

## Consolidated Appropriations Act, 2018

[Public Law 115–141]

[As Amended Through P.L. 116–260, Enacted December 27, 2020]

【Currency: This publication is a compilation of the text of Public Law 116-59. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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.

*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 “Consolidated Appropriations Act, 2018”.

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**SEC. 3. [1 U.S.C. 1 note] 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. [2 U.S.C. 4501 note] 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 miscella-

neous 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.

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## 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.

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## Subtitle —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.

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## TITLE III—RURAL DEVELOPMENT PROGRAMSRURAL DEVELOP- MENT.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.

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## TITLE IV—DOMESTIC FOOD PROGRAMSOFFICE 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 SERVICECHILD 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 Sep-

tember 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 September 30, 2020, 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.

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## **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 ac-

count 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 notwithstanding 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 fur-*

*ther*, 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.

**Subtitle —INDEPENDENT  
AGENCIESCOMMODITY 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.

\* \* \* \* \*

## 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 ar-

rangements 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 310B(g)(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) [21 U.S.C. 399i]** 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(l)(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-inspection 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. 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 Agriculture: *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 service in a service area by any entity that has received a broadband loan from the Rural Utilities Service, unless such service area is not provided sufficient access to broadband at the minimum service threshold: *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).

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

### **TITLE I—DEPARTMENT OF COMMERCE INTERNATIONAL TRADE ADMINISTRATION. OPