment to the bill S. 1116, to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.

SA 2225. Mr. MCCONNELL (for Mr. LANKFORD) proposed an amendment to the bill S. 943, to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes.

SA 2226. Mr. MCCONNELL (for Mr. RISCH) proposed an amendment to the concurrent resolution H. Con. Res. 116, Official Title Not Available.

TEXT OF AMENDMENTS

SA 2215. Mr. CORNYN (for Mr. YOUNG (for himself and Mr. DONNELLY)) proposed an amendment to the bill H.R. 4851, to establish the Kennedy-King National Historic Site in the State of Indiana, and for other purposes; as follows:

In section 3, strike subsection (d).

SA 2216. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. GRAHAM, Mr. ROUNDS, Ms. MURKOWSKI, Mr. ISAKSON, and Mr. MCCONNELL) submitted an amendment intended to be proposed by her to the bill H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; which was ordered to lie on the table; as follows:

In division H, after section 229, insert the following:

SEC. 230. WAIVERS FOR STATE INNOVATION; COST-SHARING PAYMENTS.

(a) WAIVERS FOR STATE INNOVATION.—

(1) STREAMLINING THE STATE APPLICATION PROCESS.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(A) in subsection (a)(1)(C), by striking “the law” and inserting “a law or has in effect a certification”; and

(B) in subsection (b)(2)—

(i) in the paragraph heading, by inserting “OR CERTIFY” after “LAW”; and

(ii) in subparagraph (A)—

(I) by striking “A law” and inserting the following:

“(i) LAWS.—A law”; and

(II) by adding at the end the following:

“(ii) CERTIFICATIONS.—A certification described in this paragraph is a document, signed by the Governor of the State, that certifies that such Governor has the authority under existing Federal and State law to take action under this section, including implementation of the State plan under subsection (a)(1)(B).”; and

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “OF OPT OUT”; and

(II) by striking “may repeal a law” and all that follows through the period at the end and inserting the following: “may terminate the authority provided under the waiver with respect to the State by—

“(i) repealing a law described in subparagraph (A)(i); or

“(ii) terminating a certification described in subparagraph (A)(ii), through a certification for such termination signed by the Governor of the State.”.

(2) GIVING STATES MORE FUNDING FLEXIBILITY, TO ESTABLISH REINSURANCE, INVISIBLE HIGH RISK POOLS, INSURANCE STABILITY FUNDS AND OTHER PROGRAMS.—

(A) STATE GRANTS UNDER WAIVERS.—Section 1332(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18052(a)) is amended—

(i) in paragraph (3)—

(I) in the first sentence—

(aa) by inserting “or would qualify for a reduced portion of” after “would not qualify for”; and

(bb) by inserting “, or the State would not qualify for or would qualify for a reduced portion of basic health program funds under section 1331,” after “subtitle E”; and

(cc) by inserting “, or basic health program funds the State would have received,” after “this title”; and

(dd) by inserting “or for implementing the basic health program established under section 1331” before the period;

(II) in the second sentence, by inserting before the period “, and with respect to participation in the basic health program and funds provided to such other States under section 1331”; and

(III) by adding after the second sentence the following: “A State may request that all of, or any portion of, such aggregate amount of such credits, reductions, or funds be paid to the State as described in the first sentence.”;

(ii) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(iii) by inserting after paragraph (3) the following:

“(4) FEDERAL FUNDING FOR INVISIBLE HIGH-RISK POOL AND REINSURANCE PROGRAMS.—

“(A) ALLOCATIONS.—Not later than 45 days after the date of enactment of the Department of Health and Human Services Appropriations Act, 2018, the Secretary, in consultation with the National Association of Insurance Commissioners, shall specify an allocation methodology for determining the amount of funds appropriated under section 230(a)(2)(B) of the Department of Health and Human Services Appropriations Act, 2018 for a fiscal year to be allocated for each State for purposes of subparagraph (B) and section 230(a)(2)(C) of the Department of Health and Human Services Appropriations Act, 2018.

“(B) STATE GRANTS.—From amounts appropriated under section 230(a)(2)(B) of the Department of Health and Human Services Appropriations Act, 2018 for a fiscal year, the Secretary shall award grants to States for each of fiscal years 2018 through 2021, in amounts determined in accordance with the allocation methodology under subparagraph (A), for the following purposes:

“(i) For fiscal year 2018, for administrative costs of the State associated with preparing and submitting information described in subsection (a)(1)(B) that includes an invisible high-risk pool or reinsurance program that meets the requirements of subsection (g)(2), or costs associated with the establishment of such invisible high-risk pool or reinsurance program.

“(ii) For each of fiscal years 2019, 2020, and 2021, for the establishment or maintenance of invisible high-risk pools and reinsurance programs that meet the requirements of subsection (g)(2) and for which the State has received a waiver under this section.

“(C) BUDGET NEUTRALITY.—Funds awarded to a State under a grant awarded under subparagraph (B) shall not be taken into account for purposes of determining under paragraph (1) whether the State waiver is budget neutral, or determining under subsection (b)(1) whether the State waiver increases the Federal deficit.”.

(B) APPROPRIATIONS.—

(i) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to the Secretary of Health and Human Services, for the purposes described in section 1332(a)(4)(B) of the Patient Protection and Affordable Care Act and subparagraph (C), out of any funds in the Treasury not otherwise appropriated—

(I) \$500,000,000 for fiscal year 2018; and

(II) \$10,000,000,000 for each of fiscal years 2019, 2020, and 2021.

(ii) AVAILABLE UNTIL EXPENDED.—Amounts appropriated under this paragraph shall remain available until expended.

(C) DEFAULT FEDERAL SAFEGUARD.—

(i) IN GENERAL.—For purposes of plan year 2019, in the case of a State that does not, by a date specified by the Secretary of Health and Human Services (referred to in this paragraph as the “Secretary”), in consultation with the National Association of Insurance Commissioners, have in effect a waiver under section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) that includes an invisible high-risk pool or reinsurance program that meets the requirements of subsection (g)(2) of such section 1332, the Secretary shall, from amounts appropriated under subparagraph (B), use the allocation determined for the State under subsection (a)(4)(B) of such section 1332 for plan year 2019 for the purpose described in clause (ii) for such State.

(ii) REQUIRED USE FOR MARKET STABILIZATION PAYMENTS TO ISSUERS.—The Secretary shall use any allocation for a State made pursuant to clause (i) to provide incentives to appropriate entities to enter into arrangements with the State to help stabilize premiums for health insurance coverage in the individual market in such State by providing payments to such appropriate entities using payment parameters and a methodology determined by the Secretary.

(3) ENSURING PATIENT ACCESS TO MORE FLEXIBLE HEALTH PLANS.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking “at least as affordable” and inserting “of comparable affordability, including for low-income individuals, individuals with serious health needs, and other vulnerable populations.”; and

(II) by amending subparagraph (D) to read as follows:

“(D)(i) will not increase the Federal deficit over the term of the waiver; and

“(ii) will not increase the Federal deficit over the term of the 10-year budget plan submitted under subsection (a)(1)(B)(ii).”;

(ii) by redesignating paragraph (2) (as amended by paragraph (1)) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

“(2) BUDGETARY EFFECT.—

“(A) IN GENERAL.—In determining whether a State plan submitted under subsection (a) meets the deficit neutrality requirements of paragraph (1)(D), the Secretary may take into consideration the direct budgetary effect of the provisions of such plan on sources of Federal funding other than the funding described in subsection (a)(3).

“(B) LIMITATION.—A determination made by the Secretary under subparagraph (A)—

“(i) shall not be construed to affect any waiver process or standards or terms and conditions in effect on the date of enactment of the Department of Health and Human Services Appropriations Act, 2018 under title XI, XVIII, XIX, or XXI of the Social Security Act, or any other Federal law relating to the provision of health care items or services; and

“(ii) shall be made without regard to any changes in policy with respect to any waiver process or provision of health care items or services described in clause (i).”; and

(B) in subsection (a)(1)(C), by striking “subsection (b)(2)” and inserting “subsection (b)(3)”.’.

(4) PROVIDING EXPEDITED APPROVAL OF STATE WAIVERS.—Section 1332(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18052(d)) is amended—

(A) in paragraph (1) by striking “180” and inserting “120”; and

(B) by adding at the end the following:

“(3) EXPEDITED DETERMINATION.—

“(A) IN GENERAL.—With respect to any application under subsection (a)(1) submitted on or after the date of enactment of the Department of Health and Human Services Appropriations Act, 2018 or any such application submitted prior to such date of enactment and under review by the Secretary on such date of enactment, the Secretary shall make a determination on such application, using the criteria for approval otherwise applicable under this section, not later than 45 days after the receipt of such application, and shall allow the public notice and comment at the State and Federal levels described under subsection (a)(5) to occur concurrently if such State application—

“(i) is submitted in response to an urgent situation, with respect to areas in the State that the Secretary determines are at risk for excessive premium increases or having no health plans offered in the applicable health insurance market for the current or following plan year;

“(ii) is for a waiver that is the same or substantially similar to a waiver that the Secretary already has approved for another State; or

“(iii) is for a waiver that includes an invisible high-risk pool or reinsurance program described in subparagraph (A), (B), or (D) of subsection (g)(2).

“(B) APPROVAL.—

“(i) URGENT SITUATIONS.—

“(I) PROVISIONAL APPROVAL.—A waiver approved under the expedited determination process under subparagraph (A)(i) shall be in effect for a period of 3 years, unless the State requests a shorter duration.

“(II) FULL APPROVAL.—Subject to the requirements for approval otherwise applicable under this section, not later than 1 year before the expiration of a provisional waiver period described in subclause (I) with respect to an application described in subparagraph (A)(i), the Secretary shall make a determination on whether to extend the approval of such waiver for the full term of the waiver requested by the State, for a total approval

period not to exceed 6 years. The Secretary may request additional information as the Secretary determines appropriate to make such determination.

“(ii) APPROVAL OF SAME OR SIMILAR APPLICATIONS.—An approval of a waiver under subparagraph (A)(ii) shall be subject to the terms of subsection (e).

“(C) GAO STUDY.—Not later than 5 years after the date of enactment of the Department of Health and Human Services Appropriations Act, 2018, the Comptroller General of the United States shall conduct a review of all waivers approved pursuant to subparagraph (A)(ii) to evaluate whether such waivers met the requirements of subsection (b)(1) and whether the applications should have qualified for such expedited process.”.

(5) PROVIDING CERTAINTY FOR STATE-BASED REFORMS.—Section 1332(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18052(e)) is amended by striking “No waiver” and all that follows through the period at the end and inserting the following: “A waiver under this section—

“(1) shall be in effect for a period of 6 years unless the State requests a shorter duration;

“(2) may be renewed, subject to the State meeting the criteria for approval otherwise applicable under this section, for unlimited additional 6-year periods upon application by the State; and

“(3) may not be suspended or terminated, in whole or in part, by the Secretary at any time before the date of expiration of the waiver period (including any renewal period under paragraph (2)), unless the Secretary determines that the State materially failed to comply with the terms and conditions of the waiver.”.

(6) GUIDANCE AND REGULATIONS.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(A) by adding at the end the following:

“(f) GUIDANCE AND REGULATIONS.—

“(1) IN GENERAL.—With respect to carrying out this section, the Secretary shall—

“(A) issue guidance, not later than 60 days after the date of enactment of the Department of Health and Human Services Appropriations Act, 2018, that includes initial examples of model State plans that meet the requirements for approval under this section; and

“(B) periodically review the guidance issued under subparagraph (A) and when appropriate, issue additional examples of model State plans that meet the requirements for approval under this section, which may include—

“(i) State plans establishing reinsurance or invisible high-risk pool arrangements for purposes of covering the cost of high-risk individuals;

“(ii) State plans expanding insurer participation, access to affordable health plans, network adequacy, and health plan options over the entire applicable health insurance market in the State;

“(iii) waivers encouraging or requiring health plans in such State to deploy value-based insurance designs which structure enrollee cost-sharing and other health plan design elements to encourage enrollees to consume high-value clinical services;

“(iv) State plans allowing for significant variation in health plan benefit design; or

“(v) any other State plan as the Secretary determines appropriate.

“(2) RESCISSION OF PREVIOUS REGULATIONS AND GUIDANCE.—Beginning on the date of enactment of the Department of Health and Human Services Appropriations Act, 2018, the regulations promulgated, and the guidance issued, under this section prior to the date of enactment of the Department of Health and Human Services Appropriations Act, 2018 shall have no force or effect.”; and

(B) in subsection (a)(5) (as redesignated by paragraph (2)(A)(ii))—

(i) in subparagraph (A), by inserting “, as applicable” before the period; and

(ii) in subparagraph (B), by striking “Not later than 180 days after the date of enactment of this Act, the Secretary shall” and inserting “The Secretary may”.

(7) INVISIBLE HIGH RISK POOLS AND REINSURANCE PROGRAMS.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052), as amended by paragraph (6), is further amended by adding at the end the following:

“(g) INVISIBLE HIGH RISK POOLS AND REINSURANCE PROGRAMS.—

“(1) FUNDING.—With respect to a State that has received a waiver under this section to establish an invisible high-risk pool or reinsurance program described in paragraph (2), the State may fund such program, in whole or in part, using one or both of the following:

“(A) Amounts received through a grant described in subsection (a)(4)(B).

“(B) All of, or a portion of, the payments made to the State as described in subsection (a)(3), consistent with the information the State provides under subsection (a)(1)(B).

“(2) PROGRAM DESIGN.—An invisible high-risk pool or reinsurance program described in this paragraph is a program that meets any of the following:

“(A) An invisible high-risk pool, as defined by the State, under which health insurance issuers, with respect to designated individuals who experience higher than average health costs as determined by the State, and are enrolled in health insurance coverage offered in the individual market, cede risk to the pool, without affecting the premium paid by the designated individuals or their terms of coverage. With respect to such pool, the State, or an entity operating the pool on behalf of the State, shall establish—

“(i) the premium amount the ceding issuer shall pay to the reinsurance pool;

“(ii) the applicable attachment points or coinsurance percentages if the ceding issuer retains any portion of the risk under ceded policies; and

“(iii) the mechanism by which high-risk individuals are designated for cession to the pool, which may include a list of designated high-cost health conditions.

“(B) A reinsurance program, as defined by the State, that assumes a portion of the risk for individuals who experience higher than average health costs as determined by the State, in a manner substantially similar to the reinsurance program that operated in the State in accordance with section 1341.

“(C) A reinsurance program established by the State not otherwise described in this paragraph.

“(D) A program based on another State’s reinsurance program—

“(i) described in subparagraph (A), (B), or (C), for which an application has been approved under this subsection; or

“(ii) which was implemented prior to September 1, 2017, and which the Secretary determines meets the requirements of subparagraph (A).”.

(8) APPLICABILITY.—The amendments made by this Act to section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052)—

(A) with respect to applications for waivers under such section 1332 submitted after the date of enactment of this Act and applications for such waivers submitted prior to such date of enactment and under review by the Secretary on the date of enactment, shall take effect on the date of enactment of this Act; and

(B) with respect to applications for waivers approved under such section 1332 before the

date of enactment of this Act, shall not require reconsideration of whether such applications meet the requirements of such section 1332, except that, at the request of a State, the Secretary shall recalculate the amount of funding provided under subsection (a)(3) of such section.

(9) CLARIFYING BUDGET NEUTRALITY.—Section 1332(a)(1)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18052(a)(1)(B)) is amended—

(A) in clause (i), by inserting “, including, as applicable, a description of the State’s plan to use any amounts awarded to the State under paragraph (4) to support an invisible high-risk pool or reinsurance program consistent with subsection (g) and such information about such program as the Secretary may require” before the semicolon; and

(B) in clause (ii), by inserting “over both the term of the proposed waiver and the term of the 10-year budget plan” after “Government”.

(b) COST-SHARING PAYMENTS.—

(1) IN GENERAL.—There is appropriated to the Secretary of Health and Human Services (referred to in this section as the “Secretary”), out of any funds in the Treasury not otherwise obligated, such sums as may be necessary for payments for cost-sharing reductions, as authorized by section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) for the portion of plan year 2017 that begins on October 1, 2017, and ends on December 31, 2017, and for plan years 2019, 2020, and 2021.

(2) SPECIAL RULES FOR COST-SHARING REDUCTIONS.—

(A) BASIC HEALTH PLAN.—For plan year 2018, there is appropriated to the Secretary, out of any funds in the Treasury not otherwise obligated, such sums as may be necessary for, with respect to States that have in effect a basic health plan on January 1, 2018, the portion of transfers pursuant to section 1331(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18051(d)) attributable to the cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) that would have been provided for plan year 2018 with respect to eligible individuals enrolled in standard health plans in such States.

(B) HOLD HARMLESS.—

(i) IN GENERAL.—For plan year 2018, there is appropriated to the Secretary, out of any funds in the Treasury not otherwise obligated, such sums as may be necessary for payments for cost-sharing reductions authorized by section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) with respect to qualified health plans described in clause (ii).

(ii) QUALIFIED HEALTH PLANS DESCRIBED.—A qualified health plan described in this clause is a qualified health plan for which the Secretary determines, based on a certification and appropriate documentation from the issuer of such plan and a certification from the applicable State regulator, that the health insurance issuer of such plan has not increased premium rates for plan year 2018 on account of the issuer assuming, or being instructed by applicable State regulators to assume, that the issuer would receive payments under such section 1402.

(C) CLARIFICATION OF OBLIGATIONS.—

(i) NO REQUIREMENTS TO MAKE PAYMENTS.—Notwithstanding any other provision of law, there shall be no obligation under this Act or any other Act, including the Patient Protection and Affordable Care Act (Public Law 111-148), to make payments for cost-sharing reductions under section 1402(c)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(c)(3)) or advance payments for such cost-sharing reductions under section

1412 of the Patient Protection and Affordable Care Act (42 U.S.C. 18082) for plan year 2018, except for such payments for which amounts are appropriated under subparagraphs (A) and (B). Nothing in this clause shall be construed as affecting the requirements under section 1402 of the Patient Protection and Affordable Care Act for issuers to reduce cost-sharing.

(ii) **NO OBLIGATION TO RECONCILE PAYMENTS.**—Notwithstanding any other provision of law, there shall be no obligation under this Act or any other Act, including the Patient Protection and Affordable Care Act (Public Law 111-148), to make payments on or after October 1, 2017, for the purpose of reconciling any cost-sharing reduction payments by the Secretary under section 1402(c)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(c)(3)) made for plan year 2016 or the plan year beginning January 1, 2017, through September 30, 2017.

(D) **TREATMENT OF PREVIOUS PAYMENTS.**—Notwithstanding any other provision of law, payments made for cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) during the period beginning on January 1, 2014, and ending on September 30, 2017, shall be treated in the same manner as a refund due from the credit allowed under section 36B of the Internal Revenue Code of 1986 for the purposes of section 1324 of title 31, United States Code.

(C) **HEALTH BENEFITS COVERAGE.**—Notwithstanding any other provision of law, including any other definition of “health benefits coverage” for purposes of subsection (b) and (c) of section 506, any use made of funds appropriated under subsection (b) starting in plan year 2019, and subsection (a)(2)(B) starting in plan year 2018, and any program, activity, plan, or coverage funded or supported by such funds, shall constitute “health benefits coverage”.

(d) **LIMITATIONS.**—The following shall apply:

(1) Nothing in this section shall be construed to limit the applicability of subsection (a), (b), or (d) of section 507.

(2) For purposes of this section, a health insurance issuer expending State, local, or private funds, shall be treated in the same manner as a managed care provider described in section 507(c).

SEC. 231. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIVIDUAL MARKET THE OPTION TO PURCHASE A LOWER PREMIUM COPPER PLAN.

(a) **IN GENERAL.**—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) and (ii) of subparagraph (B) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(B) by striking “plan year if—” and all that follows through “the plan provides—” and inserting “plan year if the plan provides—”; and

(C) in subparagraph (A), as redesignated by paragraph (1), by striking “clause (ii)” and inserting “subparagraph (B)”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) **RISK POOLS.**—Section 1312(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(c)) is amended by inserting “and including enrollees in catastrophic plans described in section 1302(e)” after “Exchange”.

(c) **CONFORMING AMENDMENT.**—Section 1312(d)(3)(C) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(3)(C)) is amended by striking “, except that in the

case of a catastrophic plan described in section 1302(e), a qualified individual may enroll in the plan only if the individual is eligible to enroll in the plan under section 1302(e)(2)”.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) shall apply with respect to plan years beginning on or after January 1, 2019.

SEC. 232. CONSUMER OUTREACH, EDUCATION, AND ASSISTANCE.

(a) **OPEN ENROLLMENT REPORTS.**—For plan years 2019 and 2020, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), in coordination with the Secretary of the Treasury and the Secretary of Labor, shall issue biweekly public reports during the annual open enrollment period on the performance of the Federal Exchange and the Small Business Health Options Program (SHOP) Marketplace. Each such report shall include a summary, including information on a State-by-State basis where available, of—

(1) the number of unique website visits;

(2) the number of individuals who create an account;

(3) the number of calls to the call center;

(4) the average wait time for callers contacting the call center;

(5) the number of individuals who enroll in a qualified health plan; and

(6) the percentage of individuals who enroll in a qualified health plan through each of—

(A) the website;

(B) the call center;

(C) navigators;

(D) agents and brokers;

(E) the enrollment assistant program;

(F) directly from issuers or web brokers; and

(G) other means.

(b) **OPEN ENROLLMENT AFTER ACTION REPORT.**—For plan years 2019 and 2020, the Secretary, in coordination with the Secretary of the Treasury and the Secretary of Labor, shall publish an after action report not later than 3 months after the completion of the annual open enrollment period regarding the performance of the Federal Exchange and the Small Business Health Options Program (SHOP) Marketplace for the applicable plan year. Each such report shall include a summary, including information on a State-by-State basis where available, of—

(1) the open enrollment data reported under subsection (a) for the entirety of the enrollment period; and

(2) activities related to patient navigators described in section 1311(i) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)), including—

(A) the performance objectives established by the Secretary for such patient navigators;

(B) the number of consumers enrolled by such a patient navigator;

(C) an assessment of how such patient navigators have met established performance metrics, including a detailed list of all patient navigators, funding received by patient navigators, and whether established performance objectives of patient navigators were met; and

(D) with respect to the performance objectives described in subparagraph (A)—

(i) whether such objectives assess the full scope of patient navigator responsibilities, including general education, plan selection, and determination of eligibility for tax credits, cost-sharing reductions, or other coverage;

(ii) how the Secretary worked with patient navigators to establish such objectives; and

(iii) how the Secretary adjusted such objectives for case complexity and other contextual factors.

(c) **REPORT ON ADVERTISING AND CONSUMER OUTREACH.**—Not later than 3 months after

the completion of the annual open enrollment period for the 2019 plan year, the Secretary shall issue a report on advertising and outreach to consumers for the open enrollment period for the 2019 plan year. Such report shall include a description of—

(1) the division of spending on individual advertising platforms, including television and radio advertisements and digital media, to raise consumer awareness of open enrollment;

(2) the division of spending on individual outreach platforms, including email and text messages, to raise consumer awareness of open enrollment; and

(3) whether the Secretary conducted targeted outreach to specific demographic groups and geographic areas.

(d) **OUTREACH AND ENROLLMENT ACTIVITIES.**—

(1) **OPEN ENROLLMENT.**—Of the amounts collected through the user fees on participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations), the Secretary shall obligate \$105,800,000 for outreach and enrollment activities for each of the open enrollment periods for plan years 2019 and 2020.

(2) **OUTREACH AND ENROLLMENT ACTIVITIES.**—

(A) **IN GENERAL.**—For purposes of this subsection, the term “outreach and enrollment activities” means—

(i) activities to educate consumers about coverage options or to encourage consumers to enroll in or maintain health insurance coverage (excluding allocations to the call center for the Federal Exchange); and

(ii) activities conducted by an in-person consumer assistance program that does not have a conflict of interest and that, among other activities, facilitates enrollment of individuals through the Federal Exchange, and distributes fair and impartial information concerning enrollment through such Exchange and the availability of tax credits and cost-sharing reductions.

(B) **CONNECTION WITH FEDERAL EXCHANGE.**—Activities conducted under this subsection shall be in connection with the operation of the Federal Exchange, to provide special benefits to health insurance issuers participating in the Federal Exchange.

(3) **CONTRACT AUTHORITY.**—The Secretary may contract with a State to conduct outreach and enrollment activities for plan years 2019 and 2020. Any outreach and enrollment activities conducted by a State or other entity at the direction of the State, in accordance with such a contract, shall be treated as Federal activities to provide special benefits to participating health insurance issuers consistent with OMB Circular No. A-25R.

(4) **CLARIFICATIONS.**—

(A) **PRIOR FUNDING.**—Nothing in this subsection should be construed as rescinding or cancelling any funds already obligated on the date of enactment of this Act for outreach and enrollment activities for plan year 2019.

(B) **AVAILABILITY OF FUNDING.**—The Secretary shall ensure that outreach and enrollment activities are conducted in all applicable States, including, as necessary, by providing for such activities through contracts described in paragraph (3).

SEC. 233. OFFERING HEALTH PLANS IN MORE THAN ONE STATE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the National Association of Insurance Commissioners, shall issue regulations for the implementation of health care choice compacts established under section 1333 of the Patient Protection and Affordable Care Act

(42 U.S.C. 18053) to allow for the offering of health plans in more than one State.

SEC. 234. CONSUMER NOTIFICATION.

In addition to any applicable Federal requirements with respect to short-term limited duration insurance, a State insurance commissioner shall require the issuer of short-term, limited duration insurance approved for sale in the State to display prominently in marketing materials, the contract, and application materials provided in connection with enrollment in such insurance a notice to consumers that includes such information as the State insurance commissioner determines sufficient to inform the individual that coverage and benefits under such insurance differ from coverage and benefits under qualified health plans.

SA 2217. Mr. McCONNELL proposed an amendment to the bill H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; as follows:

At the end add the following:

“This Act shall take effect 1 day after the date of enactment.”

SA 2218. Mr. McCONNELL proposed an amendment to amendment SA 2217 proposed by Mr. McCONNELL to the bill H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; as follows:

Strike “1 day” and insert “2 days”

SA 2219. Mr. McCONNELL proposed an amendment to the bill H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; as follows:

At the end add the following:

“This Act shall take effect 3 days after the date of enactment.”

SA 2220. Mr. McCONNELL proposed an amendment to amendment SA 2219 proposed by Mr. McCONNELL to the bill H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; as follows:

Strike “3 days” and insert “4 days”

SA 2221. Mr. McCONNELL proposed an amendment to amendment SA 2220 proposed by Mr. McCONNELL to the amendment SA 2219 proposed by Mr. McCONNELL to the bill H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards

program of the Department of State, and for other purposes; as follows:

Strike “4” and insert “5”

SA 2222. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION W—BIPARTISAN HEALTH CARE STABILIZATION

SECTION 1. SHORT TITLE.

This division may be cited as the “Bipartisan Health Care Stabilization Act of 2018”.

SEC. 2. WAIVERS FOR STATE INNOVATION; COST-SHARING PAYMENTS.

(a) WAIVERS FOR STATE INNOVATION.—

(1) STREAMLINING THE STATE APPLICATION PROCESS.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(A) in subsection (a)(1)(C), by striking “the law” and inserting “a law or has in effect a certification”; and

(B) in subsection (b)(2)—

(i) in the paragraph heading, by inserting “OR CERTIFY” after “LAW”; and

(ii) in subparagraph (A)—

(I) by striking “A law” and inserting the following:

“(i) LAWS.—A law”; and

(II) by adding at the end the following:

“(i) CERTIFICATIONS.—A certification described in this paragraph is a document, signed by the Governor of the State, that certifies that such Governor has the authority under existing Federal and State law to take action under this section, including implementation of the State plan under subsection (a)(1)(B).”; and

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “OF OPT OUT”; and

(II) by striking “may repeal a law” and all that follows through the period at the end and inserting the following: “may terminate the authority provided under the waiver with respect to the State by—

“(i) repealing a law described in subparagraph (A)(i); or

“(ii) terminating a certification described in subparagraph (A)(ii), through a certification for such termination signed by the Governor of the State.”.

(2) GIVING STATES MORE FUNDING FLEXIBILITY, TO ESTABLISH REINSURANCE, HIGH RISK POOLS, INVISIBLE HIGH RISK POOLS, INSURANCE STABILITY FUNDS AND OTHER PROGRAMS.—

(A) STATE GRANTS UNDER WAIVERS.—Section 1332(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18052(a)) is amended—

(i) in paragraph (3)—

(I) in the first sentence—

(aa) by inserting “or would qualify for a reduced portion of” after “would not qualify for”; and

(bb) by inserting “, or the State would not qualify for or would qualify for a reduced portion of basic health program funds under section 1331,” after “subtitle E”; and

(cc) by inserting “, or basic health program funds the State would have received,” after “this title”; and

(dd) by inserting “or for implementing the basic health program established under section 1331” before the period;

(II) in the second sentence, by inserting before the period “, and with respect to partici-

pation in the basic health program and funds provided to such other States under section 1331”; and

(III) by adding after the second sentence the following: “A State may request that all of, or any portion of, such aggregate amount of such credits, reductions, or funds be paid to the State as described in the first sentence.”;

(ii) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(iii) by inserting after paragraph (3) the following:

“(4) FEDERAL FUNDING FOR INVISIBLE HIGH-RISK POOL AND REINSURANCE PROGRAMS.—

“(A) ALLOCATIONS.—Not later than 45 days after the date of enactment of the Bipartisan Health Care Stabilization Act of 2018, the Secretary, in consultation with the National Association of Insurance Commissioners, shall specify an allocation methodology for determining the amount of funds appropriated under section 2(a)(2)(B) of the Bipartisan Health Care Stabilization Act of 2018 for a fiscal year to be allocated for each State for purposes of subparagraph (B). Such methodology shall allocate funds in a manner that would yield a similar level of premium reduction in all States if all States applied for and received funding, taking into account market stability and competition in the various States. If not all States apply for and receive funding under subparagraph (B), remaining funds shall be used to carry out section 2(a)(2)(C) of the Bipartisan Health Care Stabilization Act of 2018.

“(B) STATE GRANTS.—From amounts appropriated under section 2(a)(2)(B) of the Bipartisan Health Care Stabilization Act of 2018 for a fiscal year, the Secretary shall award grants to States for each of fiscal years 2018 through 2021, in amounts determined in accordance with the allocation methodology under subparagraph (A), for the following purposes:

“(i) For fiscal year 2018, for administrative costs of the State associated with preparing and submitting information described in subsection (a)(1)(B) that includes an invisible high-risk pool or reinsurance program that meets the requirements of subsection (g)(2), or costs associated with the establishment of such invisible high-risk pool or reinsurance program.

“(ii) For each of fiscal years 2019, 2020, and 2021, for the establishment or maintenance of invisible high-risk pools and reinsurance programs that meet the requirements of subsection (g)(2) and for which the State has received a waiver under this section.

“(C) BUDGET NEUTRALITY.—Funds awarded to a State under a grant awarded under subparagraph (B) shall not be taken into account for purposes of determining under paragraph (1) whether the State waiver is budget neutral, or determining under subsection (b)(1) whether the State waiver increases the Federal deficit.”.

(B) APPROPRIATIONS.—

(i) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to the Secretary of Health and Human Services, for the purposes described in section 1332(a)(4)(B) of the Patient Protection and Affordable Care Act and subparagraph (C), out of any funds in the Treasury not otherwise appropriated—

(I) \$500,000,000 for fiscal year 2018; and

(II) \$10,000,000,000 for each of fiscal years 2019, 2020, and 2021.

(ii) AVAILABLE UNTIL EXPENDED.—Amounts appropriated under this paragraph shall remain available until expended.

(C) DEFAULT FEDERAL SAFEGUARD.—

(i) IN GENERAL.—For purposes of plan years 2019 through 2021, in the case of a State that

does not, by a date specified by the Secretary of Health and Human Services (referred to in this subparagraph as the “Secretary”), in consultation with the National Association of Insurance Commissioners, have in effect a waiver under section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) that includes an invisible high-risk pool or reinsurance program that meets the requirements of subsection (g)(2) of such section 1332, the Secretary shall, from amounts appropriated under subparagraph (B), use the allocation determined for the State under subsection (a)(4)(B) of such section 1332 for plan years 2019 through 2021 for the purpose described in clause (ii) for such State.

(i) **REQUIRED USE FOR MARKET STABILIZATION PAYMENTS TO ISSUERS.**—The Secretary shall enter into arrangements with the State or appropriate non-profit entities to help stabilize premiums for health insurance coverage in the individual market, by providing payments to insurers with respect to enrollees whose claims exceed a dollar amount established by the Secretary, in an amount equal to 80 percent of the amount of such claims.

(3) **ENSURING PATIENT ACCESS TO MORE FLEXIBLE HEALTH PLANS.**—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking “at least as affordable” and inserting “of comparable affordability, including for low-income individuals, individuals with serious health needs, and other vulnerable populations.”; and

(II) by amending subparagraph (D) to read as follows:

“(D)(i) will not increase the Federal deficit over the term of the waiver; and

“(ii) will not increase the Federal deficit over the term of the 10-year budget plan submitted under subsection (a)(1)(B)(ii).”;

(ii) by redesignating paragraph (2) (as amended by paragraph (1)) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

“(2) **BUDGETARY EFFECT.**—

“(A) **IN GENERAL.**—In determining whether a State plan submitted under subsection (a) meets the deficit neutrality requirements of paragraph (1)(D), the Secretary may take into consideration the direct budgetary effect of the provisions of such plan on sources of Federal funding other than the funding described in subsection (a)(3).

“(B) **LIMITATION.**—A determination made by the Secretary under subparagraph (A)—

“(i) shall not be construed to affect any waiver process or standards or terms and conditions in effect on the date of enactment of the Bipartisan Health Care Stabilization Act of 2018 under title XI, XVIII, XIX, or XXI of the Social Security Act, or any other Federal law relating to the provision of health care items or services; and

“(ii) shall be made without regard to any changes in policy with respect to any waiver process or provision of health care items or services described in clause (i).”;

(B) in subsection (a)(1)(C), by striking “subsection (b)(2)” and inserting “subsection (b)(3).”

(4) **PROVIDING EXPEDITED APPROVAL OF STATE WAIVERS.**—Section 1332(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18052(d)) is amended—

(A) in paragraph (1) by striking “180” and inserting “120”; and

(B) by adding at the end the following:

“(3) **EXPEDITED DETERMINATION.**—

“(A) **IN GENERAL.**—With respect to any application under subsection (a)(1) submitted

on or after the date of enactment of the Bipartisan Health Care Stabilization Act of 2018 or any such application submitted prior to such date of enactment and under review by the Secretary on such date of enactment, the Secretary shall make a determination on such application, using the criteria for approval otherwise applicable under this section, not later than 45 days after the receipt of such application, and shall allow the public notice and comment at the State and Federal levels described under subsection (a)(5) to occur concurrently if such State application—

“(i) is submitted in response to an urgent situation, with respect to areas in the State that the Secretary determines are at risk for excessive premium increases or having no health plans offered in the applicable health insurance market for the current or following plan year; or

“(ii) is for a waiver that is the same or substantially similar to a waiver that the Secretary already has approved for another State.

“(B) **APPROVAL.**—

“(i) **URGENT SITUATIONS.**—

“(I) **PROVISIONAL APPROVAL.**—A waiver approved under the expedited determination process under subparagraph (A)(i) shall be in effect for a period of 3 years, unless the State requests a shorter duration.

“(II) **FULL APPROVAL.**—Subject to the requirements for approval otherwise applicable under this section, not later than 1 year before the expiration of a provisional waiver period described in subclause (I) with respect to an application described in subparagraph (A)(i), the Secretary shall make a determination on whether to extend the approval of such waiver for the full term of the waiver requested by the State, for a total approval period not to exceed 6 years. The Secretary may request additional information as the Secretary determines appropriate to make such determination.

“(ii) **APPROVAL OF SAME OR SIMILAR APPLICATIONS.**—An approval of a waiver under subparagraph (A)(ii) shall be subject to the terms of subsection (e).

“(C) **GAO STUDY.**—Not later than 5 years after the date of enactment of the Bipartisan Health Care Stabilization Act of 2018, the Comptroller General of the United States shall conduct a review of all waivers approved pursuant to subparagraph (A)(ii) to evaluate whether such waivers met the requirements of subsection (b)(1) and whether the applications should have qualified for such expedited process.”

(5) **PROVIDING CERTAINTY FOR STATE-BASED REFORMS.**—Section 1332(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18052(e)) is amended by striking “No waiver” and all that follows through the period at the end and inserting the following: “A waiver under this section—

“(1) shall be in effect for a period of 6 years unless the State requests a shorter duration;

“(2) may be renewed, subject to the State meeting the criteria for approval otherwise applicable under this section, for unlimited additional 6-year periods upon application by the State; and

“(3) may not be suspended or terminated, in whole or in part, by the Secretary at any time before the date of expiration of the waiver period (including any renewal period under paragraph (2)), unless the Secretary determines that the State materially failed to comply with the terms and conditions of the waiver.”

(6) **GUIDANCE AND REGULATIONS.**—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(A) by adding at the end the following:

“(f) **GUIDANCE AND REGULATIONS.**—

“(1) **IN GENERAL.**—With respect to carrying out this section, the Secretary shall—

“(A) issue guidance, not later than 60 days after the date of enactment of the Bipartisan Health Care Stabilization Act of 2018, that includes initial examples of model State plans that meet the requirements for approval under this section; and

“(B) periodically review the guidance issued under subparagraph (A) and when appropriate, issue additional examples of model State plans that meet the requirements for approval under this section, which may include—

“(i) State plans establishing reinsurance or invisible high-risk pool arrangements for purposes of covering the cost of high-risk individuals;

“(ii) State plans expanding insurer participation, access to affordable health plans, network adequacy, and health plan options over the entire applicable health insurance market in the State;

“(iii) waivers encouraging or requiring health plans in such State to deploy value-based insurance designs which structure enrollee cost-sharing and other health plan design elements to encourage enrollees to consume high-value clinical services;

“(iv) State plans allowing for significant variation in health plan benefit design; or

“(v) any other State plan as the Secretary determines appropriate.

“(2) **RESCISSION OF PREVIOUS REGULATIONS AND GUIDANCE.**—Beginning on the date of enactment of the Bipartisan Health Care Stabilization Act of 2018, the regulations promulgated, and the guidance issued, under this section prior to the date of enactment of the Bipartisan Health Care Stabilization Act of 2018 shall have no force or effect.”; and

(B) in subsection (a)(5) (as redesignated by paragraph (2)(A)(ii))—

(i) in subparagraph (A), by inserting “, as applicable” before the period; and

(ii) in subparagraph (B), by striking “Not later than 180 days after the date of enactment of this Act, the Secretary shall” and inserting “The Secretary may”.

(7) **INVISIBLE HIGH RISK POOLS AND REINSURANCE PROGRAMS.**—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052), as amended by paragraph (6), is further amended by adding at the end the following:

“(g) **INVISIBLE HIGH RISK POOLS AND REINSURANCE PROGRAMS.**—

“(1) **FUNDING.**—With respect to a State that has received a waiver under this section to establish an invisible high-risk pool or reinsurance program described in paragraph (2), the State may fund such program, in whole or in part, using one or both of the following:

“(A) Amounts received through a grant described in subsection (a)(4)(B).

“(B) All of, or a portion of, the payments made to the State as described in subsection (a)(3), consistent with the information the State provides under subsection (a)(1)(B).

“(2) **PROGRAM DESIGN.**—An invisible high-risk pool or reinsurance program described in this paragraph is a program that meets any of the following:

“(A) An invisible high-risk pool, as defined by the State, under which health insurance issuers, with respect to designated individuals who experience higher than average health costs as determined by the State, and are enrolled in health insurance coverage offered in the individual market, cede risk to the pool, without affecting the premium paid by the designated individuals or their terms of coverage. With respect to such pool, the State, or an entity operating the pool on behalf of the State, shall establish—

“(i) the premium amount the ceding issuer shall pay to the reinsurance pool;

“(ii) the applicable attachment points or coinsurance percentages if the ceding issuer retains any portion of the risk under ceded policies; and

“(iii) the mechanism by which high-risk individuals are designated for cession to the pool, which may include a list of designated high-cost health conditions.

“(B) A reinsurance program, as defined by the State, that assumes a portion of the risk for individuals who experience higher than average health costs as determined by the State, in a manner substantially similar to the reinsurance program that operated in the State in accordance with section 1341.

“(C) A reinsurance program established by the State not otherwise described in this paragraph.

“(D) A program based on another State’s reinsurance program—

“(i) described in subparagraph (A), (B), or (C), for which an application has been approved under this subsection; or

“(ii) which was implemented prior to the date of enactment of the Bipartisan Health Care Stabilization Act of 2018, and which the Secretary determines meets the requirements of subparagraph (A).

“(3) SINGLE RISK POOL.—An invisible high-risk pool or reinsurance program established in accordance with this subsection shall not be considered a separate risk pool for purposes of section 1312(c).”

(8) APPLICABILITY.—The amendments made by this Act to section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052)—

(A) with respect to applications for waivers under such section 1332 submitted after the date of enactment of this Act and applications for such waivers submitted prior to such date of enactment and under review by the Secretary on the date of enactment, shall take effect on the date of enactment of this Act; and

(B) with respect to applications for waivers approved under such section 1332 before the date of enactment of this Act, shall not require reconsideration of whether such applications meet the requirements of such section 1332, except that, at the request of a State, the Secretary shall recalculate the amount of funding provided under subsection (a)(3) of such section.

(9) CLARIFYING BUDGET NEUTRALITY.—Section 1332(a)(1)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18052(a)(1)(B)) is amended—

(A) in clause (i), by inserting “, including, as applicable, a description of the State’s plan to use any amounts awarded to the State under paragraph (4) to support an invisible high-risk pool or reinsurance program consistent with subsection (g) and such information about such program as the Secretary may require” before the semicolon; and

(B) in clause (ii), by inserting “over both the term of the proposed waiver and the term of the 10-year budget plan” after “Government”.

(b) COST-SHARING PAYMENTS.—

(1) IN GENERAL.—There is appropriated to the Secretary of Health and Human Services (referred to in this section as the “Secretary”), out of any funds in the Treasury not otherwise obligated, such sums as may be necessary for payments for cost-sharing reductions, as authorized by section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) for plan years 2017, 2019, 2020, and 2021.

(2) SPECIAL RULES FOR COST-SHARING REDUCTIONS.—

(A) BASIC HEALTH PLAN.—For plan year 2018, there is appropriated to the Secretary, out of any funds in the Treasury not otherwise obligated, such sums as may be nec-

essary for, with respect to States that have in effect a basic health plan on January 1, 2018, the portion of transfers pursuant to section 1331(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18051(d)) attributable to the cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) that would have been provided for plan year 2018 with respect to eligible individuals enrolled in standard health plans in such States.

(B) HOLD HARMLESS.—

(i) IN GENERAL.—For plan year 2018, there is appropriated to the Secretary, out of any funds in the Treasury not otherwise obligated, such sums as may be necessary for payments for cost-sharing reductions authorized by section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) with respect to specified qualified health plans described in clause (ii).

(ii) SPECIFIED QUALIFIED HEALTH PLANS DESCRIBED.—A specified qualified health plan described in this clause is a qualified health plan—

(I) offered in a State that—

(aa) prohibited increasing premium rates to account for non-payment of cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act; or

(bb) did not provide guidance on whether to increase premiums to account for non-payment of cost-sharing reduction under such section 1402; and

(II) for which the Secretary determines, based on a certification and appropriate documentation from the issuer of such plan and a certification from the applicable State regulator, that the health insurance issuer of such plan has not increased premium rates for plan year 2018 on account of the issuer assuming, or being instructed by applicable State regulators to assume, that the issuer would receive payments under such section 1402.

(3) PROTECTING CONSUMERS FROM INCREASED OUT-OF-POCKET COSTS.—Section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) is amended by adding at the end, the following:

“(g) ADDITIONAL REDUCTION.—

“(1) REDUCTION FOR LOW INCOME INSURED.—For plan years 2019 through 2021, in addition to the cost-sharing reductions under subsection (c), the Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall further reduce cost-sharing under the plan in a manner sufficient to—

“(A) in the case of an eligible insured whose household income is not less than 150 percent but not more than 250 percent of the poverty line for a family of the size involved, increase the plan’s share of the total allowed costs of benefits provided under the plan to 87 percent of such costs; and

“(B) in the case of an eligible insured whose household income is not less than 250 percent but not more than 400 percent of the poverty line for a family of the size involved, increase the plan’s share of the total allowed costs of benefits provided under the plan to 80 percent of such costs.”

“(2) CONFORMING AMENDMENT.—For plan years 2019 through 2021, in addition to the coordination with actuarial value limits under subsection (c)(1)(B), the Secretary shall ensure that the reductions under subsection (c)(1) do not result in an increase in the plan’s share of the total allowed costs of benefits provided under the plan above—

“(A) 87 percent, in the case of an eligible insured described in paragraph (1)(A); and

“(B) 80 percent, in the case of an eligible insured described in paragraph (1)(B).”

SEC. 3. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIVIDUAL MARKET THE OPTION TO PURCHASE A LOWER PREMIUM COPPER PLAN.

(a) IN GENERAL.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) and (ii) of subparagraph (B) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(B) by striking “plan year if—” and all that follows through “the plan provides—” and inserting “plan year if the plan provides—”; and

(C) in subparagraph (A), as redesignated by paragraph (1), by striking “clause (ii)” and inserting “subparagraph (B)”;:

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) RISK POOLS.—Section 1312(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(c)) is amended by inserting “and including enrollees in catastrophic plans described in section 1302(e)” after “Exchange”.

(c) CONFORMING AMENDMENT.—Section 1312(d)(3)(C) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(3)(C)) is amended by striking “, except that in the case of a catastrophic plan described in section 1302(e), a qualified individual may enroll in the plan only if the individual is eligible to enroll in the plan under section 1302(e)(2).”

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to plan years beginning on or after January 1, 2019.

SEC. 4. CONSUMER OUTREACH, EDUCATION, AND ASSISTANCE.

(a) OPEN ENROLLMENT REPORTS.—For plan years 2019 through 2021, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), in coordination with the Secretary of the Treasury and the Secretary of Labor, shall issue biweekly public reports during the annual open enrollment period on the performance of the Federal Exchange and the Small Business Health Options Program (SHOP) Marketplace. Each such report shall include a summary, including information on a State-by-State basis where available, of—

(1) the number of unique website visits;

(2) the number of individuals who create an account;

(3) the number of calls to the call center;

(4) the average wait time for callers contacting the call center;

(5) the number of individuals who enroll in a qualified health plan; and

(6) the percentage of individuals who enroll in a qualified health plan through each of—

(A) the website;

(B) the call center;

(C) navigators;

(D) agents and brokers;

(E) the enrollment assistant program;

(F) directly from issuers or web brokers; and

(G) other means.

(b) OPEN ENROLLMENT AFTER ACTION REPORT.—For plan years 2019 through 2021, the Secretary, in coordination with the Secretary of the Treasury and the Secretary of Labor, shall publish an after action report not later than 3 months after the completion of the annual open enrollment period regarding the performance of the Federal Exchange and the Small Business Health Options Program (SHOP) Marketplace for the applicable plan year. Each such report shall include a summary, including information on a State-by-State basis where available, of—

(1) the open enrollment data reported under subsection (a) for the entirety of the enrollment period; and

(2) activities related to patient navigators described in section 1311(i) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)), including—

(A) the performance objectives established by the Secretary for such patient navigators;

(B) the number of consumers enrolled by such a patient navigator;

(C) an assessment of how such patient navigators have met established performance metrics, including a detailed list of all patient navigators, funding received by patient navigators, and whether established performance objectives of patient navigators were met; and

(D) with respect to the performance objectives described in subparagraph (A)—

(i) whether such objectives assess the full scope of patient navigator responsibilities, including general education, plan selection, and determination of eligibility for tax credits, cost-sharing reductions, or other coverage;

(ii) how the Secretary worked with patient navigators to establish such objectives; and

(iii) how the Secretary adjusted such objectives for case complexity and other contextual factors.

(c) **REPORT ON ADVERTISING AND CONSUMER OUTREACH.**—Not later than 3 months after the completion of the annual open enrollment period for the 2019 plan year, the Secretary shall issue a report on advertising and outreach to consumers for the open enrollment period for the 2019 plan year. Such report shall include a description of—

(1) the division of spending on individual advertising platforms, including television and radio advertisements and digital media, to raise consumer awareness of open enrollment; and

(2) the division of spending on individual outreach platforms, including email and text messages, to raise consumer awareness of open enrollment; and

(3) whether the Secretary conducted targeted outreach to specific demographic groups and geographic areas.

(d) **OUTREACH AND ENROLLMENT ACTIVITIES.**—

(1) **OPEN ENROLLMENT.**—Of the amounts collected through the user fees on participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations), the Secretary shall obligate \$105,800,000 for outreach and enrollment activities for each of the open enrollment periods for plan years 2019 through 2021.

(2) **OUTREACH AND ENROLLMENT ACTIVITIES.**—

(A) **IN GENERAL.**—For purposes of this subsection, the term “outreach and enrollment activities” means—

(i) activities to educate consumers about coverage options or to encourage consumers to enroll in or maintain health insurance coverage (excluding allocations to the call center for the Federal Exchange); and

(ii) activities conducted by an in-person consumer assistance program that does not have a conflict of interest and that, among other activities, facilitates enrollment of individuals through the Federal Exchange, and distributes fair and impartial information concerning enrollment through such Exchange and the availability of tax credits and cost-sharing reductions.

(B) **CONNECTION WITH FEDERAL EXCHANGE.**—Activities conducted under this subsection shall be in connection with the operation of the Federal Exchange, to provide special benefits to health insurance issuers participating in the Federal Exchange.

(3) **CONTRACT AUTHORITY.**—The Secretary may contract with a State to conduct outreach and enrollment activities for plan years 2019 through 2021. Any outreach and enrollment activities conducted by a State or other entity at the direction of the State, in accordance with such a contract, shall be treated as Federal activities to provide special benefits to participating health insurance issuers consistent with OMB Circular No. A-25R.

(4) **CLARIFICATIONS.**—

(A) **PRIOR FUNDING.**—Nothing in this subsection should be construed as rescinding or cancelling any funds already obligated on the date of enactment of this Act for outreach and enrollment activities for plan year 2019.

(B) **AVAILABILITY OF FUNDING.**—The Secretary shall ensure that outreach and enrollment activities are conducted in all applicable States, including, as necessary, by providing for such activities through contracts described in paragraph (3).

SEC. 5. OFFERING HEALTH PLANS IN MORE THAN ONE STATE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the National Association of Insurance Commissioners, shall issue regulations for the implementation of health care choice compacts established under section 1333 of the Patient Protection and Affordable Care Act (42 U.S.C. 18053) to allow for the offering of health plans in more than one State.

SEC. 6. SHORT-TERM LIMITED DURATION HEALTH INSURANCE POLICIES.

(a) **PROHIBITION ON PROPOSED RULE.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services, the Secretary of the Treasury, and the Secretary of Labor may not take any action to implement, enforce, or otherwise give effect to the proposed rule relating to the definition of short-term limited-duration insurance (83 Fed. Reg. 7437-7447, February 21, 2018), insofar as such proposed rule relates to a revised definition of the term “short-term limited duration insurance” and the Secretaries shall implement, enforce, and otherwise give effect to the definition of such term as applied by the Secretaries under the regulations in effect on the date of enactment of this Act (81 Fed. Reg. 75316), and such regulations shall continue in effect with respect to policies until the effective date described in subsection (b)(2).

(b) **STANDARDS.**—

(1) **IN GENERAL.**—Section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg-91) is amended by adding at the end the following:

“(6) **SHORT-TERM LIMITED DURATION INSURANCE.**—The term ‘short-term limited duration insurance’ means health insurance coverage provided pursuant to a contract with a health insurance issuer that—

“(A) has a specified, limited duration not to exceed 93 days after the original effective date of the contract, except that the health plan may permit coverage to continue until the end of the period of hospitalization for a condition for which the covered person was hospitalized on the day that coverage would otherwise have ended;

“(B) is non-renewable and issued only to individuals who have not been covered under a short-term limited duration insurance policy from any health insurance issuer within the prior 12 months;

“(C) displays prominently in marketing materials, the contract, and in any application materials provided in connection with enrollment in such insurance a notice to consumers that includes such information which the State insurance commissioner deems sufficient to inform the individual that coverage and benefits are limited;

“(D) covers essential health benefits as set forth in section 1302 of the Patient Protection and Affordable Care Act;

“(E) meets the following requirements for individual health insurance coverage as set forth in this title—

“(i) section 2701 (relating to fair health insurance premiums);

“(ii) section 2702 (relating to guaranteed availability of coverage), except as provided in paragraph (1) consistent with the limitations of subsection (c);

“(iii) section 2704 (relating to the prohibition of pre-existing condition exclusions or other discrimination based on health status);

“(iv) section 2705 (relating to the prohibition of discrimination against individual participants and beneficiaries based on health status);

“(v) section 2706 (relating to non-discrimination in health care);

“(vi) section 2707 (relating to comprehensive health insurance coverage);

“(vii) section 2711 (prohibiting lifetime and annual limits);

“(viii) section 2712 (prohibiting rescissions);

“(ix) section 2713 (coverage of preventive health services);

“(x) section 2714 (relating to coverage of dependents); and

“(xi) section 2719 (relating to appeals); and

“(F) upon the issuance of a health insurance plan that an issuer asserts to be short-term limited duration insurance, the issuer of such plan shall provide documentation to the Secretary and the State insurance commissioner, in a form determined by the Secretary, regarding the individuals covered by the plan and the duration of the plan which shall be reviewed by the entity responsible for enforcement under section 2722, together with documentation submitted by other issuers, to determine whether the plan satisfies the requirement under subparagraph (B) and, if not, such entity shall take appropriate enforcement action.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to plan years beginning on or after January 1, 2019.

SEC. 7. FUNDING.

Notwithstanding any other provision of law related to the services described in subsection (b)(1)(B) of section 1303 of Public Law 111-148, amounts appropriated under this division are subject to no requirements or limitations related to such services other than the requirements or limitations established under such section 1303, and, in the case of amounts appropriated under section 2(a)(2)(B), such section 1303 shall apply to such amounts in the same manner and to the same extent as if the purposes for which such amounts are appropriated under section 2(a)(2)(B) were purposes specified in subsection (b)(2)(A) of such section 1303.

SA 2223. Mr. MCCONNELL (for Mr. HOEVEN) proposed an amendment to the bill S. 607, to establish a business incubators program within the Department of the Interior to promote economic development in Indian reservation communities; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Business Incubators Program Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) entrepreneurs face specific challenges when transforming ideas into profitable business enterprises;

(2) entrepreneurs that want to provide products and services in reservation communities face an additional set of challenges that requires special knowledge;

(3) a business incubator is an organization that assists entrepreneurs in navigating obstacles that prevent innovative ideas from becoming viable businesses by providing services that include—

- (A) workspace and facilities resources;
 - (B) access to capital, business education, and counseling;
 - (C) networking opportunities;
 - (D) mentorship opportunities; and
 - (E) an environment intended to help establish and expand business operations;
- (4) the business incubator model is suited to accelerating entrepreneurship in reservation communities because the business incubator model promotes collaboration to address shared challenges and provides individually tailored services for the purpose of overcoming obstacles unique to each participating business; and
- (5) business incubators will stimulate economic development by providing Native entrepreneurs with the tools necessary to grow businesses that offer products and services to reservation communities.

SEC. 3. DEFINITIONS.

In this Act:

(1) **BUSINESS INCUBATOR.**—The term “business incubator” means an organization that—

- (A) provides physical workspace and facilities resources to startups and established businesses; and
- (B) is designed to accelerate the growth and success of businesses through a variety of business support resources and services, including—
 - (i) access to capital, business education, and counseling;
 - (ii) networking opportunities;
 - (iii) mentorship opportunities; and
 - (iv) other services intended to aid in developing a business.

(2) **ELIGIBLE APPLICANT.**—The term “eligible applicant” means an applicant eligible to apply for a grant under section 4(b).

(3) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) **NATIVE AMERICAN; NATIVE.**—The terms “Native American” and “Native” have the meaning given the term “Indian” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) **NATIVE BUSINESS.**—The term “Native business” means a business concern that is at least 51-percent owned and controlled by 1 or more Native Americans.

(7) **NATIVE ENTREPRENEUR.**—The term “Native entrepreneur” means an entrepreneur who is a Native American.

(8) **PROGRAM.**—The term “program” means the program established under section 4(a).

(9) **RESERVATION.**—The term “reservation” has the meaning given the term in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

(10) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(11) **TRIBAL COLLEGE OR UNIVERSITY.**—The term “tribal college or university” has the meaning given the term “Tribal College or University” in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish a program in the Office of Indian En-

ergy and Economic Development under which the Secretary shall provide financial assistance in the form of competitive grants to eligible applicants for the establishment and operation of business incubators that serve reservation communities by providing business incubation and other business services to Native businesses and Native entrepreneurs.

(b) **ELIGIBLE APPLICANTS.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under the program, an applicant shall—

- (A) be—
 - (i) an Indian tribe;
 - (ii) a tribal college or university;
 - (iii) an institution of higher education; or
 - (iv) a private nonprofit organization or tribal nonprofit organization that—

(I) provides business and financial technical assistance; and

(II) will commit to serving 1 or more reservation communities;

(B) be able to provide the physical workspace, equipment, and connectivity necessary for Native businesses and Native entrepreneurs to collaborate and conduct business on a local, regional, national, and international level; and

(C) in the case of an entity described in clauses (ii) through (iv) of subparagraph (A), have been operational for not less than 1 year before receiving a grant under the program.

(2) **JOINT PROJECT.**—

(A) **IN GENERAL.**—Two or more entities may submit a joint application for a project that combines the resources and expertise of those entities at a physical location dedicated to assisting Native businesses and Native entrepreneurs under the program.

(B) **CONTENTS.**—A joint application submitted under subparagraph (A) shall—

(i) contain a certification that each participant of the joint project is one of the eligible entities described in paragraph (1)(A); and

(ii) demonstrate that together the participants meet the requirements of subparagraphs (B) and (C) of paragraph (1).

(c) **APPLICATION AND SELECTION PROCESS.**—

(1) **APPLICATION REQUIREMENTS.**—Each eligible applicant desiring a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

- (A) a certification that the applicant—
 - (i) is an eligible applicant;
 - (ii) will designate an executive director or program manager, if such director or manager has not been designated, to manage the business incubator; and

(iii) agrees—

(I) to a site evaluation by the Secretary as part of the final selection process;

(II) to an annual programmatic and financial examination for the duration of the grant; and

(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site evaluation under subclause (I) or an examination under subclause (II);

(B) a description of the 1 or more reservation communities to be served by the business incubator;

(C) a 3-year plan that describes—

(i) the number of Native businesses and Native entrepreneurs to be participating in the business incubator;

(ii) whether the business incubator will focus on a particular type of business or industry;

(iii) a detailed breakdown of the services to be offered to Native businesses and Native entrepreneurs participating in the business incubator; and

(iv) a detailed breakdown of the services, if any, to be offered to Native businesses and Native entrepreneurs not participating in the business incubator;

(D) information demonstrating the effectiveness and experience of the eligible applicant in—

(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of current or prospective businesses;

(ii) working in and providing services to Native American communities;

(iii) providing assistance to entities conducting business in reservation communities;

(iv) providing technical assistance under Federal business and entrepreneurial development programs for which Native businesses and Native entrepreneurs are eligible; and

(v) managing finances and staff effectively; and

(E) a site description of the location at which the eligible applicant will provide physical workspace, including a description of the technologies, equipment, and other resources that will be available to Native businesses and Native entrepreneurs participating in the business incubator.

(2) **EVALUATION CONSIDERATIONS.**—

(A) **IN GENERAL.**—In evaluating each application, the Secretary shall consider—

(i) the ability of the eligible applicant—

- (I) to operate a business incubator that effectively imparts entrepreneurship and business skills to Native businesses and Native entrepreneurs, as demonstrated by the experience and qualifications of the eligible applicant;

(II) to commence providing services within a minimum period of time, to be determined by the Secretary; and

(III) to provide quality incubation services to a significant number of Native businesses and Native entrepreneurs;

(ii) the experience of the eligible applicant in providing services in Native American communities, including in the 1 or more reservation communities described in the application; and

(iii) the proposed location of the business incubator.

(B) **PRIORITY.**—

(i) **IN GENERAL.**—In evaluating the proposed location of the business incubator under subparagraph (A)(iii), the Secretary shall—

(I) consider the program goal of achieving broad geographic distribution of business incubators; and

(II) except as provided in clause (ii), give priority to eligible applicants that will provide business incubation services on or near the reservation of the 1 or more communities that were described in the application.

(ii) **EXCEPTION.**—The Secretary may give priority to an eligible applicant that is not located on or near the reservation of the 1 or more communities that were described in the application if the Secretary determines that—

(I) the location of the business incubator will not prevent the eligible applicant from providing quality business incubation services to Native businesses and Native entrepreneurs from the 1 or more reservation communities to be served; and

(II) siting the business incubator in the identified location will serve the interests of the 1 or more reservation communities to be served.

(3) **SITE EVALUATION.**—

(A) **IN GENERAL.**—Before making a grant to an eligible applicant, the Secretary shall conduct a site visit, evaluate a video submission, or evaluate a written site proposal (if the applicant is not yet in possession of the

site) of the proposed site to ensure the proposed site will permit the eligible applicant to meet the requirements of the program.

(B) WRITTEN SITE PROPOSAL.—A written site proposal shall meet the requirements described in paragraph (1)(E) and contain—

(i) sufficient detail for the Secretary to ensure in the absence of a site visit or video submission that the proposed site will permit the eligible applicant to meet the requirements of the program; and

(ii) a timeline describing when the eligible applicant will be—

(I) in possession of the proposed site; and

(II) operating the business incubator at the proposed site.

(C) FOLLOWUP.—Not later than 1 year after awarding a grant to an eligible applicant that submits an application with a written site proposal, the Secretary shall conduct a site visit or evaluate a video submission of the site to ensure the site is consistent with the written site proposal.

(d) ADMINISTRATION.—

(1) DURATION.—Each grant awarded under the program shall be for a term of 3 years.

(2) PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall disburse grant funds awarded to an eligible applicant in annual installments.

(B) MORE FREQUENT DISBURSEMENTS.—On request by the applicant, the Secretary may make disbursements of grant funds more frequently than annually, on the condition that disbursements shall be made not more frequently than quarterly.

(3) NON-FEDERAL CONTRIBUTIONS FOR INITIAL ASSISTANCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible applicant that receives a grant under the program shall provide non-Federal contributions in an amount equal to not less than 25 percent of the grant amount disbursed each year.

(B) WAIVER.—The Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to an eligible applicant if, after considering the ability of the eligible applicant to provide non-Federal contributions, the Secretary determines that—

(i) the proposed business incubator will provide quality business incubation services; and

(ii) the 1 or more reservation communities to be served are unlikely to receive similar services because of remoteness or other reasons that inhibit the provision of business and entrepreneurial development services.

(4) RENEWALS.—

(A) IN GENERAL.—The Secretary may renew a grant award under the program for a term not to exceed 3 years.

(B) CONSIDERATIONS.—In determining whether to renew a grant award, the Secretary shall consider with respect to the eligible applicant—

(i) the results of the annual evaluations of the eligible applicant under subsection (f)(1);

(ii) the performance of the business incubator of the eligible applicant, as compared to the performance of other business incubators receiving assistance under the program;

(iii) whether the eligible applicant continues to be eligible for the program; and

(iv) the evaluation considerations for initial awards under subsection (c)(2).

(C) NON-FEDERAL CONTRIBUTIONS FOR RENEWALS.—An eligible applicant that receives a grant renewal under subparagraph (A) shall provide non-Federal contributions in an amount equal to not less than 33 percent of the total amount of the grant.

(5) NO DUPLICATIVE GRANTS.—An eligible applicant shall not be awarded a grant under the program that is duplicative of existing Federal funding from another source.

(e) PROGRAM REQUIREMENTS.—

(1) USE OF FUNDS.—An eligible applicant receiving a grant under the program may use grant amounts—

(A) to provide physical workspace and facilities for Native businesses and Native entrepreneurs participating in the business incubator;

(B) to establish partnerships with other institutions and entities to provide comprehensive business incubation services to Native businesses and Native entrepreneurs participating in the business incubator; and

(C) for any other uses typically associated with business incubators that the Secretary determines to be appropriate and consistent with the purposes of the program.

(2) MINIMUM REQUIREMENTS.—Each eligible applicant receiving a grant under the program shall—

(A) offer culturally tailored incubation services to Native businesses and Native entrepreneurs;

(B) use a competitive process for selecting Native businesses and Native entrepreneurs to participate in the business incubator;

(C) provide physical workspace that permits Native businesses and Native entrepreneurs to conduct business and collaborate with other Native businesses and Native entrepreneurs;

(D) provide entrepreneurship and business skills training and education to Native businesses and Native entrepreneurs including—

(i) financial education, including training and counseling in—

(I) applying for and securing business credit and investment capital;

(II) preparing and presenting financial statements; and

(III) managing cash flow and other financial operations of a business;

(ii) management education, including training and counseling in planning, organization, staffing, directing, and controlling each major activity or function of a business or startup; and

(iii) marketing education, including training and counseling in—

(I) identifying and segmenting domestic and international market opportunities;

(II) preparing and executing marketing plans;

(III) locating contract opportunities;

(IV) negotiating contracts; and

(V) using varying public relations and advertising techniques;

(E) provide direct mentorship or assistance finding mentors in the industry in which the Native business or Native entrepreneur operates or intends to operate; and

(F) provide access to networks of potential investors, professionals in the same or similar fields, and other business owners with similar businesses.

(3) TECHNOLOGY.—Each eligible applicant shall leverage technology to the maximum extent practicable to provide Native businesses and Native entrepreneurs with access to the connectivity tools needed to compete and thrive in 21st-century markets.

(f) OVERSIGHT.—

(1) ANNUAL EVALUATIONS.—Not later than 1 year after the date on which the Secretary awards a grant to an eligible applicant under the program, and annually thereafter for the duration of the grant, the Secretary shall conduct an evaluation of, and prepare a report on, the eligible applicant, which shall—

(A) describe the performance of the eligible applicant; and

(B) be used in determining the ongoing eligibility of the eligible applicant.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary awards a grant to an eligible applicant under the program, and annually thereafter for the du-

ration of the grant, each eligible applicant receiving an award under the program shall submit to the Secretary a report describing the services the eligible applicant provided under the program during the preceding year.

(B) REPORT CONTENT.—The report described in subparagraph (A) shall include—

(i) a detailed breakdown of the Native businesses and Native entrepreneurs receiving services from the business incubator, including, for the year covered by the report—

(I) the number of Native businesses and Native entrepreneurs participating in or receiving services from the business incubator and the types of services provided to those Native businesses and Native entrepreneurs;

(II) the number of Native businesses and Native entrepreneurs established and jobs created or maintained; and

(III) the performance of Native businesses and Native entrepreneurs while participating in the business incubator and after graduation or departure from the business incubator; and

(ii) any other information the Secretary may require to evaluate the performance of a business incubator to ensure appropriate implementation of the program.

(C) LIMITATIONS.—To the maximum extent practicable, the Secretary shall not require an eligible applicant to report under subparagraph (A) information provided to the Secretary by the eligible applicant under other programs.

(D) COORDINATION.—The Secretary shall coordinate with the heads of other Federal agencies to ensure that, to the maximum extent practicable, the report content and form under subparagraphs (A) and (B) are consistent with other reporting requirements for Federal programs that provide business and entrepreneurial assistance.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards funding under the program, and biennially thereafter, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report on the performance and effectiveness of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

(i) account for each program year; and

(ii) include with respect to each business incubator receiving grant funds under the program—

(I) the number of Native businesses and Native entrepreneurs that received business incubation or other services;

(II) the number of businesses established with the assistance of the business incubator;

(III) the number of jobs established or maintained by Native businesses and Native entrepreneurs receiving business incubation services, including a description of where the jobs are located with respect to reservation communities;

(IV) to the maximum extent practicable, the amount of capital investment and loan financing accessed by Native businesses and Native entrepreneurs receiving business incubation services; and

(V) an evaluation of the overall performance of the business incubator.

SEC. 5. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to implement the program.

SEC. 6. SCHOOLS TO BUSINESS INCUBATOR PIPELINE.

The Secretary shall facilitate the establishment of relationships between eligible

applicants receiving funds through the program and educational institutions serving Native American communities, including tribal colleges and universities.

SEC. 7. AGENCY PARTNERSHIPS.

The Secretary shall coordinate with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, and the Administrator of the Small Business Administration to ensure, to the maximum extent practicable, that business incubators receiving grant funds under the program have the information and materials needed to provide Native businesses and Native entrepreneurs with the information and assistance necessary to apply for business and entrepreneurial development programs administered by the Department of Agriculture, the Department of Commerce, the Department of the Treasury, and the Small Business Administration.

SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the program \$5,000,000 for each of fiscal years 2019 through 2023.

SA 2224. Mr. McCONNELL (for Mr. HOEVEN) proposed an amendment to the bill S. 1116, to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Community Economic Enhancement Act of 2018”.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) to bring industry and economic development to Indian communities, Indian tribes must overcome a number of barriers, including—

- (i) geographical location;
- (ii) lack of infrastructure or capacity;
- (iii) lack of sufficient collateral and capital; and
- (iv) regulatory bureaucracy relating to—
 - (I) development; and
 - (II) access to services provided by the Federal Government; and

(B) the barriers described in subparagraph (A) often add to the cost of doing business in Indian communities;

- (2) Indian tribes—
 - (A) enact laws and exercise sovereign governmental powers;
 - (B) determine policy for the benefit of tribal members; and
 - (C) produce goods and services for consumers;

(3) the Federal Government has—

- (A) an important government-to-government relationship with Indian tribes; and
- (B) a role in facilitating healthy and sustainable tribal economies;

(4) the input of Indian tribes in developing Federal policy and programs leads to more meaningful and effective measures to assist Indian tribes and Indian entrepreneurs in building tribal economies;

(5)(A) many components of tribal infrastructure need significant repair or replacement; and

(B) access to private capital for projects in Indian communities—

- (i) may not be available; or
- (ii) may come at a higher cost than such access for other projects;

(6)(A) Federal capital improvement programs, such as those that facilitate tax-ex-

empt bond financing and loan guarantees, are tools that help improve or replace crumbling infrastructure;

(B) lack of parity in treatment of an Indian tribe as a governmental entity under Federal tax and certain other regulatory laws impedes, in part, the ability of Indian tribes to raise capital through issuance of tax exempt debt, invest as an accredited investor, and benefit from other investment incentives accorded to State and local governmental entities; and

(C) as a result of the disparity in treatment of Indian tribes described in subparagraph (B), investors may avoid financing, or demand a premium to finance, projects in Indian communities, making the projects more costly or inaccessible;

(7) there are a number of Federal loan guarantee programs available to facilitate financing of business, energy, economic, housing, and community development projects in Indian communities, and those programs may support public-private partnerships for infrastructure development, but improvements and support are needed for those programs specific to Indian communities to facilitate more effectively private financing for infrastructure and other urgent development needs; and

(8)(A) most real property held by Indian tribes is trust or restricted land that essentially cannot be held as collateral; and

(B) while creative solutions, such as leasehold mortgages, have been developed in response to the problem identified in subparagraph (A), some solutions remain subject to review and approval by the Bureau of Indian Affairs, adding additional costs and delay to tribal projects.

SEC. 3. NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000.

(a) FINDINGS; PURPOSES.—Section 2 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4301) is amended by adding at the end the following:

“(c) APPLICABILITY TO INDIAN-OWNED BUSINESSES.—The findings and purposes in subsections (a) and (b) shall apply to any Indian-owned business governed—

“(1) by tribal laws regulating trade or commerce on Indian lands; or

“(2) pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261).”

(b) DEFINITIONS.—Section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302) is amended—

(1) by redesignating paragraphs (1) through (6) and paragraphs (7) through (9), as paragraphs (2) through (7) and paragraphs (9) through (11), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) DIRECTOR.—The term ‘Director’ means the Director of Native American Business Development appointed pursuant to section 4(a)(2).”; and

(3) by inserting after paragraph (7) (as redesignated by paragraph (1)) the following:

“(8) OFFICE.—The term ‘Office’ means the Office of Native American Business Development established by section 4(a)(1).”

(c) OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.—Section 4 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4303) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “Department of Commerce” and inserting “Office of the Secretary”; and

(ii) by striking “(referred to in this Act as the ‘Office’)”; and

(B) in paragraph (2), in the first sentence, by striking “(referred to in this Act as the ‘Director’)”; and

(2) by adding at the end the following:

“(c) DUTIES OF DIRECTOR.—

“(1) IN GENERAL.—The Director shall serve as—

“(A) the program and policy advisor to the Secretary with respect to the trust and governmental relationship between the United States and Indian tribes; and

“(B) the point of contact for Indian tribes, tribal organizations, and Indians regarding—

“(i) policies and programs of the Department of Commerce; and

“(ii) other matters relating to economic development and doing business in Indian lands.

“(2) DEPARTMENTAL COORDINATION.—The Director shall coordinate with all offices and agencies within the Department of Commerce to ensure that each office and agency has an accountable process to ensure—

“(A) meaningful and timely coordination and assistance, as required by this Act; and

“(B) consultation with Indian tribes regarding the policies, programs, assistance, and activities of the offices and agencies.

“(3) OFFICE OPERATIONS.—There are authorized to be appropriated to carry out this section not more than \$2,000,000 for each fiscal year.”

(d) INDIAN COMMUNITY DEVELOPMENT INITIATIVES.—The Native American Business Development, Trade Promotion, and Tourism Act of 2000 is amended—

(1) by redesignating section 8 (25 U.S.C. 4307) as section 10; and

(2) by inserting after section 7 (25 U.S.C. 4306) the following:

“SEC. 8. INDIAN COMMUNITY DEVELOPMENT INITIATIVES.

“(a) INTERAGENCY COORDINATION.—Not later than 1 year after the enactment of this section, the Secretary, the Secretary of the Interior, and the Secretary of the Treasury shall coordinate—

“(1) to develop initiatives that—

“(A) encourage, promote, and provide education regarding investments in Indian communities through—

“(i) the loan guarantee program of Bureau of Indian Affairs under section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481);

“(ii) programs carried out using amounts in the Community Development Financial Institutions Fund established under section 104(a) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(a)); and

“(iii) other capital development programs;

“(B) examine and develop alternatives that would qualify as collateral for financing in Indian communities; and

“(C) provide entrepreneur and other training relating to economic development through tribally controlled colleges and universities and other Indian organizations with experience in providing such training;

“(2) to consult with Indian tribes and with the Securities and Exchange Commission to study, and collaborate to establish, regulatory changes necessary to qualify an Indian tribe as an accredited investor for the purposes of sections 230.500 through 230.508 of title 17, Code of Federal Regulations (or successor regulations), consistent with the goals of promoting capital formation and ensuring qualifying Indian tribes have the ability to withstand investment loss, on a basis comparable to other legal entities that qualify as accredited investors who are not natural persons;

“(3) to identify regulatory, legal, or other barriers to increasing investment, business, and economic development, including qualifying or approving collateral structures, measurements of economic strength, and

contributions of Indian economies in Indian communities through the Authority established under section 4 of the Indian Tribal Regulatory Reform and Business Development Act of 2000 (25 U.S.C. 4301 note);

“(4) to ensure consultation with Indian tribes regarding increasing investment in Indian communities and the development of the report required in paragraph (5); and

“(5) not less than once every 2 years, to provide a report to Congress regarding—

“(A) improvements to Indian communities resulting from such initiatives and recommendations for promoting sustained growth of the tribal economies;

“(B) results of the study and collaboration regarding the necessary changes referenced in paragraph (2) and the impact of allowing Indian tribes to qualify as an accredited investor; and

“(C) the identified regulatory, legal, and other barriers referenced in paragraph (3).

“(b) **WAIVER.**—For assistance provided pursuant to section 108 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707) to benefit Native Community Development Financial Institutions, as defined by the Secretary of the Treasury, section 108(e) of such Act shall not apply.

“(c) **INDIAN ECONOMIC DEVELOPMENT FEASIBILITY STUDY.**—

“(1) **IN GENERAL.**—The Government Accountability Office shall conduct a study and, not later than 18 months after the date of enactment of this subsection, submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report on the findings of the study and recommendations.

“(2) **CONTENTS.**—The study shall include an assessment of each of the following:

“(A) **IN GENERAL.**—The study shall assess current Federal capitalization and related programs and services that are available to assist Indian communities with business and economic development, including manufacturing, physical infrastructure (such as telecommunications and broadband), community development, and facilities construction for such purposes. For each of the Federal programs and services identified, the study shall assess the current use and demand by Indian tribes, individuals, businesses, and communities of the programs, the capital needs of Indian tribes, businesses, and communities related to economic development, and the extent that similar programs have been used to assist non-Indian communities compared to the extent used for Indian communities.

“(B) **FINANCING ASSISTANCE.**—The study shall assess and quantify the extent of assistance provided to non-Indian borrowers and to Indian (both tribal and individual) borrowers (including information about such assistance as a percentage of need for Indian borrowers and for non-Indian borrowers, assistance to Indian borrowers and to non-Indian borrowers as a percentage of total applicants, and such assistance to Indian borrowers as individuals as compared to such assistance to Indian tribes) through the loan programs, the loan guarantee programs, or bond guarantee programs of the—

“(i) Department of the Interior;

“(ii) Department of Agriculture;

“(iii) Department of Housing and Urban Development;

“(iv) Department of Energy;

“(v) Small Business Administration; and

“(vi) Community Development Financial Institutions Fund of the Department of the Treasury.

“(C) **TAX INCENTIVES.**—The study shall assess and quantify the extent of the assistance and allocations afforded for non-Indian projects and for Indian projects pursuant to

each of the following tax incentive programs:

“(i) New market tax credit.

“(ii) Low income housing tax credit.

“(iii) Investment tax credit.

“(iv) Renewable energy tax incentives.

“(v) Accelerated depreciation.

“(D) **TRIBAL INVESTMENT INCENTIVE.**—The study shall assess various alternative incentives that could be provided to enable and encourage tribal governments to invest in an Indian community development investment fund or bank.”

SEC. 4. BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (commonly known as the “Buy Indian Act”) (36 Stat. 861, chapter 431; 25 U.S.C. 47), is amended to read as follows:

“SEC. 23. EMPLOYMENT OF INDIAN LABOR AND PURCHASE OF PRODUCTS OF INDIAN INDUSTRY; PARTICIPATION IN MENTOR-PROTEGE PROGRAM.

“(a) **DEFINITIONS.**—In this section:

“(1) **INDIAN ECONOMIC ENTERPRISE.**—The term ‘Indian economic enterprise’ has the meaning given the term in section 1480.201 of title 48, Code of Federal Regulations (or successor regulations).

“(2) **MENTOR FIRM; PROTEGE FIRM.**—The terms ‘mentor firm’ and ‘protege firm’ have the meanings given those terms in section 831(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510).

“(3) **SECRETARIES.**—The term ‘Secretaries’ means—

“(A) the Secretary of the Interior; and

“(B) the Secretary of Health and Human Services.

“(b) **ENTERPRISE DEVELOPMENT.**—

“(1) **IN GENERAL.**—Unless determined by one of the Secretaries to be impracticable and unreasonable—

“(A) Indian labor shall be employed; and

“(B) purchases of Indian industry products (including printing and facilities construction, notwithstanding any other provision of law) may be made in open market by the Secretaries.

“(2) **MENTOR-PROTEGE PROGRAM.**—

“(A) **IN GENERAL.**—Participation in the Mentor-Protege Program established under section 831(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510) or receipt of assistance under a developmental assistance agreement under that program shall not render any individual or entity involved in the provision of Indian labor or an Indian industry product ineligible to receive assistance under this section.

“(B) **TREATMENT.**—For purposes of this section, no determination of affiliation or control (whether direct or indirect) may be found between a protege firm and a mentor firm on the basis that the mentor firm has provided, or agreed to provide, to the protege firm, pursuant to a mentor-protege agreement, any form of developmental assistance described in section 831(f) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510).

“(c) **IMPLEMENTATION.**—In carrying out this section, the Secretaries shall—

“(1) conduct outreach to Indian industrial entities;

“(2) provide training;

“(3) promulgate regulations in accordance with this section and with the regulations under part 1480 of title 48, Code of Federal Regulations (or successor regulations), to harmonize the procurement procedures of the Department of the Interior and the Department of Health and Human Services, to the maximum extent practicable;

“(4) require regional offices of the Bureau of Indian Affairs and the Indian Health Serv-

ice to aggregate data regarding compliance with this section;

“(5) require procurement management reviews by their respective Departments to include a review of the implementation of this section; and

“(6) consult with Indian tribes, Indian industrial entities, and other stakeholders regarding methods to facilitate compliance with—

“(A) this section; and

“(B) other small business or procurement goals.

“(d) **REPORT.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, and not less frequently than once every 2 years thereafter, each of the Secretaries shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing, during the period covered by the report, the implementation of this section by each of the respective Secretaries.

“(2) **CONTENTS.**—Each report under this subsection shall include, for each fiscal year during the period covered by the report—

“(A) the names of each agency under the respective jurisdiction of each of the Secretaries to which this section has been applied, and efforts made by additional agencies within the Secretaries’ respective Departments to use the procurement procedures under this Act;

“(B) a summary of the types of purchases made from, and contracts (including any relevant modifications, extensions, or renewals) awarded to, Indian economic enterprises, expressed by agency region;

“(C) a description of the percentage increase or decrease in total dollar value and number of purchases and awards made within each agency region, as compared to the totals of the region for the preceding fiscal year;

“(D) a description of the methods used by applicable contracting officers and employees to conduct market searches to identify qualified Indian economic enterprises;

“(E) a summary of all deviations granted under section 1480.403 of title 48, Code of Federal Regulations (or successor regulations), including a description of—

“(i) the types of alternative procurement methods used, including any Indian owned businesses reported under other procurement goals; and

“(ii) the dollar value of any awards made pursuant to those deviations;

“(F) a summary of all determinations made to provide awards to Indian economic enterprises, including a description of the dollar value of the awards;

“(G) a description or summary of the total number and value of all purchases of, and contracts awarded for, supplies, services, and construction (including the percentage increase or decrease, as compared to the preceding fiscal year) from—

“(i) Indian economic enterprises; and

“(ii) non-Indian economic enterprises;

“(H) any administrative, procedural, legal, or other barriers to achieving the purposes of this section, together with recommendations for legislative or administrative actions to address those barriers; and

“(I) for each agency region—

“(i) the total amount spent on purchases made from, and contracts awarded to, Indian economic enterprises; and

“(ii) a comparison of the amount described in clause (i) to the total amount that the agency region would likely have spent on the same purchases made from a non-Indian economic enterprise or contracts awarded to a non-Indian economic enterprise.

“(e) GOALS.—Each agency shall establish an annual minimum percentage goal for procurement in compliance with this section.”.

SEC. 5. NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS.—Section 803 of the Native American Programs Act of 1974 (42 U.S.C. 2991b) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

“(b) ECONOMIC DEVELOPMENT.—

“(1) IN GENERAL.—The Commissioner may provide assistance under subsection (a) for projects relating to the purposes of this title to a Native community development financial institution, as defined by the Secretary of the Treasury.

“(2) PRIORITY.—With regard to not less than 50 percent of the total amount available for assistance under this section, the Commissioner shall give priority to any application seeking assistance for—

“(A) the development of a tribal code or court system for purposes of economic development, including commercial codes, training for court personnel, regulation pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261), and the development of nonprofit subsidiaries or other tribal business structures;

“(B) the development of a community development financial institution, including training and administrative expenses; or

“(C) the development of a tribal master plan for community and economic development and infrastructure.”.

(b) TECHNICAL ASSISTANCE AND TRAINING.—Section 804 of the Native American Programs Act of 1974 (42 U.S.C. 2991c) is amended—

(1) in the matter preceding paragraph (1), by striking “The Commissioner” and inserting the following:

“(a) IN GENERAL.—The Commissioner”; and

(2) by adding at the end the following:

“(b) PRIORITY.—In providing assistance under subsection (a), the Commissioner shall give priority to any application described in section 803(b)(2).”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking “803(d)” each place it appears and inserting “803(e)”; and

(2) in subsection (a)—

(A) by striking “such sums as may be necessary” and inserting “\$34,000,000”; and

(B) by striking “1999, 2000, 2001, and 2002” and inserting “2019 through 2023”.

SA 2225. Mr. McCONNELL (for Mr. LANKFORD) proposed an amendment to the bill S. 943, to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes; as follows:

On page 27, strike lines 11 through 17.

On page 27, line 18, strike “(2)” and insert “(1)”.

On page 28, line 7, strike “(3)” and insert “(2)”.

On page 29, lines 5 and 6, strike “and local educational agencies” and insert “, local educational agencies, and Alaska Native organizations”.

On page 29, lines 8 through 10, strike “Indian tribes and State educational agencies and local educational agencies” and insert

“Indian tribes, State educational agencies, local educational agencies, and Alaska Native organizations”.

SA 2226. Mr. McCONNELL (for Mr. RISCH) proposed an amendment to the concurrent resolution H. Con. Res. 116, Official Title Not Available; as follows:

At the end add the following:

“On page 749, line 12, strike ‘and’ through line 14 ‘are’ and insert ‘is’”

AUTHORITY FOR COMMITTEES TO MEET

Mr. SASSE. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, March 22, 2018, at 10 a.m. to conduct a hearing.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, March 22, 2018, at 10 a.m. to conduct a hearing entitled “Over-sight of HUD.”

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, March 22, 2018, at 10 a.m. to conduct a hearing on the following nominations: Theodore J. Garrish, of Maryland, to be an Assistant Secretary (International Affairs), and James Edward Campos, of Nevada, to be Director of the Office of Minority Economic Impact, both of the Department of Energy, and James Reilly, of Colorado, to be Director of the United States Geological Survey, Department of the Interior; to be immediately followed by a hearing to examine S. 2539, to amend the Energy and Water Development and Related Agencies Appropriations Act, 2015, to reauthorize certain projects to increase Colorado River System water, S. 2560, to authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, and S. 2563, to improve the water supply and drought resilience of the United States.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, March 22, 2018, at 10 a.m. to conduct a hearing entitled “2018 Western Water Supply Outlook.”

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the

Senate on Thursday, March 22, 2018, at 10 a.m. to conduct a hearing entitled, “The President's 2018 Trade Policy Agenda.”

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, March 22, 2018, at 10 a.m. to conduct a hearing on the following nominations: John B. Nalbandian, of Kentucky, to be United States Circuit Judge for the Sixth Circuit, Kari A. Dooley, to be United States District Judge for the District of Connecticut, Dominic W. Lanza, to be United States District Judge for the District of Arizona, Jill Aiko Otake, to be United States District Judge for the District of Hawaii, and Thomas T. Cullen, to be United States Attorney for the Western District of Virginia, Robert K. Hur, to be United States Attorney for the District of Maryland, and David C. Joseph, to be United States Attorney for the Western District of Louisiana, all of the Department of Justice.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, March 22, 2018, at 2 p.m. to conduct a closed hearing.

PRIVILEGES OF THE FLOOR

Mr. CASEY. Mr. President, I ask unanimous consent that Liz Weintraub of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMBER ALERT IN INDIAN COUNTRY ACT OF 2017

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 772.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 772) entitled “An Act to amend the PROTECT Act to make Indian tribes eligible for AMBER Alert grants.”, do pass with an amendment.

Mr. McCONNELL. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR THE CONVEYANCE OF CERTAIN PROPERTY TO THE TANANA TRIBAL COUNCIL AND TO THE BRISTOL BAY AREA HEALTH CORPORATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 24, S. 269.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 269) to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 269) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY TO THE TANANA TRIBAL COUNCIL.

(a) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—As soon as practicable, but not later than 180 days, after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall convey to the Tanana Tribal Council located in Tanana, Alaska (referred to in this section as the “Council”), all right, title, and interest of the United States in and to the property described in subsection (b) for use in connection with health and social services programs.

(2) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deed under this subsection shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the property described in subsection (b) executed by the Secretary and the Council.

(3) CONDITIONS.—The conveyance of the property under this section—

(A) shall be made by warranty deed; and

(B) shall not—

(i) require any consideration from the Council for the property;

(ii) impose any obligation, term, or condition on the Council; or

(iii) allow for any reversionary interest of the United States in the property.

(b) PROPERTY DESCRIBED.—The property, including all land, improvements, and appurtenances, described in this subsection is the property included in U.S. Survey No. 5958, Lot 12, in the village of Tanana, Alaska, within surveyed Township 4N, Range 22W, Fairbanks Meridian, Alaska, containing 11.25 acres.

(c) ENVIRONMENTAL LIABILITY.—

(1) LIABILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Council shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in subsection (b) on or before the date on which the property is conveyed to the Council.

(B) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in subparagraph (A) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(2) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this section as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(3) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this section, the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

SEC. 2. CONVEYANCE OF PROPERTY TO THE BRISTOL BAY AREA HEALTH CORPORATION.

(a) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—As soon as practicable, but not later than 180 days, after the date of enactment of this Act, the Secretary shall convey to the Bristol Bay Area Health Corporation located in Dillingham, Alaska (referred to in this section as the “Corporation”), all right, title, and interest of the United States in and to the property described in subsection (b) for use in connection with health and social services programs.

(2) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deed under this subsection shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the property described in subsection (b) executed by the Secretary and the Corporation.

(3) CONDITIONS.—The conveyance of the property under this section—

(A) shall be made by warranty deed; and

(B) shall not—

(i) require any consideration from the Corporation for the property;

(ii) impose any obligation, term, or condition on the Corporation; or

(iii) allow for any reversionary interest of the United States in the property.

(b) PROPERTY DESCRIBED.—The property, including all land, improvements, and appurtenances, described in this subsection is the property included in Dental Annex Subdivision, creating tract 1, a subdivision of Lot 2 of U.S. Survey No. 2013, located in Section 36, Township 13 South, Range 56 West, Seward Meridian, Bristol Bay Recording District, Dillingham, Alaska, according to Plat No. 2015-8, recorded on May 28, 2015, in the Bristol Bay Recording District, Dillingham, Alaska, containing 1.474 acres more or less.

(c) ENVIRONMENTAL LIABILITY.—

(1) LIABILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Corporation shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in subsection (b) on or before the date on which the property is conveyed to the Corporation.

(B) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in subparagraph (A) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(2) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this section as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(3) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this section, the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

NATIVE AMERICAN BUSINESS INCUBATORS PROGRAM ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 229, S. 607.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 607) to establish a business incubators program within the Department of the Interior to promote economic development in Indian reservation communities.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Hoeven substitute amendment at the desk be agreed to and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2223) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there any further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 607), as amended, was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN COMMUNITY ECONOMIC ENHANCEMENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 248, S. 1116.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1116) to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italic*.)

S. 1116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Community Economic Enhancement Act of 2017”.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) to bring industry and economic development to Indian communities, Indian tribes must overcome a number of barriers, including—

- (i) geographical location;
- (ii) lack of infrastructure or capacity;
- (iii) lack of sufficient collateral and capital; and
- (iv) regulatory bureaucracy relating to—
 - (I) development; and
 - (II) access to services provided by the Federal Government; and

(B) the barriers described in subparagraph (A) often add to the cost of doing business in Indian communities;

(2) Indian tribes—

- (A) enact laws and exercise sovereign governmental powers;
- (B) determine policy for the benefit of tribal members; and
- (C) produce goods and services for consumers;

(3) the Federal Government has—

- (A) an important government-to-government relationship with Indian tribes; and
- (B) a role in facilitating healthy and sustainable tribal economies;

(4) the input of Indian tribes in developing Federal policy and programs leads to more meaningful and effective measures to assist Indian tribes and Indian entrepreneurs in building tribal economies;

(5)(A) many components of tribal infrastructure need significant repair or replacement; and

(B) access to private capital for projects in Indian communities—

- (i) may not be available; or
- (ii) may come at a higher cost than such access for other projects;

(6)(A) Federal capital improvement programs, such as those that facilitate tax-exempt bond financing and loan guarantees, are tools that help improve or replace crumbling infrastructure;

(B) lack of parity in treatment of an Indian tribe as a governmental entity under Federal tax and certain other regulatory laws impedes, in part, the ability of Indian tribes to raise capital through issuance of tax exempt debt, invest as an accredited investor, and benefit from other investment incentives accorded to State and local governmental entities; and

(C) as a result of the disparity in treatment of Indian tribes described in subparagraph (B), investors may avoid financing, or demand a premium to finance, projects in Indian communities, making the projects more costly or inaccessible;

(7) there are a number of Federal loan guarantee programs available to facilitate financing of business, energy, economic, housing, and community development projects in Indian communities, and those programs may support public-private partnerships for infrastructure development, but improvements and support are needed for those programs specific to Indian communities to facilitate more effectively private financing for infrastructure and other urgent development needs; and

(8)(A) most real property held by Indian tribes is trust or restricted land that essentially cannot be held as collateral; and

(B) while creative solutions, such as leasehold mortgages, have been developed in response to the problem identified in subpara-

graph (A), some solutions remain subject to review and approval by the Bureau of Indian Affairs, adding additional costs and delay to tribal projects.

SEC. 3. NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000.

(a) FINDINGS; PURPOSES.—Section 2 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4301) is amended by adding at the end the following:

“(c) APPLICABILITY TO INDIAN-OWNED BUSINESSES.—The findings and purposes in subsections (a) and (b) shall apply to any Indian-owned business governed—

“(1) by tribal laws regulating trade or commerce on Indian lands; or

“(2) pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261).”

(b) DEFINITIONS.—Section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302) is amended—

(1) by redesignating paragraphs (1) through (6) and paragraphs (7) through (9), as paragraphs (2) through (7) and paragraphs (9) through (11), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) DIRECTOR.—The term ‘Director’ means the Director of Native American Business Development appointed pursuant to section 4(a)(2).”; and

(3) by inserting after paragraph (7) (as redesignated by paragraph (1)) the following:

“(8) OFFICE.—The term ‘Office’ means the Office of Native American Business Development established by section 4(a)(1).”

(c) OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.—Section 4 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4303) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “Department of Commerce” and inserting “Office of the Secretary”; and

(ii) by striking “(referred to in this Act as the ‘Office’)”; and

(B) in paragraph (2), in the first sentence, by striking “(referred to in this Act as the ‘Director’)”; and

(2) by adding at the end the following:

“(c) DUTIES OF DIRECTOR.—

“(1) IN GENERAL.—The Director shall serve as—

“(A) the program and policy advisor to the Secretary with respect to the trust and governmental relationship between the United States and Indian tribes; and

“(B) the point of contact for Indian tribes, tribal organizations, and Indians regarding—

“(i) policies and programs of the Department of Commerce; and

“(ii) other matters relating to economic development and doing business in Indian lands.

“(2) DEPARTMENTAL COORDINATION.—The Director shall coordinate with all offices and agencies within the Department of Commerce to ensure that each office and agency has an accountable process to ensure—

“(A) meaningful and timely coordination and assistance, as required by this Act; and

“(B) consultation with Indian tribes regarding the policies, programs, assistance, and activities of the offices and agencies.

“(3) OFFICE OPERATIONS.—There are authorized to be appropriated to carry out this section not more than \$2,000,000 for each fiscal year.”

(d) INDIAN COMMUNITY DEVELOPMENT INITIATIVES.—The Native American Business Development, Trade Promotion, and Tourism Act of 2000 is amended—

(1) by redesignating section 8 (25 U.S.C. 4307) as section 10; and

(2) by inserting after section 7 (25 U.S.C. 4306) the following:

“SEC. 8. INDIAN COMMUNITY DEVELOPMENT INITIATIVES.

“(a) INTERAGENCY COORDINATION.—Not later than 1 year after the enactment of this section, the Secretary, the Secretary of the Interior, and the Secretary of the Treasury shall coordinate—

“(1) to develop initiatives that—

“(A) encourage, promote, and provide education regarding investments in Indian communities through—

“(i) the loan guarantee program of Bureau of Indian Affairs under section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481);

“(ii) programs carried out using amounts in the Community Development Financial Institutions Fund established under section 104(a) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(a)); and

“(iii) other capital development programs;

“(B) examine and develop alternatives that would qualify as collateral for financing in Indian communities; and

“(C) provide entrepreneur and other training relating to economic development through tribally controlled colleges and universities and other Indian organizations with experience in providing such training;

“(2) to consult with Indian tribes and with the Securities and Exchange Commission to study, and collaborate to establish, regulatory changes necessary to qualify an Indian tribe as an accredited investor for the purposes of sections 230.500 through 230.508 of title 17, Code of Federal Regulations (or successor regulations), consistent with the goals of promoting capital formation and ensuring qualifying Indian tribes have the ability to withstand investment loss, on a basis comparable to other legal entities that qualify as accredited investors who are not natural persons;

“(3) to identify regulatory, legal, or other barriers to increasing investment, business, and economic development, including qualifying or approving collateral structures, measurements of economic strength, and contributions of Indian economies in Indian communities through the Authority established under section 4 of the Indian Tribal Regulatory Reform and Business Development Act of 2000 (25 U.S.C. 4301 note);

“(4) to ensure consultation with Indian tribes regarding increasing investment in Indian communities and the development of the report required in paragraph (5); and

“(5) not less than once every 3 years, to provide a report to Congress regarding improvements to Indian communities resulting from such initiatives and recommendations for promoting sustained growth of the tribal economies.

“(b) WAIVER.—For assistance provided pursuant to section 108 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707) to benefit Native Community Development Financial Institutions, as defined by the Secretary of the Treasury, section 108(e) of such Act shall not apply.

“(c) INDIAN ECONOMIC DEVELOPMENT FEASIBILITY STUDY.—

“(1) IN GENERAL.—The Government Accountability Office shall conduct a study and, not later than 18 months after the date of enactment of this subsection, submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report on the findings of the study and recommendations.

“(2) CONTENTS.—The study shall include an assessment of each of the following:

“(A) IN GENERAL.—The study shall assess current Federal capitalization and related programs and services that are available to

assist Indian communities with business and economic development, including manufacturing, physical infrastructure (such as telecommunications and broadband), community development, and facilities construction for such purposes. For each of the Federal programs and services identified, the study shall assess the current use and demand by Indian tribes, individuals, businesses, and communities of the programs, the capital needs of Indian tribes, businesses, and communities related to economic development, and the extent that similar programs have been used to assist non-Indian communities compared to the extent used for Indian communities.

“(B) FINANCING ASSISTANCE.—The study shall assess and quantify the extent of assistance provided to non-Indian borrowers and to Indian (both tribal and individual) borrowers through the loan programs, the loan guarantee programs, or bond guarantee programs of the—

- “(i) Department of the Interior;
- “(ii) Department of Agriculture;
- “(iii) Department of Housing and Urban Development;
- “(iv) Department of Energy;
- “(v) Small Business Administration; and
- “(vi) Community Development Financial Institutions Fund of the Department of the Treasury.

“(C) TAX INCENTIVES.—The study shall assess and quantify the extent of the assistance and allocations afforded for non-Indian projects and for Indian projects pursuant to each of the following tax incentive programs:

- “(i) New market tax credit.
- “(ii) Low income housing tax credit.
- “(iii) Investment tax credit.
- “(iv) Renewable energy tax incentives.
- “(v) Accelerated depreciation.

“(D) TRIBAL INVESTMENT INCENTIVE.—The study shall assess various alternative incentives that could be provided to enable and encourage tribal governments to invest in an Indian community development investment fund or bank.”

SEC. 4. BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (commonly known as the “Buy Indian Act”) (36 Stat. 861, chapter 431; 25 U.S.C. 47), is amended to read as follows:

“SEC. 23. EMPLOYMENT OF INDIAN LABOR AND PURCHASE OF PRODUCTS OF INDIAN INDUSTRY; PARTICIPATION IN MENTOR-PROTEGE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) INDIAN ECONOMIC ENTERPRISE.—The term ‘Indian economic enterprise’ has the meaning given the term in section 1480.201 of title 48, Code of Federal Regulations (or successor regulations).

“(2) MENTOR FIRM; PROTEGE FIRM.—The terms ‘mentor firm’ and ‘protege firm’ have the meanings given those terms in section 831(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510).

“(3) SECRETARIES.—The term ‘Secretaries’ means—

- “(A) the Secretary of the Interior; and
- “(B) the Secretary of Health and Human Services.

“(b) ENTERPRISE DEVELOPMENT.—

“(1) IN GENERAL.—Unless determined by one of the Secretaries to be impracticable and unreasonable—

- “(A) Indian labor shall be employed; and
- “(B) purchases of Indian industry products (including printing and facilities construction, notwithstanding any other provision of law) may be made in open market by the Secretaries.

“(2) MENTOR-PROTEGE PROGRAM.—

“(A) IN GENERAL.—Participation in the Mentor-Protege Program established under section 831(a) of the National Defense Au-

thorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510) or receipt of assistance under a developmental assistance agreement under that program shall not render any individual or entity involved in the provision of Indian labor or an Indian industry product ineligible to receive assistance under this section.

“(B) TREATMENT.—For purposes of this section, no determination of affiliation or control (whether direct or indirect) may be found between a protege firm and a mentor firm on the basis that the mentor firm has provided, or agreed to provide, to the protege firm, pursuant to a mentor-protege agreement, any form of developmental assistance described in section 831(f) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510).

“(c) IMPLEMENTATION.—In carrying out this section, the Secretaries shall—

“(1) conduct outreach to Indian industrial entities;

“(2) provide training;

“(3) promulgate regulations in accordance with this section and with the regulations under part 1480 of title 48, Code of Federal Regulations (or successor regulations), to harmonize the procurement procedures of the Department of the Interior and the Department of Health and Human Services, to the maximum extent practicable;

“(4) require regional offices of the Bureau of Indian Affairs and the Indian Health Service to aggregate data regarding compliance with this section;

“(5) require procurement management reviews by their respective Departments to include a review of the implementation of this section; and

“(6) consult with Indian tribes, Indian industrial entities, and other stakeholders regarding methods to facilitate compliance with—

“(A) this section; and

“(B) other small business or procurement goals.

“(d) REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and not less frequently than once every 2 years thereafter, each of the Secretaries shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing, during the period covered by the report, the implementation of this section by each of the respective Secretaries.

“(2) CONTENTS.—Each report under this subsection shall include, for each fiscal year during the period covered by the report—

“(A) the names of each agency under the respective jurisdiction of each of the Secretaries to which this section has been applied, and efforts made by additional agencies within the Secretaries’ respective Departments to use the procurement procedures under this Act;

“(B) a summary of the types of purchases made from, and contracts (including any relevant modifications, extensions, or renewals) awarded to, Indian economic enterprises, expressed by agency region;

“(C) a description of the percentage increase or decrease in total dollar value and number of purchases and awards made within each agency region, as compared to the totals of the region for the preceding fiscal year;

“(D) a description of the methods used by applicable contracting officers and employees to conduct market searches to identify qualified Indian economic enterprises;

“(E) a summary of all deviations granted under section 1480.403 of title 48, Code of Federal Regulations (or successor regulations), including a description of—

“(i) the types of alternative procurement methods used, including any Indian owned businesses reported under other procurement goals; and

“(ii) the dollar value of any awards made pursuant to those deviations;

“(F) a summary of all determinations made to provide awards to Indian economic enterprises, including a description of the dollar value of the awards;

“(G) a description or summary of the total number and value of all purchases of, and contracts awarded for, supplies, services, and construction (including the percentage increase or decrease, as compared to the preceding fiscal year) from—

“(i) Indian economic enterprises; and

“(ii) non-Indian economic enterprises; and

“(H) any administrative, procedural, legal, or other barriers to achieving the purposes of this section, together with recommendations for legislative or administrative actions to address those barriers.

“(e) GOALS.—Each agency shall establish an annual minimum percentage goal for procurement in compliance with this section.”

SEC. 5. NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS.—Section 803 of the Native American Programs Act of 1974 (42 U.S.C. 2991b) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

“(b) ECONOMIC DEVELOPMENT.—

“(1) IN GENERAL.—The Commissioner may provide assistance under subsection (a) for projects relating to the purposes of this title to a Native community development financial institution, as defined by the Secretary of the Treasury.

“(2) PRIORITY.—With regard to not less than 50 percent of the total amount available for assistance under this section, the Commissioner shall give priority to any application seeking assistance for—

“(A) the development of a tribal code or court system for purposes of economic development, including commercial codes, training for court personnel, regulation pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261), and the development of nonprofit subsidiaries or other tribal business structures;

“(B) the development of a community development financial institution, including training and administrative expenses; or

“(C) the development of a tribal master plan for community and economic development and infrastructure.”

(b) TECHNICAL ASSISTANCE AND TRAINING.—Section 804 of the Native American Programs Act of 1974 (42 U.S.C. 2991c) is amended—

(1) in the matter preceding paragraph (1), by striking “The Commissioner” and inserting the following:

“(a) IN GENERAL.—The Commissioner”; and

(2) by adding at the end the following:

“(b) PRIORITY.—In providing assistance under subsection (a), the Commissioner shall give priority to any application described in section 803(b)(2).”

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking “803(d)” each place it appears and inserting “803(e)”; and

(2) in subsection (a), by striking “1999, 2000, 2001, and 2002” and inserting “2018 through 2022”.

Mr. McCONNELL. I ask unanimous consent that the committee-reported

amendments be withdrawn, the Hoeven substitute amendment at the desk be agreed to, and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendments were withdrawn.

The amendment (No. 2224) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. McCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there any further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1116), as amended, was passed.

Mr. McCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

KLAMATH TRIBE JUDGMENT FUND REPEAL ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 272, S. 1223.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1223) to repeal the Klamath Tribe Judgment Fund Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in *italics*.)

S. 1223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Klamath Tribe Judgment Fund Repeal Act".

SEC. 2. REPEAL.

Public Law 89-224 (commonly known as the "Klamath Tribe Judgment Fund Act") (79 Stat. 897) is repealed.

SEC. 3. DISBURSEMENT OF REMAINING FUNDS.

Notwithstanding any provision of Public Law 89-224 (79 Stat. 897) (as in effect on the day before the date of enactment of this Act) relating to the distribution or use of funds, as soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall disburse to the Klamath Tribe the balance of any funds that, on or before the date of enactment of this Act, were appropriated or deposited into the trust accounts for remaining legal fees and administration and per capita trust accounts, as identified by the Secretary of the Interior, under that Act (as in effect on the day before the date of enactment of this Act).

Mr. McCONNELL. Mr. President, I ask unanimous consent that the com-

mittee-reported amendment be agreed to the bill, as amended, be considered read a third time and passed, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The bill (S. 1223), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

JOHNSON-O'MALLEY SUPPLEMENTAL INDIAN EDUCATION PROGRAM MODERNIZATION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 295, S. 943.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 943) to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Johnson-O'Malley Supplemental Indian Education Program Modernization Act".

SEC. 2. INDIAN EDUCATION PROGRAM STUDENT COUNT UPDATE.

The Act of April 16, 1934 (25 U.S.C. 5342 et seq.) (commonly referred to as the Johnson-O'Malley Act) is amended by adding at the end the following:

"SEC. 7. COMPUTATION OF STUDENT COUNT.

"(a) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

"(1) CONTRACTING PARTY.—The term 'contracting party' means an entity that has a contract through a program authorized under this Act.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that is eligible to apply for a contract for a supplemental or operational support program under this Act, as outlined in section 1.

"(3) EXISTING CONTRACTING PARTY.—The term 'existing contracting party' means a contracting party that has a contract under this Act that is in effect on the date of enactment of the JOM Modernization Act.

"(4) JOM MODERNIZATION ACT.—The term 'JOM Modernization Act' means the Johnson-O'Malley Supplemental Indian Education Program Modernization Act.

"(5) NEW CONTRACTING PARTY.—The term 'new contracting party' means an entity that enters into a contract under this Act after the date of enactment of the JOM Modernization Act.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(b) DETERMINATION OF THE NUMBER OF ELIGIBLE INDIAN STUDENTS.—

"(1) INITIAL DETERMINATIONS.—

"(A) IN GENERAL.—The Secretary shall make an initial determination of the number of eligible Indian students served or potentially served

by each eligible entity in accordance with subparagraph (B).

"(B) PROCESS FOR MAKING THE INITIAL DETERMINATION.—

"(i) PRELIMINARY REPORT.—Not later than 180 days after the date of enactment of the JOM Modernization Act, the Secretary shall publish a preliminary report describing the number of eligible Indian students served or potentially served by each eligible entity, using the most applicable and accurate data (as determined by the Secretary in consultation with eligible entities) from the fiscal year preceding the fiscal year for which the initial determination is to be made from—

"(I) the Bureau of the Census;

"(II) the National Center for Education Statistics; or

"(III) the Office of Indian Education of the Department of Education.

"(ii) DATA RECONCILIATION.—To improve the accuracy of the preliminary report described in clause (i) prior to publishing, the Secretary shall reconcile the data described in the preliminary report with—

"(I) each existing contracting party's data regarding the number of eligible Indian students served by the existing contracting party for the fiscal year preceding the fiscal year for which the initial determination is made; and

"(II) identifiable tribal enrollment information.

"(iii) COMMENT PERIOD.—After publishing the preliminary report under clause (i) in accordance with clause (ii), the Secretary shall establish a 60-day comment period to gain feedback about the preliminary report from eligible entities, which the Secretary shall take into consideration in preparing the final report described in clause (iv).

"(iv) FINAL REPORT.—Not later than 120 days after concluding the consultation described in clause (iii), the Secretary shall publish a final report on the initial determination of the number of eligible Indian students served or potentially served by each eligible entity, including justification for not including any feedback gained during such consultation, if applicable.

"(2) SUBSEQUENT ACADEMIC YEARS.—For each academic year following the fiscal year for which an initial determination is made under paragraph (1) to determine the number of eligible Indian students served or potentially served by a contracting party, the Secretary shall determine the number of eligible Indian students served by the contracting party based on the reported eligible Indian student count numbers identified through the reporting process described in subsection (c).

"(c) CONTRACTING PARTY STUDENT COUNT REPORTING COMPLIANCE.—

"(1) IN GENERAL.—For each academic year following the fiscal year for which an initial determination is made under subsection (b) to determine the number of eligible Indian students served or potentially served by a contracting party, the contracting party shall submit to the Secretary a report describing the number of eligible Indian students who were served using amounts allocated to such party under this Act during the previous fiscal year.

"(2) FAILURE TO COMPLY.—A contracting party that fails to submit a report under paragraph (1) shall receive no amounts under this Act for the fiscal year following the academic year for which the report should have been submitted.

"(3) NOTICE.—The Secretary shall provide contracting parties with timely information relating to—

"(A) initial and final reporting deadlines; and

"(B) the consequences of failure to comply outlined in paragraph (2).

"(4) TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Bureau of Indian Education, shall provide technical assistance and training on compliance with the reporting requirements of this subsection to contracting parties.

“(d) ANNUAL REPORT.—

“(1) IN GENERAL.—The Secretary shall prepare an annual report, including the most recent determination of the number of eligible Indian students served by each contracting party, recommendations on appropriate funding levels for the program based on such determination, and an assessment of the contracts under this Act that the Secretary—

“(A) may include in the budget request of the Department of the Interior for each fiscal year; and

“(B) shall submit to—

“(i) the Committee on Indian Affairs of the Senate;

“(ii) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate;

“(iii) the Committee on Education and the Workforce of the House of Representatives; and

“(iv) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives.

“(2) MANNER OF PREPARATION.—The Secretary shall prepare the report under paragraph (1) in a manner so as to prevent or minimize new administrative burdens on contracting parties receiving funds under this Act.

“(e) HOLD HARMLESS.—

“(1) INITIAL HOLD HARMLESS.—

“(A) IN GENERAL.—Except as provided under subparagraph (B) and subject to subparagraphs (C) and (D), for a fiscal year, an existing contracting party shall not receive an amount under this Act that is less than the amount that such existing contracting party received under this Act for the fiscal year preceding the date of enactment of the JOM Modernization Act.

“(B) EXCEPTIONS.—

“(i) IN GENERAL.—An existing contracting party shall receive an amount under this Act for a fiscal year that is less than the amount that the existing contracting party received under this Act for the fiscal year preceding the date of enactment of the JOM Modernization Act, if 1 or more of the following conditions is met:

“(I) FAILURE TO REPORT.—The existing contracting party failed to submit the report described in subsection (c) that was most recently due from the date of the determination.

“(II) VIOLATIONS OF CONTRACT OR LAW.—The Secretary has found that the existing contracting party has violated the terms of a contract entered into under this Act or has otherwise violated Federal law.

“(III) STUDENT COUNT DECREASE.—The number of eligible Indian students reported by such existing contracting party under subsection (c) has decreased below the number of eligible Indian students served by the existing contracting party in the fiscal year preceding the date of enactment of the JOM Modernization Act.

“(ii) AMOUNT OF FUNDING REDUCTION FOR EXISTING CONTRACTING PARTIES REPORTING DECREASED STUDENT COUNTS.—A reduction in an amount pursuant to clause (i)(III) shall not be done in such a manner that the existing contracting party receives an amount of funding per eligible Indian student that is less than the amount of funding per eligible Indian student such party received for the fiscal year preceding the date of enactment of the JOM Modernization Act.

“(C) RATABLE REDUCTIONS IN APPROPRIATIONS.—If the funds available under this Act for a fiscal year are insufficient to pay the full amounts that all existing contracting parties are eligible to receive under subparagraph (A) for the fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

“(D) SUNSET.—This paragraph shall cease to be effective 4 years after the date of enactment of the JOM Modernization Act.

“(2) MAXIMUM DECREASE AFTER 4 YEARS.—Beginning 4 years after the date of enactment of the JOM Modernization Act, no contracting party shall receive for a fiscal year more than a 10 percent decrease in funding per eligible Indian student from the previous fiscal year.

“(f) FUNDING ALLOCATION AND REFORM.—

“(1) PRESENT DAY PER STUDENT FUNDING ALLOCATION.—Not later than 60 days after an initial determination is made under subsection (b), the Secretary shall propose, in consultation with Indian tribes and contracting parties, a present day per student funding allocation that shall serve as a funding baseline under this Act.

“(2) FUNDING REFORM.—The Secretary may make recommendations for legislation to increase the amount of funds available per eligible Indian student through contracts under this Act to equal to or greater than the amount of funds that were available per eligible Indian student through contracts under this Act for fiscal year 1995, and attempt to identify additional sources of funding that do not reallocate existing funds otherwise utilized by Indian students served—

“(A) by the Bureau of Indian Education; or

“(B) under title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.).

“(3) INCREASES IN PROGRAM FUNDING.—

“(A) IN GENERAL.—Subject to subsection (e) and subparagraph (B), for any fiscal year for which the amount appropriated to carry out this Act exceeds the amount appropriated to carry out this Act for the preceding fiscal year, the excess amounts shall—

“(i) be allocated only to those contracting parties that did not receive their full per student funding allocation for the previous fiscal year; and

“(ii) be allocated first to new contracting parties that did not receive their full per student funding allocation for the previous fiscal year.

“(B) PARITY IN FUNDING.—Subparagraph (A) shall have no effect after the first fiscal year for which each contracting party receives their full per student funding allocation.

“(g) INCREASED GEOGRAPHICAL AND TRIBAL PARTICIPATION IN THE JOHNSON-O'MALLEY SUPPLEMENTARY EDUCATION PROGRAM.—To the maximum extent practicable, the Secretary shall consult with Indian tribes and contact State educational agencies and local educational agencies that have not previously entered into a contract under this Act—

“(1) to determine the interest of the Indian tribes and State educational agencies and local educational agencies in entering into such contracts; and

“(2) to share information relating to the process for entering into a contract under this Act.

“(h) RULEMAKING.—

“(1) IN GENERAL.—Not later than one year after the date of enactment of the JOM Modernization Act, the Secretary, acting through the Director of the Bureau of Indian Education, shall undertake and complete a rulemaking process, following the provisions of subchapter II of chapter 5 of title 5, United States Code, to—

“(A) determine how the regulatory definition of ‘eligible Indian student’ may be revised to clarify eligibility requirements for contracting parties under this Act;

“(B) determine, as necessary, how the funding formula described in section 273.31 of title 25, Code of Federal Regulations (as in effect on the day before the date of enactment of the JOM Modernization Act) may be clarified and revised to ensure full participation of contracting parties and provide clarity on the funding process under this Act; and

“(C) otherwise reconcile and modernize the rules to comport with the activities of the contracting parties under this Act as of the date of enactment of the JOM Modernization Act.

“(2) REPORT.—Not later than 30 days after the date the rulemaking under paragraph (1) is complete, the Secretary shall submit a report to Congress describing the results of such rulemaking and necessary recommendations to ensure the full implementation of such rulemaking.

“(i) STUDENT PRIVACY.—The Secretary shall ensure that data is collected and each report is

prepared under this section in a manner that protects the rights of eligible Indian students in accordance with section 444 of the General Education Provisions Act (commonly referred to as the Family Educational Rights and Privacy Act of 1974) (20 U.S.C. 1232g).

“(j) GAO REPORT.—Not later than 18 months after the final report described in subsection (b)(1)(B)(iv) is published, the Comptroller General shall—

“(1) conduct a review of the implementation of this section during the preceding two-year period, including any factors impacting—

“(A) the accuracy of the determinations of the number of eligible Indian students under this section;

“(B) the communication between the Bureau of Indian Education and contracting parties; and

“(C) the efforts by the Bureau of Indian Education to ensure accurate and sufficient distribution of funding for Indian students;

“(2) submit a report describing the results of the review under paragraph (1) to—

“(A) the Committee on Indian Affairs of the Senate;

“(B) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate;

“(C) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources of the House of Representatives; and

“(D) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

“(3) make such report publicly available.

“(k) EFFECT.—Nothing in this section—

“(1) creates a new program or duplicates program activities under this Act; or

“(2) replaces or diminishes the effect of regulations to carry out this Act existing on the day before the date of enactment of the JOM Modernization Act, unless expressly provided in this section.”

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Lankford amendment at the desk be considered and agreed to the committee-reported substitute amendment, as amended, be agreed to, and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2225) was agreed to, as follows:

(Purpose: To include Alaska Native organizations in consultations)

On page 27, strike lines 11 through 17.

On page 27, line 18, strike “(2)” and insert “(1)”.

On page 28, line 7, strike “(3)” and insert “(2)”.

On page 29, lines 5 and 6, strike “and local educational agencies” and insert “, local educational agencies, and Alaska Native organizations”.

On page 29, lines 8 through 10, strike “Indian tribes and State educational agencies and local educational agencies” and insert “Indian tribes, State educational agencies, local educational agencies, and Alaska Native organizations”.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. McCONNELL. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there any further debate?

The PRESIDING OFFICER. If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 943), as amended, was passed, as follows:

S. 943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Johnson-O’Malley Supplemental Indian Education Program Modernization Act”.

SEC. 2. INDIAN EDUCATION PROGRAM STUDENT COUNT UPDATE.

The Act of April 16, 1934 (25 U.S.C. 5342 et seq.) (commonly referred to as the Johnson-O’Malley Act) is amended by adding at the end the following:

“SEC. 7. COMPUTATION OF STUDENT COUNT.

“(a) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

“(1) CONTRACTING PARTY.—The term ‘contracting party’ means an entity that has a contract through a program authorized under this Act.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that is eligible to apply for a contract for a supplemental or operational support program under this Act, as outlined in section 1.

“(3) EXISTING CONTRACTING PARTY.—The term ‘existing contracting party’ means a contracting party that has a contract under this Act that is in effect on the date of enactment of the JOM Modernization Act.

“(4) JOM MODERNIZATION ACT.—The term ‘JOM Modernization Act’ means the Johnson-O’Malley Supplemental Indian Education Program Modernization Act.

“(5) NEW CONTRACTING PARTY.—The term ‘new contracting party’ means an entity that enters into a contract under this Act after the date of enactment of the JOM Modernization Act.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) DETERMINATION OF THE NUMBER OF ELIGIBLE INDIAN STUDENTS.—

“(1) INITIAL DETERMINATIONS.—

“(A) IN GENERAL.—The Secretary shall make an initial determination of the number of eligible Indian students served or potentially served by each eligible entity in accordance with subparagraph (B).

“(B) PROCESS FOR MAKING THE INITIAL DETERMINATION.—

“(i) PRELIMINARY REPORT.—Not later than 180 days after the date of enactment of the JOM Modernization Act, the Secretary shall publish a preliminary report describing the number of eligible Indian students served or potentially served by each eligible entity, using the most applicable and accurate data (as determined by the Secretary in consultation with eligible entities) from the fiscal year preceding the fiscal year for which the initial determination is to be made from—

“(I) the Bureau of the Census;

“(II) the National Center for Education Statistics; or

“(III) the Office of Indian Education of the Department of Education.

“(ii) DATA RECONCILIATION.—To improve the accuracy of the preliminary report described in clause (i) prior to publishing, the Secretary shall reconcile the data described in the preliminary report with—

“(I) each existing contracting party’s data regarding the number of eligible Indian students served by the existing contracting party for the fiscal year preceding the fiscal year for which the initial determination is made; and

“(II) identifiable tribal enrollment information.

“(iii) COMMENT PERIOD.—After publishing the preliminary report under clause (i) in accordance with clause (ii), the Secretary shall establish a 60-day comment period to gain feedback about the preliminary report from eligible entities, which the Secretary shall take into consideration in preparing the final report described in clause (iv).

“(iv) FINAL REPORT.—Not later than 120 days after concluding the consultation described in clause (iii), the Secretary shall publish a final report on the initial determination of the number of eligible Indian students served or potentially served by each eligible entity, including justification for not including any feedback gained during such consultation, if applicable.

“(2) SUBSEQUENT ACADEMIC YEARS.—For each academic year following the fiscal year for which an initial determination is made under paragraph (1) to determine the number of eligible Indian students served or potentially served by a contracting party, the Secretary shall determine the number of eligible Indian students served by the contracting party based on the reported eligible Indian student count numbers identified through the reporting process described in subsection (c).

“(c) CONTRACTING PARTY STUDENT COUNT REPORTING COMPLIANCE.—

“(1) IN GENERAL.—For each academic year following the fiscal year for which an initial determination is made under subsection (b) to determine the number of eligible Indian students served or potentially served by a contracting party, the contracting party shall submit to the Secretary a report describing the number of eligible Indian students who were served using amounts allocated to such party under this Act during the previous fiscal year.

“(2) FAILURE TO COMPLY.—A contracting party that fails to submit a report under paragraph (1) shall receive no amounts under this Act for the fiscal year following the academic year for which the report should have been submitted.

“(3) NOTICE.—The Secretary shall provide contracting parties with timely information relating to—

“(A) initial and final reporting deadlines; and

“(B) the consequences of failure to comply outlined in paragraph (2).

“(4) TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Bureau of Indian Education, shall provide technical assistance and training on compliance with the reporting requirements of this subsection to contracting parties.

“(d) ANNUAL REPORT.—

“(1) IN GENERAL.—The Secretary shall prepare an annual report, including the most recent determination of the number of eligible Indian students served by each contracting party, recommendations on appropriate funding levels for the program based on such determination, and an assessment of the contracts under this Act that the Secretary—

“(A) may include in the budget request of the Department of the Interior for each fiscal year; and

“(B) shall submit to—

“(i) the Committee on Indian Affairs of the Senate;

“(ii) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate;

“(iii) the Committee on Education and the Workforce of the House of Representatives; and

“(iv) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives.

“(2) MANNER OF PREPARATION.—The Secretary shall prepare the report under para-

graph (1) in a manner so as to prevent or minimize new administrative burdens on contracting parties receiving funds under this Act.

“(e) HOLD HARMLESS.—

“(1) INITIAL HOLD HARMLESS.—

“(A) IN GENERAL.—Except as provided under subparagraph (B) and subject to subparagraphs (C) and (D), for a fiscal year, an existing contracting party shall not receive an amount under this Act that is less than the amount that such existing contracting party received under this Act for the fiscal year preceding the date of enactment of the JOM Modernization Act.

“(B) EXCEPTIONS.—

“(i) IN GENERAL.—An existing contracting party shall receive an amount under this Act for a fiscal year that is less than the amount that the existing contracting party received under this Act for the fiscal year preceding the date of enactment of the JOM Modernization Act, if 1 or more of the following conditions is met:

“(I) FAILURE TO REPORT.—The existing contracting party failed to submit the report described in subsection (c) that was most recently due from the date of the determination.

“(II) VIOLATIONS OF CONTRACT OR LAW.—The Secretary has found that the existing contracting party has violated the terms of a contract entered into under this Act or has otherwise violated Federal law.

“(III) STUDENT COUNT DECREASE.—The number of eligible Indian students reported by such existing contracting party under subsection (c) has decreased below the number of eligible Indian students served by the existing contracting party in the fiscal year preceding the date of enactment of the JOM Modernization Act.

“(ii) AMOUNT OF FUNDING REDUCTION FOR EXISTING CONTRACTING PARTIES REPORTING DECREASED STUDENT COUNTS.—A reduction in an amount pursuant to clause (i)(III) shall not be done in such a manner that the existing contracting party receives an amount of funding per eligible Indian student that is less than the amount of funding per eligible Indian student such party received for the fiscal year preceding the date of enactment of the JOM Modernization Act.

“(C) RATABLE REDUCTIONS IN APPROPRIATIONS.—If the funds available under this Act for a fiscal year are insufficient to pay the full amounts that all existing contracting parties are eligible to receive under subparagraph (A) for the fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

“(D) SUNSET.—This paragraph shall cease to be effective 4 years after the date of enactment of the JOM Modernization Act.

“(2) MAXIMUM DECREASE AFTER 4 YEARS.—Beginning 4 years after the date of enactment of the JOM Modernization Act, no contracting party shall receive for a fiscal year more than a 10 percent decrease in funding per eligible Indian student from the previous fiscal year.

“(f) FUNDING ALLOCATION AND REFORM.—

“(1) FUNDING REFORM.—The Secretary may make recommendations for legislation to increase the amount of funds available per eligible Indian student through contracts under this Act to equal to or greater than the amount of funds that were available per eligible Indian student through contracts under this Act for fiscal year 1995, and attempt to identify additional sources of funding that do not reallocate existing funds otherwise utilized by Indian students served—

“(A) by the Bureau of Indian Education; or

“(B) under title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.).

“(2) INCREASES IN PROGRAM FUNDING.—

“(A) IN GENERAL.—Subject to subsection (e) and subparagraph (B), for any fiscal year for which the amount appropriated to carry out this Act exceeds the amount appropriated to carry out this Act for the preceding fiscal year, the excess amounts shall—

“(i) be allocated only to those contracting parties that did not receive their full per student funding allocation for the previous fiscal year; and

“(ii) be allocated first to new contracting parties that did not receive their full per student funding allocation for the previous fiscal year.

“(B) PARITY IN FUNDING.—Subparagraph (A) shall have no effect after the first fiscal year for which each contracting party receives their full per student funding allocation.

“(g) INCREASED GEOGRAPHICAL AND TRIBAL PARTICIPATION IN THE JOHNSON-O'MALLEY SUPPLEMENTARY EDUCATION PROGRAM.—To the maximum extent practicable, the Secretary shall consult with Indian tribes and contact State educational agencies, local educational agencies, and Alaska Native organizations that have not previously entered into a contract under this Act—

“(1) to determine the interest of the Indian tribes, State educational agencies, local educational agencies, and Alaska Native organizations, in entering into such contracts; and

“(2) to share information relating to the process for entering into a contract under this Act.

“(h) RULEMAKING.—

“(1) IN GENERAL.—Not later than one year after the date of enactment of the JOM Modernization Act, the Secretary, acting through the Director of the Bureau of Indian Education, shall undertake and complete a rulemaking process, following the provisions of subchapter II of chapter 5 of title 5, United States Code, to—

“(A) determine how the regulatory definition of ‘eligible Indian student’ may be revised to clarify eligibility requirements for contracting parties under this Act;

“(B) determine, as necessary, how the funding formula described in section 273.31 of title 25, Code of Federal Regulations (as in effect on the day before the date of enactment of the JOM Modernization Act) may be clarified and revised to ensure full participation of contracting parties and provide clarity on the funding process under this Act; and

“(C) otherwise reconcile and modernize the rules to comport with the activities of the contracting parties under this Act as of the date of enactment of the JOM Modernization Act.

“(2) REPORT.—Not later than 30 days after the date the rulemaking under paragraph (1) is complete, the Secretary shall submit a report to Congress describing the results of such rulemaking and necessary recommendations to ensure the full implementation of such rulemaking.

“(i) STUDENT PRIVACY.—The Secretary shall ensure that data is collected and each report is prepared under this section in a manner that protects the rights of eligible Indian students in accordance with section 444 of the General Education Provisions Act (commonly referred to as the Family Educational Rights and Privacy Act of 1974) (20 U.S.C. 1232g).

“(j) GAO REPORT.—Not later than 18 months after the final report described in subsection (b)(1)(B)(iv) is published, the Comptroller General shall—

“(1) conduct a review of the implementation of this section during the preceding two-year period, including any factors impacting—

“(A) the accuracy of the determinations of the number of eligible Indian students under this section;

“(B) the communication between the Bureau of Indian Education and contracting parties; and

“(C) the efforts by the Bureau of Indian Education to ensure accurate and sufficient distribution of funding for Indian students;

“(2) submit a report describing the results of the review under paragraph (1) to—

“(A) the Committee on Indian Affairs of the Senate;

“(B) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate;

“(C) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources of the House of Representatives; and

“(D) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

“(3) make such report publicly available.

“(k) EFFECT.—Nothing in this section—

“(1) creates a new program or duplicates program activities under this Act; or

“(2) replaces or diminishes the effect of regulations to carry out this Act existing on the day before the date of enactment of the JOM Modernization Act, unless expressly provided in this section.”.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDHOOD CANCER STAR ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 342, S. 292.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 292) to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018” or the “Childhood Cancer STAR Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MAXIMIZING RESEARCH THROUGH DISCOVERY

Subtitle A—Caroline Pryce Walker Conquer Childhood Cancer Reauthorization Act

Sec. 101. Children's cancer biorepositories and biospecimen research.

Sec. 102. Improving Childhood Cancer Surveillance.

Subtitle B—Pediatric Expertise at NIH

Sec. 111. Inclusion of at least one pediatric oncologist on the National Cancer Advisory Board.

Sec. 112. Sense of Congress regarding pediatric expertise at the National Cancer Institute.

Subtitle C—NIH Reporting on Childhood Cancer Activities

Sec. 121. Reporting on childhood cancer research projects.

TITLE II—MAXIMIZING DELIVERY: CARE, QUALITY OF LIFE, SURVIVORSHIP, AND CAREGIVER SUPPORT

Sec. 201. Cancer survivorship programs.

Sec. 202. Grants to improve care for pediatric cancer survivors.

Sec. 203. Best practices for long-term follow-up services for pediatric cancer survivors.

Sec. 204. Technical amendment.

TITLE I—MAXIMIZING RESEARCH THROUGH DISCOVERY

Subtitle A—Caroline Pryce Walker Conquer Childhood Cancer Reauthorization Act

SEC. 101. CHILDREN'S CANCER BIOREPOSITORIES AND BIOSPECIMEN RESEARCH.

Section 417E of the Public Health Service Act (42 U.S.C. 285a–11) is amended—

(1) in the section heading, by striking “RESEARCH AND AWARENESS” and inserting “RESEARCH, AWARENESS, AND SURVIVORSHIP”;.

(2) by striking subsection (a) and inserting the following:

“(a) CHILDREN'S CANCER BIOREPOSITORIES.—

“(1) AWARD.—The Secretary, acting through the Director of NIH, may make awards to an entity or entities described in paragraph (4) to build upon existing research efforts to collect biospecimens and clinical and demographic information on children, adolescents, and young adults with selected cancer subtypes (and their recurrences) for which current treatments are least effective, in order to achieve a better understanding of the causes of such cancer subtypes (and their recurrences), and the effects and outcomes of treatments for such cancers.

“(2) USE OF FUNDS.—Amounts received under an award under paragraph (1) may be used to carry out the following:

“(A) Collect and store high-quality, donated biospecimens and associated clinical and demographic information on children, adolescents, and young adults diagnosed with cancer in the United States, focusing on children, adolescents, and young adults with cancer enrolled in clinical trials for whom current treatments are least effective. Activities under this subparagraph may include storage of biospecimens and associated clinical and demographic data at existing biorepositories supported by the National Cancer Institute.

“(B) Maintain an interoperable, secure, and searchable database on stored biospecimens and associated clinical and demographic data from children, adolescents, and young adults with cancer for the purposes of research by scientists and qualified health care professionals.

“(C) Establish and implement procedures for evaluating applications for access to such biospecimens and clinical and demographic data from researchers and other qualified health care professionals.

“(D) Provide access to biospecimens and clinical and demographic data from children, adolescents, and young adults with cancer to researchers and qualified health care professionals for peer-reviewed research—

“(i) consistent with the procedures established pursuant to subparagraph (C);

“(ii) only to the extent permitted by applicable Federal and State law; and

“(iii) in a manner that protects personal privacy to the extent required by applicable Federal and State privacy law, at minimum.

“(3) NO REQUIREMENT.—No child, adolescent, or young adult with cancer shall be required under this subsection to contribute a specimen to a biorepository or share clinical or demographic data.

“(4) APPLICATION; CONSIDERATIONS.—

“(A) APPLICATION.—To be eligible to receive an award under paragraph (1) an entity shall

submit an application to the Secretary at such a time, in such manner, and containing such information as the Secretary may reasonably require.

“(B) **CONSIDERATIONS.**—In evaluating applications submitted under subparagraph (A), the Secretary shall consider the existing infrastructure of the entity that would allow for the timely capture of biospecimens and related clinical and demographic information for children, adolescents, and young adults with cancer for whom current treatments are least effective.

“(5) **PRIVACY PROTECTIONS AND INFORMED CONSENT.**—

“(A) **IN GENERAL.**—The Secretary may not make an award under paragraph (1) to an entity unless the Secretary ensures that such entity—

“(i) collects biospecimens and associated clinical and demographic information only from participants who have given their informed consent in accordance with Federal and State law; and

“(ii) protects personal privacy to the extent required by applicable Federal and State law, at minimum.

“(B) **INFORMED CONSENT.**—The Secretary shall ensure biospecimens and associated clinical and demographic information are collected with informed consent, as described in subparagraph (A)(i).

“(6) **GUIDELINES AND OVERSIGHT.**—The Secretary shall develop and disseminate appropriate guidelines for the development and maintenance of the biorepositories supported under this subsection, including appropriate oversight, to facilitate further research on select cancer subtypes (and their recurrences) in children, adolescents, and young adults with such cancers (and their recurrences).

“(7) **COORDINATION.**—To encourage the greatest possible efficiency and effectiveness of federally supported efforts with respect to the activities described in this subsection, the Secretary shall ensure the appropriate coordination of programs supported under this section with existing federally supported cancer registry programs and the activities under section 399E-1, as appropriate.

“(8) **SUPPLEMENT NOT SUPPLANT.**—Funds provided under this subsection shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

“(9) **REPORT.**—Not later than 4 years after the date of enactment of the Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018, the Secretary shall submit to Congress a report on—

“(A) the number of biospecimens and corresponding clinical demographic data collected through the biospecimen research efforts supported under paragraph (1);

“(B) the number of biospecimens and corresponding clinical demographic data requested for use by researchers;

“(C) barriers to the collection of biospecimens and corresponding clinical demographic data;

“(D) barriers experienced by researchers or health care professionals in accessing the biospecimens and corresponding clinical demographic data necessary for use in research; and

“(E) recommendations with respect to improving the biospecimen and biorepository research efforts under this subsection.

“(10) **DEFINITIONS.**—For purposes of this subsection:

“(A) **AWARD.**—The term ‘award’ includes a grant, contract, or cooperative agreement determined by the Secretary.

“(B) **BIOSPECIMEN.**—The term ‘biospecimen’ includes—

“(i) solid tumor tissue or bone marrow;

“(ii) normal or control tissue;

“(iii) blood and plasma;

“(iv) DNA and RNA extractions;

“(v) familial DNA; and

“(vi) any other sample relevant to cancer research, as required by the Secretary.

“(C) **CLINICAL AND DEMOGRAPHIC INFORMATION.**—The term ‘clinical and demographic information’ includes—

“(i) date of diagnosis;

“(ii) age at diagnosis;

“(iii) the patient’s sex, race, ethnicity, and environmental exposures;

“(iv) extent of disease at enrollment;

“(v) site of metastases;

“(vi) location of primary tumor coded;

“(vii) histologic diagnosis;

“(viii) tumor marker data when available;

“(ix) treatment and outcome data;

“(x) information related to specimen quality; and

“(xi) any other applicable information required by the Secretary.”; and

(3) in subsection (c), by striking “(42 U.S.C. 202 note)”.

SEC. 102. IMPROVING CHILDHOOD CANCER SURVEILLANCE.

(a) **IN GENERAL.**—Section 399E-1 of the Public Health Service Act (42 U.S.C. 280e-3a) is amended—

(1) in subsection (a)—

(A) by striking “shall award a grant” and inserting “may make awards to State cancer registries”; and

(B) by striking “track the epidemiology of pediatric cancer into a comprehensive nationwide registry of actual occurrences of pediatric cancer” and inserting “collect information to better understand the epidemiology of cancer in children, adolescents, and young adults”; and

(C) by striking the second sentence and inserting “Such registries may be updated to include each occurrence of such cancers within a period of time designated by the Secretary.”;

(2) by redesignating subsection (b) as subsection (d);

(3) by inserting after subsection (a) the following:

“(b) **ACTIVITIES.**—The grants described in subsection (a) may be used for—

“(1) identifying, recruiting, and training potential sources for reporting childhood, adolescent, and young adult cancer cases;

“(2) developing practices to ensure early inclusion of childhood, adolescent, and young adult cancer cases in State cancer registries through the use of electronic reporting;

“(3) collecting and submitting deidentified data to the Centers for Disease Control and Prevention for inclusion in a national database that includes information on childhood, adolescent, and young adult cancers; and

“(4) improving State cancer registries and the database described in paragraph (3), as appropriate, including to support the early inclusion of childhood, adolescent, and young adult cancer cases.

“(c) **COORDINATION.**—To encourage the greatest possible efficiency and effectiveness of federally supported efforts with respect to the activities described in this section, the Secretary shall ensure the appropriate coordination of programs supported under this section with other federally supported cancer registry programs and the activities under section 417E(a), as appropriate.”; and

(4) in subsection (d), as so redesignated, by striking “registry established pursuant to subsection (a)” and inserting “activities described in this section”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 417E(d) of the Public Health Service Act (42 U.S.C. 285a-11(d)) is amended—

(1) by striking “2009 through 2013” and inserting “2019 through 2023”; and

(2) by striking the second sentence.

Subtitle B—Pediatric Expertise at NIH

SEC. 111. INCLUSION OF AT LEAST ONE PEDIATRIC ONCOLOGIST ON THE NATIONAL CANCER ADVISORY BOARD.

Clause (iii) of section 406(h)(2)(A) of the Public Health Service Act (42 U.S.C. 284a(h)(2)(A)) is amended—

(1) by striking “Board not less than five” and inserting “Board—

“(I) not less than 5”;

(2) by inserting “and” after the semicolon; and

(3) by adding at the end the following:

“(II) not less than one member shall be an individual knowledgeable in pediatric oncology.”.

SEC. 112. SENSE OF CONGRESS REGARDING PEDIATRIC EXPERTISE AT THE NATIONAL CANCER INSTITUTE.

It is the sense of Congress that the Director of the National Cancer Institute should ensure that all applicable study sections, committees, advisory groups, and panels at the National Cancer Institute include one or more qualified pediatric oncologists, as appropriate.

Subtitle C—NIH Reporting on Childhood Cancer Activities

SEC. 121. REPORTING ON CHILDHOOD CANCER RESEARCH PROJECTS.

The Director of the National Institutes of Health shall ensure that childhood cancer research projects conducted or supported by the National Institutes of Health are included in appropriate reports to Congress, which may include the Pediatric Research Initiative report.

TITLE II—MAXIMIZING DELIVERY: CARE, QUALITY OF LIFE, SURVIVORSHIP, AND CAREGIVER SUPPORT

SEC. 201. CANCER SURVIVORSHIP PROGRAMS.

(a) **PILOT PROGRAMS TO EXPLORE MODEL SYSTEMS OF CARE FOR PEDIATRIC CANCER SURVIVORS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may make awards to eligible entities to establish pilot programs to develop, study, or evaluate model systems for monitoring and caring for childhood cancer survivors throughout their lifespan, including evaluation of models for transition to adult care and care coordination.

(2) **AWARDS.**—

(A) **TYPES OF ENTITIES.**—In making awards under this subsection, the Secretary shall, to the extent practicable, include—

(i) small, medium, and large-sized eligible entities; and

(ii) sites located in different geographic areas, including rural and urban areas.

(B) **ELIGIBLE ENTITIES.**—In this subsection, the term “eligible entity” means—

(i) a medical school;

(ii) a children’s hospital;

(iii) a cancer center;

(iv) a community-based medical facility; or

(v) any other entity with significant experience and expertise in treating survivors of childhood cancers.

(3) **USE OF FUNDS.**—Funds awarded under this subsection may be used—

(A) to develop, study, or evaluate one or more models for monitoring and caring for cancer survivors; and

(B) in developing, studying, and evaluating such models, to give special emphasis to—

(i) design of models of follow-up care, monitoring, and other survivorship programs (including peer support and mentoring programs);

(ii) development of models for providing multidisciplinary care;

(iii) dissemination of information to health care providers about culturally and linguistically appropriate follow-up care for cancer survivors and their families, as appropriate and practicable;

(iv) development of psychosocial and support programs to improve the quality of life of cancer survivors and their families, which may include peer support and mentoring programs;

(v) design of systems for the effective transfer of treatment information and care summaries from cancer care providers to other health care providers (including risk factors and a plan for recommended follow-up care);

(vi) dissemination of the information and programs described in clauses (i) through (v) to

other health care providers (including primary care physicians and internists) and to cancer survivors and their families, where appropriate and in accordance with Federal and State law; and

(vii) development of initiatives that promote the coordination and effective transition of care between cancer care providers, primary care physicians, mental health professionals, and other health care professionals, as appropriate, including models that use a team-based or multi-disciplinary approach to care.

(b) **WORKFORCE DEVELOPMENT FOR HEALTH CARE PROVIDERS ON MEDICAL AND PSYCHOSOCIAL CARE FOR CHILDHOOD CANCER SURVIVORS.**—

(1) **IN GENERAL.**—The Secretary shall, not later than 1 year after the date of enactment of this Act, conduct a review of the activities of the Department of Health and Human Services related to workforce development for health care providers who treat pediatric cancer patients and survivors. Such review shall include—

(A) an assessment of the effectiveness of supportive psychosocial care services for pediatric cancer patients and survivors, including pediatric cancer survivorship care patient navigators and peer support programs;

(B) identification of existing models relevant to providing medical and psychosocial services to individuals surviving pediatric cancers, and programs related to training for health professionals who provide such services to individuals surviving pediatric cancers; and

(C) recommendations for improving the provision of psychosocial care for pediatric cancer survivors and patients.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and Committee on Energy and Commerce of the House of Representatives, a report concerning the findings and recommendations from the review conducted under paragraph (1).

SEC. 202. GRANTS TO IMPROVE CARE FOR PEDIATRIC CANCER SURVIVORS.

(a) **IN GENERAL.**—Section 417E of the Public Health Service Act (42 U.S.C. 285a–11), as amended by section 101, is further amended by striking subsection (b) and inserting the following:

“(b) **IMPROVING CARE FOR PEDIATRIC CANCER SURVIVORS.**—

“(1) **RESEARCH ON PEDIATRIC CANCER SURVIVORSHIP.**—The Director of NIH, in coordination with ongoing research activities, may continue to conduct or support pediatric cancer survivorship research including in any of the following areas:

“(A) Outcomes of pediatric cancer survivors, including within minority or other medically underserved populations and with respect to health disparities of such outcomes.

“(B) Barriers to follow-up care for pediatric cancer survivors, including within minority or other medically underserved populations.

“(C) The impact of relevant factors, which may include familial, socioeconomic, and other environmental factors, on treatment outcomes and survivorship.

“(D) The development of indicators used for long-term follow-up and analysis of the late effects of cancer treatment for pediatric cancer survivors.

“(E) The identification of, as applicable—

“(i) risk factors associated with the late effects of cancer treatment;

“(ii) predictors of adverse neurocognitive and psychosocial outcomes; and

“(iii) the molecular basis of long-term complications.

“(F) The development of targeted interventions to reduce the burden of morbidity borne by cancer survivors in order to protect such cancer survivors from the late effects of cancer.

“(2) **BALANCED APPROACH.**—In conducting or supporting research under paragraph (1)(A)(i)

on pediatric cancer survivors within minority or other medically underserved populations, the Director of NIH shall ensure that such research addresses both the physical and the psychological needs of such survivors, as appropriate.”.

SEC. 203. BEST PRACTICES FOR LONG-TERM FOLLOW-UP SERVICES FOR PEDIATRIC CANCER SURVIVORS.

The Secretary of Health and Human Services may facilitate the identification of best practices for childhood and adolescent cancer survivorship care, and, as appropriate, may consult with individuals who have expertise in late effects of disease and treatment of childhood and adolescent cancers, which may include—

(1) oncologists, which may include pediatric oncologists;

(2) primary care providers engaged in survivorship care;

(3) survivors of childhood and adolescent cancer;

(4) parents of children and adolescents who have been diagnosed with and treated for cancer and parents of long-term survivors;

(5) nurses and social workers;

(6) mental health professionals;

(7) allied health professionals, including physical therapists and occupational therapists; and

(8) others, as the Secretary determines appropriate.

SEC. 204. TECHNICAL AMENDMENT.

(a) **IN GENERAL.**—Section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107–172; 116 Stat. 541) is amended by striking “section 419C” and inserting “section 417C”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if included in section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107–172; 116 Stat. 541).

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 292), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUPPORTING GRANDPARENTS RAISING GRANDCHILDREN ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 343, S. 1091.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1091) to establish a Federal Task Force to Support Grandparents Raising Grandchildren.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supporting Grandparents Raising Grandchildren Act”.

SEC. 2. FEDERAL TASK FORCE TO SUPPORT GRANDPARENTS RAISING GRANDCHILDREN.

(a) **ESTABLISHMENT.**—There is established a Federal Task Force to Support Grandparents Raising Grandchildren (referred to in this section as the “Task Force”).

(b) **OLDER RELATIVE CAREGIVER.**—In this section, the term “older relative caregiver” has the meaning given the term under section 372(a)(3) of the National Family Caregiver Support (42 U.S.C. 3030s(a)(3)).

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Task Force shall be composed of the following members, or their designee:

(A) The Secretary of Health and Human Services.

(B) The Attorney General.

(C) The Administrator of the Administration for Community Living.

(D) The Director of the Centers for Disease Control and Prevention.

(E) The Assistant Secretary for Mental Health and Substance Use.

(F) The Assistant Secretary for the Administration for Children and Families.

(G) The Director of the Indian Health Service.

(H) The Administrator of the Centers for Medicare & Medicaid Services.

(I) The head of each Federal department, agency, or other governmental entity identified by the Secretary of Health and Human Services as having responsibilities, or administering programs, relating to the current health, educational, nutritional, and other needs and current issues affecting older relative caregivers, including grandparents, raising children in their care.

(J) A grandparent raising a grandchild or grandchildren as well as another older relative caregiver of children.

(2) **LEAD AGENCY.**—The Department of Health and Human Services shall be the lead agency for the Task Force.

(d) **DUTIES.**—

(1) **IN GENERAL.**—

(A) **INFORMATION.**—The Task Force shall identify, coordinate, and disseminate information publicly about Federal information, resources, and best practices available, on the date of the determination, to help older relative caregivers, including grandparents, raising children in their care, including those raising children in their care as a result of the opioid crisis, meet the health, educational, nutritional, and other needs of the children in their care as well as maintain their own physical and mental health and emotional well-being.

(B) **NATIVE AMERICANS.**—In carrying out the duties described in subparagraph (A), the Task Force shall ensure that the needs of Native Americans (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) are considered.

(2) **REPORT.**—

(A) **IN GENERAL.**—Not later than 360 days after the date of enactment of this Act, the Task Force shall submit a report to the Special Committee on Aging, the Committee on Health, Education, Labor, and Pensions, and the Committee on Finance of the Senate and the Committee on Education and the Workforce, the Committee on Energy and Commerce, and the Committee on Ways and Means of the House of Representatives that includes—

(i) best practices, resources, and other useful information for older relative caregivers, including grandparents, raising children in their care; and

(ii) an identification of the gaps in needs of older relative caregivers, including grandparents, raising children in their care.

(B) **FINAL REPORT.**—Not later than 4 years after the date of enactment of this Act, the Task Force shall submit a final report to the Special Committee on Aging, the Committee on Health, Education, Labor, and Pensions, and the Committee on Finance of the Senate and the Committee on Education and the Workforce, the

Committee on Energy and Commerce, and the Committee on Ways and Means of the House of Representatives that includes the final findings of the Task Force, recommendations for future actions to address issues faced by older relative caregivers, including grandparents, raising children in their care, and any other useful information.

(3) **PROCESS FOR PUBLIC INPUT.**—The Task Force shall establish a process for public input to inform the identification of, and updates to, the best practices, resources, and other useful information and the gaps in needs described in paragraph (2), including a process for the public to submit recommendations to the Task Force and an opportunity for public comment.

(e) **SUNSET.**—The Task Force shall terminate on the date that is 5 years after the date of enactment of this Act.

(f) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(g) **FUNDING.**—No additional funds are authorized to be appropriated to carry out this section. The Task Force shall be carried out with funds otherwise appropriated.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1091), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL CACFP WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 405.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 405) designating the third week of March 2018 as "National CACFP Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 405) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 13, 2018, under "Submitted Resolutions.")

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 445, S. Res. 446, S. Res. 447, S. Res. 448, and S. Res. 449.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 1625

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 116, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 116) providing for a correction in the enrollment of H.R. 1625.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. I ask unanimous consent that the amendment at the desk be agreed to, the concurrent resolution, as amended, be agreed to, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2226) was agreed to, as follows:

At the end add the following:

"On page 749, line 12, strike 'and' through line 14 'are' and insert 'is'."

The concurrent resolution (H. Con. Res. 116), as amended, was agreed to.

The PRESIDING OFFICER. The majority leader.

QUORUM CALL

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Cornyn	Johnson	McConnell
Daines	King	Risch
Johnson	Leahy	

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

Mr. MCCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion of the Senator from Kentucky.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. TOOMEY).

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—91

Baldwin	Graham	Paul
Barrasso	Grassley	Perdue
Bennet	Harris	Peters
Blumenthal	Hassan	Portman
Blunt	Hatch	Reed
Booker	Heinrich	Risch
Boozman	Heitkamp	Roberts
Brown	Heller	Rounds
Cantwell	Hirono	Sanders
Capito	Hoeven	Sasse
Cardin	Inhofe	Schatz
Carper	Isakson	Schumer
Casey	Johnson	Scott
Cochran	Jones	Shaheen
Collins	Kaine	Shelby
Coons	Kennedy	Smith
Cornyn	King	Stabenow
Cortez Masto	Klobuchar	Sullivan
Crapo	Lankford	Tester
Cruz	Leahy	Thune
Daines	Manchin	Tillis
Donnelly	Markey	Udall
Duckworth	McCaskill	Van Hollen
Durbin	McConnell	Warner
Enzi	Menendez	Warren
Ernst	Merkley	Whitehouse
Feinstein	Moran	Wicker
Fischer	Murkowski	Wyden
Flake	Murphy	Young
Gardner	Murray	
Gillibrand	Nelson	

NAYS—6

Alexander	Corker	Lee
Cassidy	Cotton	Rubio

NOT VOTING—3

Burr	McCain	Toomey
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The motion was agreed to.

The PRESIDING OFFICER (Mr. DAINES). A quorum is present.

The majority leader.

TARGETED REWARDS FOR THE GLOBAL EDUCATION OF HUMAN TRAFFICKING—Continued

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate now vote on the motion to invoke cloture

on the motion to concur in the House amendment to the Senate amendment to H.R. 1625; further, that if cloture is invoked, all postcloture time be yielded back and Senator LEE or his designee be recognized to make a budget point of order; that the majority leader or his designee be recognized to make a motion to waive; and that following the disposition of the motion to waive, the Senate vote on the motion to concur with further amendment with no other intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. CORKER. Mr. President, reserving the right to object, the House sent a bill over today a little after 1 o'clock, and it is 11:56 p.m. I know that every Senator here has the right to object, and I assume some people have objected to voting.

We are not going to close. I had called down earlier and asked the Secretary if we are not going to vote by 10 o'clock, if we could just vote at 8 o'clock in the morning. This is ridiculous. It is juvenile. This is a juvenile process that we go through every time we do one of these.

I would respectfully ask our leader, who has been dealing with a lot today—and I am glad that he has the job he has and I don't, and the Secretary has the job that she has and I don't—could you explain to us what has occurred over the last 11 hours that keeps us here voting on a bill that we all know is going to pass, regardless of how we vote on it and that has kept us from just going ahead and voting?

Could you explain to the body, just very quickly, what has happened? And could we in the future possibly try to resolve these things at a decent hour, or come back the next morning and vote?

Mr. MCCONNELL. I would say to my good friend from Tennessee—by the way, I am very sorry he has decided to leave the Senate, given how much he has obviously enjoyed it today.

Mr. CORKER. The changes that have occurred at the White House in the last several hours, and this—it has been an unusual day, I will say.

Mr. MCCONNELL. Well, my good friend from Tennessee knows that my principal responsibility is begging, pleading, and cajoling. I have been in continuous discussions, shall I say, with several of our Members who were legitimately unhappy about one aspect or another, and they spent a lot of time thinking over whether or not they wanted to expedite the process. I must say, after a long and intense day of such discussions with several of our Members who have legitimate concerns, I am relieved, rather than depressed, that we might be able to actually finish tonight.

Mr. CORKER. Well, if I could, reserving the right to object, I would like for us to have some degree of discussion about this in the future—either to finish our business at a normal time or to

come back the next morning. This is a ridiculous process that we go through where people extort us until we get so tired that we are willing to do whatever it is they wish for us to do.

I don't know what the issues were today. For instance, I would love to have a week's debate on an AUMF at some point. Now, I can hold this vote up on a legitimate issue and say: No, we are not going to vote until you agree that we are going to have an AUMF debate. I haven't done that. To my knowledge, I have never in my life held a vote up. Maybe I did 10 years ago and I can't remember.

But I just think that, again, we ought to have a little more certainty around here. I appreciate that people have flights in the morning and that there are some codels going out. So I am not going to object.

However, I am going to discuss with other Members, whether in the future, if we cannot finish our business at a reasonable hour, let's just come back the next morning and start.

With that, I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1625.

Mitch McConnell, John Cornyn, Susan M. Collins, Lamar Alexander, Pat Roberts, Orrin G. Hatch, David Perdue, Lindsey Graham, Thom Tillis, Lisa Murkowski, Shelley Moore Capito, Richard Burr, Mike Rounds, John Hoeven, Rob Portman, John Boozman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1625, an act to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 30, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—67

Alexander	Heinrich	Portman
Baldwin	Heitkamp	Reed
Bennet	Heller	Roberts
Blumenthal	Hirono	Rounds
Blunt	Hoeven	Rubio
Boozman	Inhofe	Schatz
Brown	Isakson	Schumer
Cantwell	Jones	Scott
Capito	Kaine	Shaheen
Cardin	King	Shelby
Carper	Klobuchar	Smith
Casey	Lankford	Stabenow
Cochran	Leahy	Tester
Collins	Manchin	Thune
Coons	Markey	Tillis
Cornyn	McConnell	Udall
Cortez Masto	Menendez	Van Hollen
Donnelly	Moran	Warner
Duckworth	Murkowski	Whitehouse
Ernst	Murphy	Wyden
Graham	Murray	Young
Hassan	Nelson	
Hatch	Peters	

NAYS—30

Barrasso	Feinstein	McCaskill
Booker	Fischer	Merkley
Cassidy	Flake	Paul
Corker	Gardner	Perdue
Cotton	Gillibrand	Risch
Crapo	Grassley	Sanders
Cruz	Harris	Sasse
Daines	Johnson	Sullivan
Durbin	Kennedy	Warren
Enzi	Lee	Wicker

NOT VOTING—3

Burr	McCain	Toomey
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The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 30.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer fails.

The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to withdraw the motion to concur with further amendment and the Senate now vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON MOTION TO CONCUR

The question now occurs on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 1625.

Mr. ROUNDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Pennsylvania (Mr. TOOMEY) would have voted "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—65

Alexander	Hatch	Portman
Baldwin	Heinrich	Reed
Bennet	Heitkamp	Roberts
Blumenthal	Heller	Rounds
Blunt	Hirono	Rubio
Boozman	Hoeven	Schatz
Brown	Inhofe	Schumer
Cantwell	Isakson	Scott
Capito	Jones	Shaheen
Cardin	Kaine	Shelby
Carper	King	Smith
Casey	Klobuchar	Stabenow
Cochran	Leahy	Tester
Collins	Manchin	Thune
Coons	McConnell	Udall
Cornyn	Menendez	Van Hollen
Cortez Masto	Moran	Warner
Donnelly	Murkowski	Whitehouse
Duckworth	Murphy	Wicker
Durbin	Murray	Wyden
Graham	Nelson	Young
Hassan	Peters	

NAYS—32

Barrasso	Fischer	McCaskill
Booker	Flake	Merkley
Cassidy	Gardner	Paul
Corker	Gillibrand	Perdue
Cotton	Grassley	Risch
Crapo	Harris	Sanders
Cruz	Johnson	Sasse
Daines	Kennedy	Sullivan
Enzi	Lankford	Tillis
Ernst	Lee	Warren
Feinstein	Markey	

NOT VOTING—3

Burr	McCain	Toomey
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The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 539.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.

Mitch McConnell, Jerry Moran, John Cornyn, John Hoeven, John Kennedy, Johnny Isakson, Chuck Grassley, Cory Gardner, James E. Risch, Thom Tillis, Pat Roberts, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 728.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2022.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2022.

Mitch McConnell, Mike Crapo, John Thune, Pat Roberts, David Perdue, Michael B. Enzi, Lamar Alexander, John Boozman, Thom Tillis, James M. Inhofe, John Hoeven, Mike Rounds, John Cornyn, Richard Burr, Tim Scott, John Barrasso, Jerry Moran.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 605.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.

Mitch McConnell, Richard Burr, Mike Crapo, John Thune, Pat Roberts, David Perdue, Michael B. Enzi, Lamar Alexander, John Boozman, Thom Tillis, Tim Scott, James M. Inhofe, John Hoeven, Mike Rounds, John Cornyn, John Barrasso, Jerry Moran.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 666.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Mitch McConnell, Jerry Moran, Deb Fischer, John Barrasso, Johnny Isakson, Thom Tillis, Roy Blunt, Mike Rounds, Steve Daines, James M. Inhofe, Shelley Moore Capito, John Cornyn, John Boozman, John Thune, Roger F. Wicker, John Hoeven.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 540.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

Mitch McConnell, John Hoeven, John Kennedy, Johnny Isakson, Cory Gardner, John Cornyn, James E. Risch, Thom Tillis, Pat Roberts, Jerry Moran, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton, Jeff Flake.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 541.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the nomination of Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Mitch McConnell, John Hoeven, John Kennedy, Johnny Isakson, Jerry Moran, Cory Gardner, John Cornyn, James E. Risch, Thom Tillis, Pat Roberts, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton, Jeff Flake.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—H.R. 5247

Mr. JOHNSON. Mr. President, I realize the hour is late. I will move quickly to my unanimous consent request, but I want to quickly state that this is so important that this can't wait, and I am really asking a pretty simple request of my colleagues that we stop playing games with people's lives because it is well past time that we passed the Right to Try. The Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2018.

We passed this unanimously through the Senate in August. The House has acted now. I am just asking my colleagues, please, these desperate patients are terminally ill, and they have waited far too long.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5247, which was received from the House. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. SCHUMER. Mr. President, reserving the right to object, and I will object.

I just want to make clear that I am sympathetic to the goals my friends from Wisconsin and Indiana are trying to accomplish. In fact, the Senate has already passed a version of this bill once and dedicated time to work on the outstanding issues to get a good compromise and pass it into law and pass it into law quickly.

I believe we all support the goals of safety and increasing access of investigational drugs for terminally ill people, but the key is we need to ensure there are safety mechanisms in place when we do this. A significant part of that is making sure the FDA is part of the process. They already have an expanded access program. We need to ensure that we are not increasing the risk of patient harm or endangering clinical trials so lifesaving drugs can continue to be developed and people have access to them.

So I assure my colleagues that we will work together to get something done, and done quickly, because this is

an important issue. People who have terminal illnesses deserve every opportunity and chance at survival, and I look forward to working with my colleagues and moving forward on the Senate bill.

With that, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I do want to point out the fact that the Right to Try bill only allows access to drugs that have already passed phase 1 safety approval from the FDA. There has been an awful lot of misunderstanding from that standpoint.

All we are asking is, what this bill would do is allow terminal patients who have no other options—they have exhausted all treatment options, they do not qualify for a clinical trial, they are near death or, according to the House bill, subject to severely premature death. It just gives those individuals the right to choose for themselves, not have a faceless bureaucrat at the FDA make that decision.

We passed this unanimously from the good efforts of my colleague, the Senator from Indiana, who will speak shortly, but also Senators Alexander and Murray. We spent many hours in discussion crafting a bill that passed unanimously.

By the way, that didn't surprise me because out of the 39 States that passed Right to Try through their legislature, 38 have passed it and signed it into law. Of the legislators who voted for Right to Try, 98 percent have voted yes. That is a vote tally of 5,604 to 126 because it makes so much sense to give those terminally ill patients the freedom to make those decisions themselves.

The good news is, the House passed the Right to Try bill—not unanimously—with bipartisan support. The vote was 267 to 149, and 35 Democrats joined, most Republicans voting yes. A lot of that was due to the good efforts from my Democratic colleague, the Senator from Indiana.

I want to give a brief history on Right to Try in terms of my involvement. I first went to the Goldwater Institute in 2014. They, through their efforts, decided to go through the strategy of having States pass it, and Colorado was the first State to pass Right to Try in 2014.

Shortly after that meeting, I met a young mom, Trickett Wendler, a mother of three children. She had ALS. I just mentioned the fact that I had met with the Goldwater Institute, and I was fully in support of Right to Try, and tears started streaming down the face of Trickett Wendler. That is when I decided to become the champion and lead sponsor of Right to Try in this body. Unfortunately, Trickett Wendler lost her battle with ALS in March of 2015.

I want to briefly mention the other individuals for whom this bill is named. Matt Bellina, a former lieutenant commander, Navy pilot, married to

his wife Caitlyn Bellina, and he has three boys.

This is what Matt Bellina said in testimony:

Please let them know that I have had ALS too long to meet the exclusion criteria for any promising trials. No drug company will offer me treatments under the current expanded access guidelines. Two reputable companies have already indicated that they would try to treat me under the rules of this bill. A vote against this is essentially a vote to kill me. It is a vote to make my wife a widow and leave my boys fatherless. I can't stop anyone from voting that way, but please ask them to have respect to look my family in the eye when they cast their vote.

Frank Mongiello is another victim of ALS. I just met with him a few hours ago. I first met with him when he could speak—he can no longer speak—but he spoke at our press conference, and here is his quote. He paraphrased Abraham Lincoln and he said:

President Lincoln said, “If I am killed, I die only once; but if I dread it, I die over and over again.”

Frank went on to say:

I have an 80-percent chance to be dead in 2 years, and, for me, seeing these potential drugs out on the market and not being able to take them is like dying over and over again.

The final namesake of this bill is little Jordan McLinn. We met him when he was 6 years old, and now he is 8. His mother Laura is a tireless advocate. I know the Senator from Indiana knows the McLinns well.

The FDA advisory committee on April 25 heard from, I think, 55 witnesses about a drug called eteplirsén to treat Duchenne's muscular dystrophy. The advisory committee, having heard from people like Laura and Jordan McLinn wanting access to that drug, voted no. Fortunately, the FDA—and this is pretty rare—overruled the advisory committee, and Jordan now is at least being treated. They are tireless advocates for Right to Try.

These are the people we need to help. These are the people whom Right to Try was meant for.

I don't know why it took the House 7 months to craft a bill and finally vote on it. I can't tell you how many people during that 7 months sought treatment in other countries. I can't tell you if anyone during that time period possibly lost their life because they didn't have access to treatment. I don't know why the House felt compelled to change the bill that we carefully crafted that passed unanimously. I don't know why they simply didn't take up the Senate bill and pass it, but I do know Right to Try saves lives.

I will quote one example, Dr. Delpassand, a courageous oncologist from Houston. He was engaged in an FDA trial treating an aggressive form of endocrine cancer. It was working. So he petitioned the FDA to allow additional patients to be added to the trial. The FDA said no, but Dr. Delpassand had a Right to Try bill in Texas. It didn't have liability protection. He risked his career and all of his posses-

sions and he signed up additional people under the Texas Right to Try laws.

In the end, he signed up 176 people. We just checked with Dr. Delpassand, and 148 of those individuals are still alive today because of his courage. That is why we need to pass a Federal Right to Try law, so individuals with that level of courage don't risk their careers, and those patients have a chance to live.

I would like to yield to the Senator from Indiana for his remarks.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Thank you, Mr. President, and thank you to the Senator from Wisconsin.

I echo my support for this legislation. We worked together nonstop to get this accomplished, as has been mentioned.

This passed the Senate 100 to nothing already. We are hopeful to wrap this up. The House just sent us a vote back, and we will continue to work nonstop to get this done because it is the right thing to do.

I think of the McLinn family in my home State, and they are a representation of families all over the country struggling with the same challenges. Our job is to try to make their lives a little bit easier, a little bit better, so that all of the people who are struggling with Right to Try challenges can get a chance to live their life to the fullest and for a long time.

So, the hour is late. I just want to second the efforts of my friend and colleague from Wisconsin, and we will continue to move forward.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I thank the Senator from Indiana who has been a real champion and a real partner. I know he tried to get as many House Members to vote for the House bill as he could.

By the way, that was the good news. I am calling on the House now, since we have an objection in the Senate on their bill, to please take up the Senate bill. It is a nonpartisan bill that passed unanimously through the Senate. Don't wait another hour. I know they are in recess for a couple weeks, but I am calling on them, as soon as they come back from recess, take up the Senate bill, pass it, and get it on the President's desk. It is well past time to give these patients, these terminally ill patients and their families, the Right to Try and the right to hope. So I want to again thank the Senator from Indiana.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 5247

Mr. JOHNSON. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 5247) to authorize the use of eligible investigational drugs by eligible patients who have been diagnosed with a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months, or with another eligible illness, and for other purposes.

Mr. JOHNSON. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

STRENGTHENING PROTECTIONS FOR SOCIAL SECURITY BENEFICIARIES ACT OF 2018

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 4547 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4547) to amend titles II, VIII, and XVI of the Social Security Act to improve and strengthen the representative payment program.

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSON. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4547) was ordered to a third reading, was read the third time, and passed.

SIGNING AUTHORITY

Mr. JOHNSON. Mr. President, I ask unanimous consent that the junior Senator from Oklahoma be authorized to sign duly enrolled bills or joint resolutions from Friday, March 23, through Monday, March 26, 2018.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS AUTHORITY

Mr. JOHNSON. Mr. President, I ask unanimous consent that notwithstanding the upcoming adjournment of

the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 26, 2018, THROUGH MONDAY, APRIL 9, 2018

Mr. JOHNSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Monday, March 26 at 11:30 a.m.; Thursday, March 29 at 3:45 p.m.; Monday, April 2 at 12 noon; Thursday, April 5 at 11:30 a.m. I further ask that when the Senate adjourns on Thursday, April 5, it next convene at 3 p.m. on Monday, April 9; and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Boom nomination; finally, that notwithstanding the provisions of rule XXII, the cloture motions filed during today's session ripen at 5:30 p.m. on Monday, April 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, MARCH 26, 2018, AT 11:30 A.M.

Mr. JOHNSON. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:01 a.m., adjourned until Monday, March 26, 2018, at 11:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

TIM THOMAS, OF KENTUCKY, TO BE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 22, 2018:

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

STEVEN T. MNUCHIN, OF CALIFORNIA, TO BE UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK, AND UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK.

CONSTRUCTION AND DEVELOPMENT, UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND, AND UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK.

INTERNATIONAL MONETARY FUND

STEVEN T. MNUCHIN, OF CALIFORNIA, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND, UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK, UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK, AND UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS.

DEPARTMENT OF STATE

CARLOS TRUJILLO, OF FLORIDA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF ENERGY

ANNE MARIE WHITE, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT).

BRENT K. PARK, OF TENNESSEE, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF LABOR

JAMES EDWIN WILLIAMS, OF UTAH, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

DEPARTMENT OF EDUCATION

MARK SCHNEIDER, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCE, DEPARTMENT OF EDUCATION FOR A TERM OF SIX YEARS.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. TIMOTHY J. HILTY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MATTHEW J. KOHLER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. VINCENT K. BECKLUND
BRIG. GEN. CHARLES S. CORCORAN
BRIG. GEN. BARRY R. CORNISH
BRIG. GEN. CHRISTOPHER E. CRAIGE
BRIG. GEN. ANDREW A. CROFT
BRIG. GEN. ALLAN E. DAY
BRIG. GEN. ERIC T. FICK
BRIG. GEN. CHAD P. FRANKS
BRIG. GEN. JOHN R. GORDY II
BRIG. GEN. GREGORY M. GUILLOT
BRIG. GEN. STACEY T. HAWKINS
BRIG. GEN. CAMERON G. HOLT
BRIG. GEN. KEVIN A. HUYCK
BRIG. GEN. DAVID J. JULAZADEH
BRIG. GEN. KEVIN B. KENNEDY
BRIG. GEN. KYLE J. KREMER
BRIG. GEN. PETER J. LAMBERT
BRIG. GEN. WILLIAM J. LIQUORI, JR.
BRIG. GEN. RANDALL REED
BRIG. GEN. LENNY J. RICHOUX
BRIG. GEN. CARL E. SCHAEFER
BRIG. GEN. JOHN E. SHAW
BRIG. GEN. BRAD M. SULLIVAN
BRIG. GEN. STEPHEN C. WILLIAMS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES W. BIERMAN, JR.
BRIG. GEN. DAVID J. FURNESS
BRIG. GEN. JOHN M. JANSEN
BRIG. GEN. MICHAEL E. LANGLEY
BRIG. GEN. DAVID A. OTTIGNON
BRIG. GEN. THOMAS D. WEIDLEY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. TIMOTHY M. RAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID D. THOMPSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. CHRISTOPHER W. GRADY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY J. WHITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID A. WELCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. SCOTT A. STEARNEY

DEPARTMENT OF STATE

ROBERT FRANK PENCE, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

EDWARD CHARLES PRADO, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARGENTINE REPUBLIC.

TREVOR D. TRAINA, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ERIK BETHEL, OF FLORIDA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

JUDY LYNN SHELTON, OF VIRGINIA, TO BE UNITED STATES DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

DEPARTMENT OF STATE

KEVIN EDWARD MOLEY, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS).

PEACE CORPS

JOSEPHINE OLSEN, OF MARYLAND, TO BE DIRECTOR OF THE PEACE CORPS.

DEPARTMENT OF STATE

MARIE ROYCE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

DEPARTMENT OF JUSTICE

THOMAS T. CULLEN, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

ROBERT K. HUR, OF MARYLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF FOUR YEARS.

DAVID C. JOSEPH, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF ARTHUR W. PRIMAS, JR., TO BE COLONEL.

AIR FORCE NOMINATION OF GREGORY J. PAYNE, TO BE COLONEL.

AIR FORCE NOMINATION OF MICHAEL J. PATTERSON, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF BRAD R. MATHERNE, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JONATHAN A. MORRIS, TO BE MAJOR.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH RACHEL L. ADAIR AND ENDING WITH D04124, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2018.

ARMY NOMINATIONS BEGINNING WITH ROSE ABIDO AND ENDING WITH JOSEPH P. WZOREK II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2018.

ARMY NOMINATIONS BEGINNING WITH JOHN P. KILBRIDE AND ENDING WITH JOHN J. NEAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2018.

ARMY NOMINATIONS BEGINNING WITH GREGORY J. ABIDE AND ENDING WITH G010452, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2018.

ARMY NOMINATIONS BEGINNING WITH STEVEN ABADIA AND ENDING WITH G010479, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2018.

ARMY NOMINATION OF STEVEN M. HEMMANN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH HAYLEY R. ASHBAUGH AND ENDING WITH JORDAN N. YOLLES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2018.

ARMY NOMINATIONS BEGINNING WITH JEFFREY A. ANDERSON AND ENDING WITH D012878, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2018.

ARMY NOMINATIONS BEGINNING WITH AHMAD B. ALEXANDER AND ENDING WITH STEVEN D. ZUMBRUN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2018.

ARMY NOMINATIONS BEGINNING WITH ASHLEY K. AITON AND ENDING WITH TRACY L. ZINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2018.

ARMY NOMINATION OF WILSON R. RAMOS, TO BE COLONEL.

ARMY NOMINATION OF CURTIS D. BOWE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF CARL E. FOSTER III, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MICHAEL A. FOWLES, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF ANDREW K. SINDEN, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH D013264 AND ENDING WITH D013298, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2018.

ARMY NOMINATION OF CHRISTOPHER F. RUDER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOHN J. MORRIS AND ENDING WITH MIN S. RO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2018.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER M. BELL AND ENDING WITH ADRIANA B. DEJULIO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2018.

ARMY NOMINATION OF MIKAL L. STONER, TO BE COLONEL.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH ERIC G. BURNS AND ENDING WITH DAVID P. SHEEHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 8, 2018.

MARINE CORPS NOMINATIONS BEGINNING WITH THESOLINA D. HUBERT AND ENDING WITH TIMOTHY W. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 18, 2018.

MARINE CORPS NOMINATIONS BEGINNING WITH BENJAMIN S. ADAMS AND ENDING WITH CARL L. ZEPPEGNO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2018.

MARINE CORPS NOMINATION OF AARON J. KING, TO BE MAJOR.

IN THE NAVY

NAVY NOMINATION OF JEFFREY G. BENTSON, TO BE COMMANDER.

APPALACHIAN REGIONAL COMMISSION

TIM THOMAS, OF KENTUCKY, TO BE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION.

EXTENSIONS OF REMARKS

TRIBUTE TO COURTLIN LA'SHAWN ARRINGTON

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Ms. SEWELL of Alabama. Mr. Speaker, today I rise to honor the life of a young student leader and bright light in the Birmingham community, Courtlin La'Shawn Arrington. Courtlin was a native of Birmingham, Alabama, and a senior at Huffman High School who passed in a tragic act of gun violence on March 7, 2018. Courtlin was an outstanding student, with an engaging personality and a big heart. I speak for Birmingham when I say that we are devastated by her loss. Courtlin was a part of our community and she will be greatly missed.

Courtlin was born on April 17, 2000 to Tynesha Tatum and Courtney Arrington at Cooper Green Hospital in Birmingham, AL. She was educated in the Birmingham City School System and was a graduating Senior at Huffman High School. Courtlin had dreams of becoming a nurse. According to her family members, nursing was a family career and Courtlin had dreamed of being a nurse since she was very young. Just a few months shy of graduation, Courtlin planned to work as a nurse's assistant until she earned her RN. The faculty, students and staff of Huffman High School remember Courtlin as a constant source of enthusiasm, intelligence, and beauty both inside and out. They believed there was no limit to what she may have achieved.

Her sister Tamera Tatum said Courtlin never had any doubt that she would become a nurse after graduation, and that whatever she put her mind to, she was able to achieve. Courtlin had the same unstoppable attitude. She believed that anything was possible with the right attitude and hard work. Before her tragic death, Courtlin was on the road to living her dreams, and had even received acceptance letters from several colleges.

Outside of the classroom, Courtlin was more than a dedicated student and aspiring nurse. To her friends, she will be remembered as an exceptional, loving person who cared deeply about the people around her. Courtlin was a beloved sister to her siblings, brother and sister Gera'Mich and Tamera, lovingly known as the "Trio 3." Courtlin and her siblings cherished their time together, with Courtlin often taking on a motherly role in the group. She was fun, she was caring, and when she needed to, she kept her brother and sister in line. Courtlin relied heavily on her faith, confessing Jesus Christ as her Lord and Savior at a very early age. She relied on her faith in God to carry her through both the good and bad in life and she enjoyed visiting various churches in the greater Birmingham area. One of her favorite churches to visit was The Rock Church where Pastor Mike McClure taught her

the importance of her Christian duties. She exhibited those teachings in wanting to help others. She believed her passion for nursing to be her life's ministry. For the community of Birmingham, Courtlin's passing hits especially hard, pushing students and adults in the area to demand something better. Courtlin's family hopes her death will bring change—change in school safety measures and more parent accountability for all children. They don't want her death to be in vain. They don't want another parent to have to go through the experience of losing their child to gun violence.

As a Member of Congress, I believe that we have a responsibility to protect our schools from gun violence, accidental or otherwise. Every year more students and teachers, sons and daughters, and brothers and sisters are killed in school shootings—we need to do everything in our power to make this incident the last. We cannot settle for symbolic gestures in Congress when our children's lives are at stake. I am committed to working together to ensure that this type of tragedy never occurs again.

Left to cherish the amazing memories of Courtlin are: loving mother, Tynesha Tatum; father, Courtney Arrington; stepfather, Derrick Hardy; sister, Tamera Tatum; brother, Gera'Mich Tatum; grandmother, Terrie Tatum; grandfathers, Zac Arrington and Timothy (Carolyn) Hardgrove; uncles, William (Shekeitha) Tatum, John Tatum and Tamarreo (Inger) Tatum; great uncles, Buch Tatum, William Tatum and Anthony (Ella) Bryant; two special cousins, Sid'Liyah Williams and Creonna Broadnax; special friend, Darius Craig; three best friends, Serinity, Makayla and Lemonde; a very close family friend, Amy McCleese; a host of uncles, aunts, cousins and other friends.

On behalf of the 7th Congressional District, the State of Alabama, and this nation, I ask my colleagues to join me in recognizing Courtlin La'Shawn Arrington—an outstanding young person who left a lasting impact on the community of Birmingham, Alabama.

IN HONOR OF KEN AND KAY BRITTAİN'S 65TH WEDDING ANNIVERSARY

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Ken and Kay Brittain on the celebration of their 65th Wedding Anniversary.

This significant benchmark is a symbol of their commitment to each other and to their family. I am happy to join their friends and family in extending my best to them on this special occasion.

Again, Mr. Speaker, I would like to extend my congratulations to Ken and Kay on the

celebration of their 65th Wedding Anniversary. I wish them the best today and for many more blessed years to come.

TRIBUTE TO HONOR THE LIFE OF SUZANNE DELONE LUSSIER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Ms. ESHOO. Mr. Speaker, I rise to honor the life and legacy of an exemplary American woman and a lifelong friend, Suzanne DeLone Lussier. Born on October 5, 1945 in Bryn Mawr, Pennsylvania, Suzanne died surrounded by her family on February 17, 2018, at her home in Atherton, California, after a valiant three and a half year battle with ovarian cancer.

Suzanne was educated in Massachusetts at the Academy of the Assumption in Wellesley and LaSalle Junior College in Newton. She worked in retail, advertising and residential real estate. She married Dick Lussier in 1963, and traveled extensively with him to Asia, Europe, Latin America, and many other countries to spend time with their son Kyle and his family. She loved family vacations in Hawaii and New England, and spent countless happy times in Carmel, California with family, friends and on the golf course.

Suzanne adored her children and actively participated in her sons' schools and sports. She was a devoted grandmother and a famously kind and fun-loving woman. She entertained, golfed, skied, and played tennis, and her artistic skills were evident in her flower arranging, interior and landscape design, and painting.

Suzanne gave generously of her time and considerable talents in service to many non-profit organizations, including Beyond War, the Mid-Peninsula Hospice Foundation, the Menlo Benefit Committee, the Junior League of Palo Alto, and Saint Peter's School in San Francisco.

I ask my colleagues to join me in extending our sincere condolences to Suzanne's beloved husband of 54 years, Dick Lussier; to her sons Mark and Kyle and their spouses Angela and Monika; her grandchildren Max, Taylor, Kieran, Reagan and Arden; and her siblings Betsy Balas, Helen DeLone, Donna DeLone and Dalip Khalsa.

I am blessed to have had Suzanne as my loyal and loving friend for 47 years. She was beautiful in every way, and her values, her deep faith, and her integrity drew so many to her.

Mr. Speaker, our community was bettered by Suzanne DeLone Lussier and our country was strengthened by her. She will be missed deeply by every person fortunate to have known her and by those privileged, as I was, to call her friend.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING KATE MURRAY

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. HIMES. Mr. Speaker, I rise today to honor Kate Murray, a student at Sacred Heart Greenwich for her courage and resolve in the face of adversity at school this year.

Sparked by the Women's March in 2017 and the rise of the "#MeToo" movement, women and girls across the country have been using their voices to speak out against injustice and for the causes they're passionate about. Earlier this year, Kate found herself in the middle of a conflict at her school over a sticker supporting Planned Parenthood on her laptop. Her actions, in just her sophomore year, fostered constructive conversations in communities across the country, including at my own dinner table, on issues around students' rights to expression at school and women's reproductive health.

Despite pressure from her teachers, school administrators and the local Catholic Diocese, and even being threatened with expulsion, Kate remained true to her cause. It is my hope that the tenacity and poise that Kate displayed throughout the dispute will serve as an example to any student fighting for their beliefs in or out of a classroom.

HONORING THE CITY OF
O'FALLON, MISSOURI FOR THEIR
NEWLY OPENED JUSTICE CEN-
TER

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. LUETKEMEYER. Mr. Speaker, I rise today to honor the City of O'Fallon, Missouri for their newly opened Justice Center.

The Justice Center will allow for the police station and municipal court to better serve the O'Fallon community. When the O'Fallon city hall was originally built in 1999, it was expected to last nearly three decades. As the population of the City of O'Fallon grew, however, it became clear that a new complex was needed. This new center is expected to meet the needs of the Saint Louis metro's second largest city for decades to come.

At 80,000 square feet, the center will undoubtedly improve O'Fallon's legal system as it gives officers, investigators, and lawyers an excellent place to continue serving their community. For our law enforcement, it houses a state-of-the-art 911 communications center, an indoor firing range, and a training complex that allows law enforcement personnel to improve their marksmanship and decision-making ability. The Justice Center also includes an updated courtroom with ample space for viewing litigation and trial information. With this new courtroom and multiple holding cells, more dockets can be held and the court process will become even more efficient.

Please join me in congratulating the O'Fallon community on the new Justice Center and thanking the men and women who now work there for keeping our communities safe.

HONORING MR. JAMES C. SMITH

HON. ELIZABETH H. ESTY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Ms. ESTY of Connecticut. Mr. Speaker, I rise today to honor Jim Smith upon his retirement as Chairman and Chief Executive Officer of Webster Financial Corporation and Webster Bank after a long and successful career. Jim has dedicated more than four decades to supporting Webster's success in Connecticut and across the northeast.

Jim's father, Harold Webster Smith, founded the bank, originally called First Federal Savings of Waterbury in 1935 during the Great Depression. Jim joined First Federal in 1975, and he then became CEO in 1987 and Chairman in 1995. Under his leadership, the bank has expanded beyond its Waterbury roots to be a significant presence across Connecticut, Massachusetts, Rhode Island, and New York. In 1995, the institution was renamed Webster in honor of its founder and to reflect the growing regional influence of the bank. Jim's leadership kept Webster stable during the 2008 Financial Crisis and ensuing Great Recession, and he ensured Webster did everything it could to help families in need keep their homes by allowing them to adjust their mortgages.

In addition to his work at Webster, Jim has contributed his experience and expertise to many professional and community organizations. He has served as vice chairman of the Midsize Banks Coalition of America and previously served as a member of the Financial Services Roundtable and on Federal Reserve Board of Governors' Federal Advisory Council.

Jim is a true business leader who invests his time and talents in his community. Through Jim's strong leadership, Webster consistently excels in employee participation in supporting the local United Way—ensuring that those most in need are taken care of. He is, in a way, our own George Bailey. Jim has also led Webster Bank's support for artistic organizations in our community, including the Waterbury Symphony, and he and his wife Cathy support many other civic groups working in Connecticut, including the Hartford Bishops' Foundation.

Mr. Speaker, Jim Smith has dedicated his career to Webster Bank, and under his leadership, the bank has reached new levels of success and maintained its commitment to community care. Therefore, it is fitting and proper that we honor him here today. I am fortunate to count Jim as a friend and a mentor, and I wish him—and Cathy—much success in the next chapter in their lives.

CONGRATULATIONS AIKEN, SOUTH CAROLINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. WILSON of South Carolina. Mr. Speaker, this week, Southern Living Magazine named Aiken, South Carolina, as the Best Small Town in the South. Mayor Riek Osborn unveiled the magazine cover Wednesday,

where Aiken was also recognized as the South's friendliest town.

According to Southern Living, and my own experience, Aiken is "an authentic South Carolina Equestrian community, rich in historic charm and tradition."

From the "iconic archway of live oaks along South Boundary Avenue" to "Aiken's 2,100-acre urban forest," Aiken has gorgeous greenery. The extraordinary landscaped medians are highlighted with huge ten feet high azaleas.

Aiken has a multitude of great lodging and dining opportunities, where "Downtown Aiken, especially Laurens Street, is loaded with a variety of eclectic eateries, galleries, and shops."

I am grateful for the opportunity to represent Aiken County in Congress, where my grandfather Wilson was born in 1888 and great-grandfather Wilson was born in 1860.

In conclusion, God Bless our Troops, and we will never forget September 11th in the Global War on Terrorism.

RECOGNIZING DR. REYNOLD G. LEMP

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. WEBSTER of Florida. Mr. Speaker, I am honored to recognize Dr. Reynold G. Lemp on the occasion of his 90th birthday.

At the age of 13, Dr. Lemp preached his first sermon, "Let Go and Let God," under the ministry of his grandfather, Rev. William Dunn. Before entering college, Dr. Lemp worked for Edison Electric Co. for one year while preaching at a mission and a church in Detroit, Michigan. Upon graduating from Bob Jones University in 1953, Dr. Lemp moved to Winter Garden, Florida and started Calvary Baptist Church on June 7, 1953.

Appointed in 1960, Pastor Lemp serves on the board of Bob Jones University. He started Calvary Christian School in 1976. During the 30th anniversary of Calvary Baptist Church, Dr. Bob Jones, Jr. presented Dr. Lemp with a Doctor of Divinity (honoris causa). Dr. Lemp retired from ministry in 2003 shortly before the 50th anniversary of Calvary Baptist Church. Many lives have been impacted through his ministry and that of the church.

It is my pleasure to recognize Dr. Lemp on this momentous occasion. I wish him a very happy 90th birthday and may God continue to bless Pastor Lemp and his family.

CONGRATULATING KRISTI PACE

HON. MIKE BISHOP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. BISHOP of Michigan. Mr. Speaker, I rise today—during Women's History Month—to congratulate Kristi Pace, who was named the 2017 Brighton Police Officer of the Year. While she has only been with the force for two years, Officer Pace has already left an enormous mark and impression on her fellow officers. Police Chief Rob Bradford noted that she—the only female on the force—is "highly

regarded as a new, up-and-coming leader of the department, and is very well-respected" by her peers.

Officer Pace continues to seek ways to improve herself. After attending the FBI's Crisis Negotiator, Evidence Technician, and Taser Instructor Schools, Officer Pace became a member of the Brighton department's Crisis Negotiator Team. I commend Officer Pace for her service and thank her for her selfless dedication to our community, and to the state of Michigan.

RECOGNITION OF EL PASO HISPANIC CHAMBER OF COMMERCE AS THE NATIONAL CHAMBER OF THE YEAR

HON. WILL HURD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. HURD. Mr. Speaker, I rise today to recognize the El Paso Hispanic Chamber of Commerce, a premiere resource for businesses and leading advocate of economic growth in the state of Texas.

The El Paso Hispanic Chamber of Commerce has been a critical institution in the area for the past 26 years, supporting a range of businesses in the Border Area. In just the past 15 years, the Chamber has served over 10,000 clients, providing crucial counseling and training services. Since 2003, the Chamber has helped to secure over \$250 million in funding for small businesses in the El Paso community.

Today, I applaud the extraordinary efforts of this Chamber of Commerce, and congratulate them for both their State Recognition as Small Chamber of the Year and their national recognition as Chamber of the Year at the 2018 U.S. Chamber Convention. The work of the El Paso Hispanic Chamber of Commerce will have a lasting positive impact across Texas, the United States, and the entire world. The work of this institution resonates across Texas' 23rd Congressional District.

CONGRATULATING THE RECIPIENTS OF THE 2018 HURST-EULESS-BEDFORD ISD AWARDS OF EXCELLENCE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. MARCHANT. Mr. Speaker, I rise today to congratulate thirty-three outstanding students from the Hurst-Euleless-Bedford Independent School District who have been awarded the district's Awards of Excellence for the 2017–2018 school year.

The following students have been selected to receive this award due to their meritorious achievements within their respected disciplines. These students possess unique talents and experiences which have enabled tremendous success within their fields of study. This year's recipients have specialties in a diverse field of subjects which includes visual and performing arts, business and industry, science, mathematics, and communications, to

name but a few. Through their hard work and dedication, these young men and women have built a strong foundation on which to continue their growth and education:

Mariah Alize Aguirre, Karina Murillo, Michael Gonzalez, Dylan Banfield, Cameron Yount, Ryan Robertson, Bethany Morales, Peyton Cherry, Preston Rice, Mira Caliman, Mikelis Brown, Samantha Tuapen, Reilley Flood, Isabella Page, Lucy Hwang, Kyleigh Prather, Jessie Park, Gillian Swann, Alexis Murphy, Olivia Trusty, Lola Skjolsvik, Michael Youngs, Ruby Villasenor, Elijah Mellish, Tatiana Olalde, Kennedy Carter, Jennifer Blythe, Alex Valtchanov, Telysha Vaenoku, Macy Johnson, William Tran, Dayona Hopwood, Colin Williams.

In addition to recognizing the students, I would like to take this opportunity to thank the fine educators who have worked tirelessly to ensure that the needs of these students are met and their talents are nurtured. It is with great pleasure that I recognize the following teachers from L.D. Bell, Buinger CTE Academy, KEYS, and Trinity high schools for their unwavering support of these students:

Britney Fahey, Holly Gregg, Ken Davis, Lance Moran, Margaret Russell, Scott Harlan, Kathleen Chase, Suzanne Dell, Sawyer Lowe, Allen Matthews, Mike Ladley, Janna Hamm, Debbie Williams, Amy Eiland, Vincent Pugh, Candace Harris, Ricky Balthorp, Sue Traver, Mario Casanova, Michael Dean, Stormee Massey, Nicolle Vertich, Charlotte Banks, Paula Turney, Tammy Brown, Mia Langi, Rachel Seldon, Marci Ward, Kedall Fries, Blanca Diaz.

Mr. Speaker, I ask all of my distinguished colleagues to join me in recognizing these outstanding students and teachers, and congratulating the recipients of the 2018 HEB ISD Awards of Excellence.

IN MEMORY OF MR. MARCHIS GLEN ROBINSON

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. AL GREEN of Texas. Mr. Speaker, today, I would like to honor the memory of an exemplary man, Mr. Marchis Glen Robinson.

Mr. Robinson was born on December 13, 1964 in Kingston, Jamaica. He grew up in Patterson, NJ, where he attended Madison Avenue Baptist Church and graduated from John F. Kennedy High School. Later, he moved to Houston and became a member of Brookhollow, the Church Without Walls.

Mr. Robinson was united in holy matrimony to Ms. Ingrid Williams Robinson on February 18, 1995 and they were blessed with three children, Marchis Glen Robinson II, John-Anthony Glen Robinson and Sydni Marie Robinson.

Mr. Robinson earned his Bachelor's in Criminal Justice from Stockton University, a Doctorate in Jurisprudence from Thurgood Marshall School of Law at Texas Southern University, and a Certified Master of Business Administration Degree from McCombs School of Business at the University of Texas at Austin.

Mr. Robinson pursued several professional paths, including managing Government and Regulatory Affairs, General Counsel for two Texas State Senators, and practicing commer-

cial litigation for two law firms, prior to becoming the First African American Briefing Attorney of the First Court of Appeals in Houston, Texas, under Chief Justice Alice Oliver-Parrot.

Mr. Robinson was a dedicated legal expert with the Court of Appeals until he made the decision to become an entrepreneur and form the Robinson Law Group.

Mr. Robinson faithfully served the community in several capacities, as Chairman of the Stadium Park Management District and an active member of Omega Psi Phi Fraternity, Leadership Group for 2017 Plan Downtown Committee, John Ben Sheppard Public Leadership Foundation, United Way Project Blueprint Leadership Class XI, and Greater Houston Partnership.

Mr. Robinson held accomplishments and accolades from his community involvement and legal career, being recognized as the recipient of the Pennzoil/Quaker State Business Scholarship, Meadows Foundation Scholarship, Henry T. Courtney Scholarship Award, Young Black Achiever of Houston Award, as well as Texas Young Lawyers Association Minority Involvement Scholarship.

Finally, Mr. Speaker, Mr. Marchis Glen Robinson will be missed dearly by his wife and surviving children; as well as his other family members and friends. May he rest in the peace he has earned through his dedication to the community and the legal industry.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. THOMPSON of California. Mr. Speaker, on March 19 and 20, I was absent due to my attendance at the Celebration of Life for the victims of the Yountville Pathway Home shooting and was unable to cast my vote for Roll Calls 115 through 119. Had I been present, I would have voted in the following manner:

Roll Call No. 115 YES—To update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument;

Roll Call No. 116 YES—Kennedy-King National Commemorative Site Act;

Roll Call No. 117 NO—On Ordering the Previous Question;

Roll Call No. 118 NO—Providing for consideration of H.R. 4566, the Alleviating Stress Test Burdens to Help Investors Act; Providing for consideration of H.R. 5247, the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2018; and for other purposes; and

Roll Call No. 119 YES—Alleviating Stress Test Burdens to Help Investors Act.

IN RECOGNITION OF SHARLENE M. LABORE

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today with great pride and admiration that I offer my sincere thanks to Ms.

Sharlene M. Labore for her three decades of service to the United States Postal Service (USPS).

Whether it was her work with the National Post Mail Handlers Union (NPMHU) and the New Hampshire AFL-CIO, or her dedicated activism for workers' rights and social justice, she has made meaningful contributions to our community and our state. It is Granite Staters like Sharlene who make New Hampshire such an incredibly special place to live, work, and raise a family.

On behalf of New Hampshire's Second Congressional District, I thank Sharlene again for her distinguished public service. I wish her the best in her future endeavors.

IN MEMORY OF TRIPP HALSTEAD

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in memory of Tripp Halstead, a young Jefferson native who passed away on March 15.

For five and a half years, millions of Americans have followed Tripp Halstead's journey after a tree limb injured him when he was two years old.

There wasn't a hospital visit or surgery that the Halstead family had to endure alone. Instead, friends and followers showered them with love, supporting the family during the years of recovery that followed.

Bill and Stacy Halstead used their story to encourage others and reach out to families experiencing similar hardships.

Tripp leaves a lasting impact on the hearts of many. The optimism he and his family exhibited illustrates the courage needed in difficult times.

Mr. Speaker, I stand with many others today to mourn the loss of Tripp. I ask us all to remember the Halstead family in the weeks ahead, and I wish them comfort in this season of loss.

IN MEMORY OF MR. LARRY VINCENT GREEN

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. AL GREEN of Texas. Mr. Speaker, today, I would like to honor the memory of a devout public community leader, Council Member Larry Vincent Green.

Council Member Larry Green was born on May 16, 1965 in Houston, Texas. He was raised in the Hiram Clarke community along with his older brother, David Alan Green and his younger sister, Melanie Gail Green.

Council Member Larry Green earned his Bachelor's in Political Science from the University of Houston and a Doctorate in Jurisprudence from Thurgood Marshall School of Law at Texas Southern University.

Council Member Larry Green was a tenacious and successful trial lawyer for over 25 years. He was an advocate for those who had been discriminated against and successfully

won several high profile cases on behalf of his clients.

Council Member Larry Green was devoted to education. He left Houston in 2007, and joined the Thurgood Marshall College Fund in Washington, D.C. Working alongside the CEO, he raised unprecedented federal and philanthropic support for the Thurgood Marshall College Fund and its member institutions.

Council Member Larry Green was a long-time community advocate as well as former CEO of Houston Works USA, the leading provider of services focusing on job placement, continuing education, and vocational training to more than 1 million individuals annually.

Council Member Larry Green was sworn into office as the first Council Member of the newly formed District K, spanning from the edge of the Texas Medical Center to Fort Bend County in January 2012.

Council Member Larry Green worked tirelessly during his first term to bring over \$20 million worth of economic development projects to District K including a police station, neighborhood reconstruction, a senior citizen center, and Tax Increment Reinvestment Zone in two of the district's neighborhoods.

Council Member Larry Green continued to spearhead and support several efforts such as insuring the inclusion of women-owned businesses' in Houston's affirmative action contracting program, as well as the countless projects of Rebuild Houston overseen by the Transportation, Technology, and Infrastructure Council Committee, of which Council Member Green was Chair.

Council Member Larry Green devoted his life to improving the community through his efforts as a Member of the Houston City Council, member of Alpha Phi Alpha Fraternity and several other well-known national and local organizations.

Finally, Mr. Speaker, Council Member Larry Green will be missed dearly by his brother, David Alan Green and his sister, Melanie Gail Green; as well as the constituents of District K and his other family members and friends. May he rest in the peace he has earned through his devotion to the community.

HONORING MRS. ADELINE BROWN JACKSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Adeline Brown Jackson, a Learned, Mississippi native and matriarch who's celebrating her 100th birthday.

Mrs. Jackson is the sixth daughter of eleven children and worked as a share cropper on the Joe Walk Plantation in Yazoo City, MS for nearly 20 years. She also served as a domestic care worker for various ladies in Yazoo City before starting her own personal farm that was shared with her community and family members.

Mrs. Jackson a widow to her late husband, Mr. Wardell Jackson Sr. and proud mother of four children, Geraldine-Jackson Joseph, Dorothy Jackson-Alsobrook, Wardell Jackson Jr. and Jaimie Jackson-Young. She is also the grandmother of Caroline Bowen, Wayne, Troy

and Sonya Alsobrooks, Terra Young, Daphne Bryant, and Cassandra Young.

She is a member of Isaquena Baptist Church in Yazoo City, Mississippi, under the leadership of Pastor Charles Thurmond, and now resides at the Oasis Health and Rehab Center, where she is supported by her grandchildren.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Adeline Brown Jackson on her 100th birthday and making a difference in the lives of her family and community.

IN HONOR OF BISHOP ANN L. HARDMAN

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I rise today to honor a dynamic woman of faith, dedicated wife, magnificent mother, loving grandmother, trailblazer, prolific author, skilled entrepreneur, public official, mentor to many and friend of longstanding to my wife Vivian and me, Bishop Ann Hardman. Sadly, Pastor Hardman passed away on Monday, March 19, 2018. A celebration of her life will be held on Saturday, March 24, 2018, at 11:00 am at the Bill Heard Theatre inside the River Center for Performing Arts in Uptown Columbus, Georgia.

Bishop Hardman was born in Asheville, North Carolina on March 30, 1957. After graduating from Asheville High School, she earned her associates degree in secretarial and administrative studies from St. Genevieve of The Pines in Asheville, North Carolina; a degree in theology studies at Christian Life School of Theology in Columbus, Georgia; a doctorate from Kingdom Truth University in Jacksonville, Florida; and received honorary doctorates in theology/divinity from St. Thomas Christian College in Jacksonville, Florida and Beacon University in Columbus, Georgia.

Bishop Hardman received many callings in her life, all of which were centered on helping people. She worked in customer service for more than 10 years as a Finance and Loan Officer at SouthTrust Bank, before becoming a Human Resources Clerk at Columbus Foundries, and a Financial Clerk at Pratt and Whitney.

She received her most important and consequential calling as a minister of gospel when she was 16 years old because of the influence of the woman who raised her, her grandmother. Her journey led her to Fourth Street Baptist Church in Columbus, Georgia, where I first met her as members of the choir. She had to fight to preach the gospel because of unfortunate biases as it related to women in the pulpit. But, she powered through this to make her unforgettable mark on the ministry thus paving the way for other women of the gospel to make their own marks.

In 1993, she began her ministry in Columbus by preaching to a handful of people in her living room. With a vision from God, that handful of people morphed into the congregation of the Faith Worship Center International in Columbus and River of Life International in Asheville, North Carolina. But, her ministry could not be contained in just Columbus and Asheville as she also founded Ann Hardman Ministries, Inc. to expand her reach globally and

touch thousands of souls through ministry. She was a humble and benevolent evangelist who trained countless others in service to God.

In 2016, she received yet another calling as she was drafted by the people to run for the office of the Clerk of Superior Court of Muscogee County. And to no one's surprise, she was successful. She was well on her way to transforming the operations of the Superior Court serving in her first term.

Former Congresswoman Shirley Chisholm once said, "If they don't give you a seat at the table, bring a folding chair." Her motto was: I am because He is; I can because He did, and I will because He makes it possible." We are so blessed that Bishop Ann Hardman demanded her seat at the table and gave all of the glory to God as she carried out his purpose for her life.

Bishop Hardman accomplished many things in her life but none of these would have been possible without the grace of God and the love and support of her husband, Bishop Norman Hardman; their children, their grandchildren, and the unheralded others who positively impacted her life.

Mr. Speaker, my wife Vivian and I, along with the more than 730,000 people in the Second Congressional District of Georgia would like to extend our deepest sympathies to Bishop Hardman's family and friends. I would also like to extend my condolences to the members of the Faith Worship Center International, Rivers of Life International, and the employees of the Muscogee County Superior Court Clerk's Office. May they all be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

RECOGNIZING THE 25TH ANNIVERSARY OF THE PLYMOUTH REGIONAL SENIOR CENTER

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to offer my sincere congratulations to the Plymouth Regional Senior Center on its 25th anniversary.

The Plymouth Regional Senior Center gives people across Grafton County a place to come together and share experiences, and it provides valuable resources and programs that help our elder citizens maintain their health and wellbeing. I remain committed to doing all I can to ensure that seniors in the Granite State have the resources and support they need.

On behalf of my constituents across New Hampshire's Second Congressional District, I thank the Plymouth Regional Senior Center for the great service it provides to the Granite State and congratulate the Center again on 25 years of operation. I look forward to our continued work together in making New Hampshire an even better place to live, work, and raise a family.

PERSONAL EXPLANATION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. DeFAZIO. Mr. Speaker, on March 21, 2018, I was unavoidably delayed and not present for the following votes. Had I been present, I would have voted: on Roll Call Vote 120, on Motion to Recommit With Instructions to H.R. 5247, I would have voted Aye, and on Roll Call Vote 121, on Passage of H.R. 5247, I would have voted No.

REMEMBERING STANLEY HENSON

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in memory of Stanley Henson of Blue Ridge, Georgia. After serving Fannin County for years as a volunteer fireman, he tragically passed away on Monday, March 12.

In his career, Stanley committed his life to helping his small northeast Georgia community. Friends described him as a "brother," someone they could always rely on.

Even in the hours leading up to his death, he showed his servant's heart by assisting victims of a car crash. Because he never hesitated to help someone in need, the Fannin County Fire Department made plans to promote Stanley to the rank of lieutenant to honor his service.

Stanley's kindness and courage has left a lasting impact on our corner of Georgia. Mr. Speaker, I ask that we all continue to pray for this hero's loved ones in the coming days.

HONORING THE PUBLIC SERVICE CAREER OF HARRY W. CAMP, JR.

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Ms. McCOLLUM. Mr. Speaker, I rise today to honor Mr. Harry W. Camp, Jr., a remarkable individual who served a long and distinguished career with the U.S. Forest Service. Now retired at 107 years old, Mr. Camp exemplifies the tremendous expertise, talent and dedication of the federal employees who serve our nation, and the warmth and wit that we'd all welcome in a friend or neighbor.

Serving in a career spanning from 1933 to 1974, Mr. Camp helped to oversee our national forests at a time of great change for our nation and our public lands. Recreational visits to national forests exploded from roughly 10 million in 1933 to 175 million in 1974 as more families could afford automobiles and the interstate highway system made traveling across the country easier. He also oversaw a period of dramatic advances in technology, including satellites and aerial photography to assist forestry management.

Mr. Camp's passion for the outdoors and tireless work ethic were demonstrated at a young age. As a teenager, his summers were

spent in the mountains of Washington on the Yakima Indian Reservation performing grueling and dangerous work on fire crews. After graduating from the University of California, Berkeley with a degree in forestry, he officially went to work for the U.S. Forest Service. Over the years, he worked his way up the ranks in a variety of positions across the country from ranger to research and management.

In the 1950s, the U.S. Forest Service needed greater insight about how to best manage, maintain and improve the public lands that were undergoing strain from increasing usage for recreation. In 1959, Mr. Camp undertook a major role in this effort when he was named the first Branch Chief of Recreation Research in Washington, D.C.

After 42 years with the U.S. Forest Service, Harry Camp retired in 1974 as regional director of the Pacific Southwest Forest and Range Experiment Station in Berkeley, California, where he oversaw the work of more than 100 scientists. Researchers there are dedicated to improving firefighting techniques, battling forest insects and diseases, increasing timber production and water yield in California, and meeting the needs of the millions of recreational visitors to our national forests.

Outside of his work in the U.S. Forest Service, Mr. Camp also dedicated considerable time and effort to volunteer service, including the Society of American Foresters. He received the prestigious John A. Beale Memorial Award for outstanding efforts in promoting forestry.

Additionally, he served as program officer at the Fifth World Forestry Congress in 1960. Later, he worked as a member of the landmark Earth Resources Presidential Committee. I am happy to report that Mr. Camp and his wife, Myrna, now call the great state of Minnesota home. It is fitting that they have chosen to retire in a state where we are so proud of our public lands and committed to protecting our beautiful forests, lakes and rivers.

Mr. Speaker, please join me in recognizing the extraordinary life of Harry W. Camp, Jr. and his exemplary service on behalf of the U.S. Forest Service to ensure the sustainability of our national forests and public lands for today and future generations.

TRIBUTE TO HONOR THE VALLEY WOMEN'S CLUB OF THE SAN LORENZO VALLEY ON THE OCCASION OF ITS 40TH ANNIVERSARY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Ms. ESHOO. Mr. Speaker, I rise today to honor the Valley Women's Club (VWC) of the San Lorenzo Valley (SLV), California, as it celebrates 40 years of community service. The VWC was founded in 1978 by a small group of women whose goal was to promote clean water, recycling, and responsible environmental practices. They saw the need for an organization devoted to improving the quality of life in their community and they had a commitment to ensure that future generations would inherit blessings, not burdens.

The VWC is an organization known for empowering people and its membership has

grown significantly since it was founded. While the VWC expanded and men joined their ranks, its name has never changed because it was the inspiration of women and their mobilization that launched the organization. Now a 501-c-3 non-profit, the VWC has made countless contributions in numerous ways. One example is its creation of the Redemption and Recycling Centers in Ben Lomond, Boulder Creek, and Felton, which were created to protect the SLV watershed and Monterey Bay by reclaiming materials that would otherwise enter the waste stream. Through its Environmental Committee, the VWC monitors timber harvest proposals and development plans, and creates environmental safety and health information programs for all residents of the SLV. The Education Committee provides scholarships to SLV High School students going on to Cabrillo College, and distributes Ready-for-School-Kinderbags for all incoming kindergarten students.

The VWC also established the SLV Habitat Restoration Program to remove damaging invasive plant species which allow native species to re-establish and flourish. Through the Habitat Restoration Program, the VWC continues to educate, inspire, and train AmeriCorps teams in environmental habitat restoration, community cooperation, and leadership.

Mr. Speaker, I ask the entire House of Representatives to join me in expressing our collective gratitude to the Valley Women's Club for its remarkable contributions which have bettered the community of the San Lorenzo Valley and strengthened our country, and congratulate them on forty years of extraordinary progress.

RECOGNIZING THE 60TH ANNIVERSARY OF THE ARAB TRIBUNE

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. ADERHOLT. Mr. Speaker, I want to recognize and honor a monumental occasion in the history of journalism in Alabama's Fourth Congressional District, which I am proud to represent. On March 27, 1958, 60-years-ago, The Arab Tribune published its first edition.

The paper began that first edition by saying, "With this issue—Vol. 1, No. 1 of The Arab Tribune . . . a new paper is born. We sincerely hope you will like it." I believe after six decades of publication, it is clear that the people of Arab and Brindlee Mountain more than like The Arab Tribune.

The Tribune began as a vision of Ralph Reed who put the first issues into print. Sadly, he died a short time later in a bus accident.

His brother, Ewell Reed, who was at the time an FBI agent, moved his family from Virginia to Arab, where he put down his badge and took up a notebook and pencil. He continued his brother's dream and turned The Arab Tribune into a success. Since 1970, Ewell's son Ed Reed has been the publisher of the paper.

The Arab Tribune has been in the Reed family for its entire existence and that has meant no corporate takeovers dictating news content from a faraway city. Quite the contrary, The Arab Tribune was and is community focused. Current editor Charles Whisenant, and the reporters at the Tribune, make sure the paper is focused on hyper-local content.

In our current world where people have access to large amounts of national and international news, it is ever more important that

local, community newspapers continue to thrive. Our democracy depends on people being engaged, not just in what's happening in Washington, New York or Los Angeles, but also what's happening down the street and in their local government.

I congratulate the men and women of The Arab Tribune for six decades of putting the people of Arab and Brindlee Mountain first and foremost. And I wish them many more years of success as the "Ledger of Community Progress."

IN RECOGNITION OF MR. ALFRED NYHOLM LARSEN

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2018

Mr. LARSEN of Washington. Mr. Speaker, I rise to recognize the distinguished life and distinguished career of 98 year-old Mr. Alfred Nyholm Larsen of Bellingham, Washington.

Mr. Larsen is a World War II, U.S. Navy veteran who served in the United States, Europe and Asia.

Mr. Larsen also worked under the ACTION program which oversaw federal volunteer programs such as Volunteers in Service to America (VISTA).

He created the Retired Senior Volunteer Program, which is one of the largest volunteer efforts in the country for individuals 55 or older.

He is a proud father of four and is spending his retirement in his home state of Washington.

I would like to thank and recognize Mr. Larsen for his commitment to the state of Washington and his service to this country.

Daily Digest

HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House to the amendment of the Senate to the H.R. 1625, Consolidated Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S1885–S1984

Measures Introduced: Forty-two bills and thirteen resolutions were introduced, as follows: S. 2589–2630, S.J. Res. 56–57, and S. Res. 441–451.

Pages S1947–48

Measures Reported:

H.R. 70, to amend the Federal Advisory Committee Act to increase the transparency of Federal advisory committees. (S. Rept. No. 115–217)

S. 374, to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products. (S. Rept. No. 115–218)

Special Report entitled “Allocation to Subcommittees of Budget Totals for Fiscal Year 2018”. (Rept. No. 115–219)

H.R. 1660, to direct the Administrator of the United States Agency for International Development to submit to Congress a report on the development and use of global health innovations in the programs, projects, and activities of the Agency.

S. Res. 426, supporting the goals of International Women’s Day, and with an amended preamble.

S. Res. 429, commemorating the 59th anniversary of Tibet’s 1959 uprising as “Tibetan Rights Day”, and expressing support for the human rights and religious freedom of the Tibetan people and the Tibetan Buddhist faith community.

Page S1946

Measures Passed:

Kennedy-King Establishment Act: Senate passed H.R. 4851, to establish the Kennedy-King Commemorative Site in the State of Indiana, after agreeing to the following amendment proposed thereto:

Page S1892

Cornyn (for Young/Donnelly) Amendment No. 2215, to strike a provision relating to a special resource study.

Page S1892

Alaska Property Conveyance: Senate passed S. 269, to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska.

Pages S1968–69

Native American Business Incubators Program Act: Senate passed S. 607, to establish a business incubators program within the Department of the Interior to promote economic development in Indian reservation communities, after agreeing to the following amendment proposed thereto:

Page S1969

McConnell (for Hoeven) Amendment No. 2223, in the nature of a substitute.

Page S1969

Indian Community Economic Enhancement Act: Senate passed S. 1116, to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities, after withdrawing the committee amendments, and agreeing to the following amendment proposed thereto:

Pages S1969–72

McConnell (for Hoeven) Amendment No. 2224, in the nature of a substitute.

Page S1972

Klamath Tribe Judgment Fund Repeal Act: Senate passed S. 1223, to repeal the Klamath Tribe Judgment Fund Act, after agreeing to the committee amendment.

Page S1972

Johnson-O'Malley Supplemental Indian Education Program Modernization Act: Senate passed S. 943, to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, after

agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S1972–75**

McConnell (for Lankford) Amendment No. 2225, to include Alaska Native organizations in consultations. **Page S1973**

Childhood Cancer STAR Act: Senate passed S. 292, to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, after agreeing to the committee amendment in the nature of a substitute. **Pages S1975–77**

Supporting Grandparents Raising Grandchildren Act: Senate passed S. 1091, to establish a Federal Task Force to Support Grandparents Raising Grandchildren, after agreeing to the committee amendment in the nature of a substitute. **Page S1977–78**

National CACFP Week: Committee on the Judiciary was discharged from further consideration of S. Res. 405, designating the third week of March 2018 as “National CACFP Week”, and the resolution was then agreed to. **Page S1978**

Hurricane Maria 6-Month Anniversary: Senate agreed to S. Res. 445, marking the 6-month anniversary of the devastation of Puerto Rico and the United States Virgin Islands by Hurricane Maria. **Page S1978**

National Cerebral Palsy Awareness Day: Senate agreed to S. Res. 446, designating March 25, 2018, as “National Cerebral Palsy Awareness Day”. **Page S1978**

National Rehabilitation Counselors Appreciation Day: Senate agreed to S. Res. 447, designating March 22, 2018, as “National Rehabilitation Counselors Appreciation Day”. **Page S1978**

National Women’s History Month: Senate agreed to S. Res. 448, designating March 2018 as “National Women’s History Month”. **Page S1978**

National Asbestos Awareness Week: Senate agreed to S. Res. 449, designating the first week of April 2018 as “National Asbestos Awareness Week”. **Page S1978**

Enrollment Correction: Senate agreed to H. Con. Res. 116, providing for a correction in the enrollment of H.R. 1625, after agreeing to the following amendment proposed thereto: **Page S1978**

McConnell (for Risch) Amendment No. 2226, of a perfecting nature. **Page S1978**

Strengthening Protections for Social Security Beneficiaries Act: Committee on Finance was discharged from further consideration of H.R. 4547, to amend titles II, VIII, and XVI of the Social Security

Act to improve and strengthen the representative payment program, and the bill was then passed. **Page S1982**

Measures Considered:

National Defense Authorization Act: Senate began consideration of the motion to proceed to consideration of S. 1519, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Pages S1886–92, S1892–S1931**

House Messages:

Ashlynnne Mike AMBER Alert in Indian Country Act: Senate agreed to the motion to concur in the House amendment to S. 772, to amend the PROTECT Act to make Indian tribes eligible for AMBER Alert grants. **Page S1968**

Consolidated Appropriations Act: By 65 yeas to 32 nays (Vote No. 63) Senate agreed to the motion to concur in the amendment of the House to the amendment of the Senate to the H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, after taking action on the following motions and amendments proposed thereto: **Pages S1979–80**

Withdrawn:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell Amendment No. 2217 (to the House Amendment to the Senate Amendment to the bill), to change the enactment date. **Page S1979**

During consideration of this measure today, Senate also took the following action:

By 91 yeas to 6 nays (Vote No. 61), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S1978**

By 67 yeas to 30 nays (Vote No. 62), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Page S1979**

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell Amendment No. 2219, to change the enactment date, fell when cloture was invoked on the motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Page S1979**

McConnell Amendment No. 2220 (to (the instructions) Amendment No. 2219), of a perfecting nature, fell when McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell Amendment No. 2219 (listed above) fell. **Page S1979**

McConnell Amendment No. 2221 (to Amendment No. 2220), of a perfecting nature, fell when McConnell Amendment No. 2220 (to (the instructions) Amendment No. 2219) fell. **Page S1979**

McConnell Amendment No. 2218 (to Amendment No. 2217), of a perfecting nature, fell when McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell Amendment No. 2217 (to the House Amendment to the Senate Amendment to the bill) (listed above) was withdrawn. **Page S1979**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that Senator Lankford be authorized to sign duly enrolled bills or joint resolutions from Friday, March 23, 2018 through Monday, March 26, 2018. **Page S1982**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Pages S1982–83**

Pro Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that the Senate adjourn, to then convene for pro forma sessions only, with no business being conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Monday, March 26, 2018 at 11:30 a.m.; Thursday, March 29, 2018 at 3:45 p.m.; Monday, April 2, 2018 at 12 noon; Thursday, April 5, 2018 at 11:30 a.m.; and that when the Senate adjourns on Thursday, April 5, 2018, it next convene at 3 p.m., on Monday, April 9, 2018. **Page S1983**

Boom Nomination—Cloture: Senate began consideration of the nomination of Claria Horn Boom, to be United States District Judge for the Eastern and Western Districts of Kentucky. **Page S1980**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1980**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the

Senate, and pursuant to the unanimous-consent agreement of Friday, March 23, 2018, a vote on cloture will occur at 5:30 p.m., on Monday, April 9, 2018. **Page S1983**

A unanimous-consent agreement was reached providing that Senate resume consideration of the nomination at approximately 3 p.m., on Monday, April 9, 2018. **Page S1983**

Ring Nomination—Cloture: Senate began consideration of the nomination of John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board. **Page S1980**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Claria Horn Boom, to be United States District Judge for the Eastern and Western Districts of Kentucky. **Page S1983**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S1980**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1980**

Pizzella Nomination—Cloture: Senate began consideration of the nomination of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor. **Page S1980**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board. **Page S1980**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S1980**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1980**

Wheeler Nomination—Cloture: Senate began consideration of the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency. **Page S1980**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor. **Page S1980**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S1980**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1980**

Broomes Nomination—Cloture: Senate began consideration of the nomination of John W. Broomes, to be United States District Judge for the District of Kansas. **Page S1981**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency. **Page S1981**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S1980**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1981**

Jennings Nomination—Cloture: Senate began consideration of the nomination of Rebecca Grady Jennings, to be United States District Judge for the Western District of Kentucky. **Page S1981**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of John W. Broomes, to be United States District Judge for the District of Kansas. **Page S1981**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S1981**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1981**

A unanimous-consent agreement was reached providing that notwithstanding the provisions of Rule XXII, the cloture motions filed on Friday, March 23, 2018 ripen at 5:30 p.m., on Monday, April 9, 2018. **Page S1983**

Nominations Confirmed: Senate confirmed the following nominations:

Steven T. Mnuchin, of California, to be United States Governor of the European Bank for Reconstruction and Development, United States Governor of the African Development Fund, and United States Governor of the Asian Development Bank.

Steven T. Mnuchin, of California, to be United States Governor of the International Monetary Fund, United States Governor of the African Development Bank, United States Governor of the Inter-American Development Bank, and United States Governor of

the International Bank for Reconstruction and Development for a term of five years.

Carlos Trujillo, of Florida, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Robert K. Hur, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

Robert Frank Pence, of Virginia, to be Ambassador to the Republic of Finland.

Erik Bethel, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

Judy Lynn Shelton, of Virginia, to be United States Director of the European Bank for Reconstruction and Development.

Mark Schneider, of the District of Columbia, to be Director of the Institute of Education Science, Department of Education for a term of six years.

Anne Marie White, of Michigan, to be an Assistant Secretary of Energy (Environmental Management).

Tim Thomas, of Kentucky, to be Federal Cochairman of the Appalachian Regional Commission.

Kevin Edward Moley, of Arizona, to be an Assistant Secretary of State (International Organization Affairs).

Josephine Olsen, of Maryland, to be Director of the Peace Corps.

Marie Royce, of California, to be an Assistant Secretary of State (Educational and Cultural Affairs).

James Edwin Williams, of Utah, to be Chief Financial Officer, Department of Labor.

Edward Charles Prado, of Texas, to be Ambassador to the Argentine Republic.

Trevor D. Traina, of California, to be Ambassador to the Republic of Austria.

Brent K. Park, of Tennessee, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

Thomas T. Cullen, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

David C. Joseph, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

26 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

6 Marine Corps nominations in the rank of general.

5 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, and Navy. **Pages S1983–84**

Messages from the House:

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Measures Referred:	Pages S1945–46
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Amendments Submitted:	Pages S1956–68
Authorities for Committees to Meet:	Page S1968
Privileges of the Floor:	Page S1968
Quorum Calls: One quorum call was taken today. (Total—1)	Page S1978
Record Votes: Three record votes were taken today. (Total—63)	Pages S1978–80

Adjournment: Senate convened at 10:31 a.m. on Thursday, March 22, 2018 and adjourned at 1:01 a.m. on Friday, March 23, 2018, until 11:30 a.m. on Monday, March 26, 2018. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1983.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Committee concluded a hearing to examine the challenges in the Department of Energy's atomic energy defense programs in review of the Defense Authorization Request for fiscal year 2019 and the Future Years Defense Program, after receiving testimony from Rick Perry, Secretary of Energy.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine ballistic missile defense policies and programs in review of the Defense Authorization Request for fiscal year 2019 and the Future Years Defense Program, after receiving testimony from John C. Rood, Under Secretary for Policy, General Lori J. Robinson, USAF, Commander, United States Northern Command and North American Aerospace Defense Command, Lieutenant General Samuel A. Greaves, USAF, Director, Missile Defense Agency, and Lieutenant General James H. Dickinson, USA, Commanding General, Army Space and Missile Defense Command/Army

Forces Strategic Command and Joint Functional Component Command for Integrated Missile Defense, all of the Department of Defense.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OVERSIGHT

Committee on Banking, Housing, and Urban Affairs: Committee concluded an oversight hearing to examine the Department of Housing and Urban Development, including S. 2155, to promote economic growth, provide tailored regulatory relief, and enhance consumer protections, after receiving testimony from Benjamin S. Carson, Sr., Secretary of Housing and Urban Development.

WESTERN WATER SUPPLY OUTLOOK AND WATER INFRASTRUCTURE AND DROUGHT RESILIENCE BILLS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the 2018 Western Water Supply Outlook and the following Water Infrastructure and Drought Resilience Bills, including S. 2539, to amend the Energy and Water Development and Related Agencies Appropriations Act, 2015, to reauthorize certain projects to increase Colorado River System water, S. 2560, to authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, and S. 2563, to improve the water supply and drought resilience of the United States, after receiving testimony from Timothy Petty, Assistant Secretary of the Interior for Water and Science; Derek I. Sandison, Washington State Department of Agriculture Director, Olympia; Kathryn Sorensen, City of Phoenix Water Services Department, Phoenix, Arizona; Patrick O'Toole, Family Farm Alliance, Savery, Wyoming; Laura Ziemer, Trout Unlimited, Bozeman, Montana; and Cindy Ortega, MGM Resorts International, Las Vegas, Nevada.

TRADE POLICY AGENDA

Committee on Finance: Committee concluded a hearing to examine the President's 2018 trade policy agenda, after receiving testimony from Robert E. Lighthizer, United States Trade Representative.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Thomas T. Cullen, to be United States Attorney for the Western District of Virginia, Robert K. Hur, to be United States Attorney for the District of Maryland, and David C. Joseph, to be United States Attorney for the Western District of Louisiana, all of the Department of Justice.

INTELLIGENCE

Committee recessed subject to the call.

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 5379–5407; and 10 resolutions, H.J. Res. 116 and H. Res. 797–805, were introduced.

Pages H2040–42

Additional Cosponsors:

Page H2043

Reports Filed: Reports were filed today as follows:

S. 466, to clarify the description of certain Federal land under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 to include additional land in the Kaibab National Forest, with an amendment (H. Rept. 115–615);

H.R. 3008, to authorize the Secretary of the Interior to conduct a special resource study of the George W. Bush Childhood Home, located at 1412 West Ohio Avenue, Midland, Texas, and for other purposes (H. Rept. 115–616);

Committee on Ethics. In the Matter of Allegations Relating to Representative Luis V. Gutiérrez (H. Rept. 115–617); and

Committee on Ethics. In the Matter of Allegations Relating to Representative Bobby L. Rush (H. Rept. 115–618).

Page H2040

Guest Chaplain: The prayer was offered by the Guest Chaplain, Reverend Paul Meyers, Roscoe United Methodist Church, Roscoe, Illinois.

Page H1757

Journal: The House agreed to the Speaker's approval of the Journal by voice vote.

Page H2029

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures. Consideration began Monday, March 19th.

Vehicular Terrorism Prevention Act: H.R. 4227, amended, to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, by a $\frac{2}{3}$ yeas-and-nay vote of 417 yeas to 2 nays, Roll No. 125;

Pages H1767–68

Surface Transportation Security Improvement Act of 2018: H.R. 5131, amended, to improve the effectiveness of Federal efforts to identify and address

homeland security risks to surface transportation, secure against vehicle-based attacks, and conduct a feasibility assessment of introducing new security technologies and measures, by a $\frac{2}{3}$ yeas-and-nay vote of 409 yeas to 5 nays, Roll No. 126; **Pages H1768–69**

Strengthening Aviation Security Act: H.R. 4467, amended, to require the Federal Air Marshal Service to utilize risk-based strategies, by a $\frac{2}{3}$ yeas-and-nay vote of 408 yeas with none voting “nay”, Roll No. 128; and **Pages H2027–28**

Strengthening Local Transportation Security Capabilities Act of 2018: H.R. 5089, amended, to improve threat information sharing, integrated operations, and law enforcement training for transportation security, by a $\frac{2}{3}$ yeas-and-nay vote of 397 yeas with one voting “nay”, Roll No. 129. **Pages H2028–29**

Targeted Rewards for the Global Eradication of Human Trafficking: The House concurred in the Senate amendment to H.R. 1625, to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, with an amendment consisting of the text of Rules Committee Print 115–66, by a yeas-and-nay vote of 256 yeas to 167 nays, Roll No. 127.

Page H2027

H. Res. 796, the rule providing for consideration of the Senate amendment to the bill (H.R. 1625) was agreed to by a recorded vote of 211 yeas to 207 noes, Roll No. 124, after the previous question was ordered by a yeas-and-nay vote of 233 yeas to 186 nays, Roll No. 123. **Pages H1766–67**

Providing for a correction in the enrollment of H.R. 1625: The House agreed to H. Con. Res. 116, providing for a correction in the enrollment of H.R. 1625. **Pages H2029–30**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, March 23rd. **Page H2030**

Kennedy-King National Commemorative Site Act: The House agreed to take from the Speaker's table and concur in the Senate amendment to H.R.

4851, to establish the Kennedy-King Commemorative Site in the State of Indiana. **Page H2037**

Discharge Petition: Representative Jackson Lee presented to the clerk a motion to discharge the Committee on the Judiciary from the consideration of H.R. 3654, to limit the removal of a special counsel (Discharge Petition No. 9). **Page H2033**

Senate Message: Message received from the Senate today appear on page H2029.

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H1766–67, H1767, H1767–68, H1768–69, H2027, H2027–28, and H2028–29. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 3:11 p.m.

Committee Meetings

FISCAL YEAR 2019 BUDGET REQUEST FOR NUCLEAR FORCES AND ATOMIC ENERGY DEFENSE ACTIVITIES

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing entitled “Fiscal Year 2019 Budget Request for Nuclear Forces and Atomic Energy Defense Activities”. Testimony was heard from Vice Admiral Terry Benedict, Director, Navy Strategic Systems Program; Lisa Gordon-Hagerty, Administrator, National Nuclear Security Administration; James Owendoff, Principal Deputy Assistant Secretary for Environment Management, Department of Energy; General Robin Rand, Commander, Air Force Global Strike Command; and John C. Rood, Under Secretary of Defense for Policy, Department of Defense.

REVIEWING DEPARTMENT OF DEFENSE STRATEGY, POLICY, AND PROGRAMS FOR COUNTERING WEAPONS OF MASS DESTRUCTION (CWMD) FOR FISCAL YEAR 2019

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a hearing entitled “Reviewing Department of Defense Strategy, Policy, and Programs for Countering Weapons of Mass Destruction (CWMD) for Fiscal Year 2019”. Testimony was heard from Lieutenant General Joseph Osterman, Deputy Commander, U.S. Special Operations Command; Vayl Oxford, Director, Defense Threat Reduction Agency; Ken Rapuano, Assistant Secretary of Defense for Homeland Defense and Global Security, Office of the Under Secretary of Defense for Policy; and Guy Roberts, Assistant Secretary for Nuclear, Chemical, and Biological Defense

Programs, Office of the Under Secretary of Defense for Acquisition and Sustainment.

COMBATING THE OPIOID CRISIS: PREVENTION AND PUBLIC HEALTH SOLUTIONS

Committee on Energy and Commerce: Subcommittee on Health concluded a hearing entitled “Combating the Opioid Crisis: Prevention and Public Health Solutions”. Testimony was heard from Scott Gottlieb, M.D., Commissioner, Food and Drug Administration, Department of Health and Human Services; Anne Schuchat, Acting Director, Centers for Disease Control and Prevention; Christopher M. Jones, Director of the National Mental Health and Substance Use Policy Laboratory, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; and public witnesses.

LEGISLATIVE MEASURES

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled “Legislative Hearing on Four Communications Bills”. Testimony was heard from public witnesses.

BUREAUCRATIC CHALLENGES TO HURRICANE RECOVERY IN PUERTO RICO

Committee on Oversight and Government Reform: Subcommittee on National Security held a hearing entitled “Bureaucratic Challenges to Hurricane Recovery in Puerto Rico”. Testimony was heard from Michael Byrne, Assistant Administrator for Field Operations, Federal Emergency Management Agency, Department of Homeland Security; William Parks, Senior Advisor to the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy; Peter Lopez, Regional Administrator, Region 2, Environmental Protection Agency; and a public witness.

MISCELLANEOUS MEASURES

Committee on Science, Space, and Technology: Full Committee held a markup on H.R. 5345, the “American Leadership in Space Technology and Advanced Rocketry Act”; H.R. 5346, the “Commercial Space Support Vehicle Act”; and H.R. 5086, the “Innovators to Entrepreneurs Act of 2018”. H.R. 5345, H.R. 5346, and H.R. 5086 were ordered reported, without amendment.

HEARING WITH COMMERCE SECRETARY ROSS

Committee on Ways and Means: Full Committee held a hearing entitled “Hearing with Commerce Secretary Ross”. Testimony was heard from Wilbur Ross, Secretary, Department of Commerce.

BUSINESS MEETING

Permanent Select Committee on Intelligence: Full Committee held a business meeting on Adoption of the Committee's Investigative Report into Russian Active Measures During the 2016 Presidential Election. The Committee's Investigative Report into Russian Active Measures During the 2016 Presidential Election was adopted, without amendment. This hearing was closed.

Joint Meetings**GOOD FRIDAY AGREEMENT**

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine the Good Friday Agreement at 20, focusing on achievements and unfinished business, after receiving testimony from Brian Gormally, Committee on the Administration of Justice, and Mark Thompson, Relatives for Justice, both of Belfast, Northern Ireland; and James F. McKay III, Ancient Order of Hibernians, New Orleans, Louisiana.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D304)

H.R. 1208, to designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the "Converse Veterans Post Of-

fice Building". Signed on March 20, 2018. (Public Law 115–38)

H.R. 1858, to designate the facility of the United States Postal Service located at 4514 Williamson Trail in Liberty, Pennsylvania, as the "Staff Sergeant Ryan Scott Ostrom Post Office". Signed on March 20, 2018. (Public Law 115–39)

H.R. 1988, to designate the facility of the United States Postal Service located at 1730 18th Street in Bakersfield, California, as the "Merle Haggard Post Office Building". Signed on March 20, 2018. (Public Law 115–40)

**COMMITTEE MEETINGS FOR FRIDAY,
MARCH 23, 2018**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations: to hold hearings to examine the nominations of Kirsten Dawn Madison, of Florida, to be an Assistant Secretary (International Narcotics and Law Enforcement Affairs), and Thomas J. Hushek, of Wisconsin, to be Ambassador to the Republic of South Sudan, both of the Department of State, 10 a.m., SD–419.

House

No hearings are scheduled.

Next Meeting of the SENATE

11:30 a.m., Monday, March 26

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, March 23

Senate Chamber

Program for Monday: Senate will meet in a pro forma session.

House Chamber

Program for Friday: House will meet in Pro Forma Session at 10 a.m.

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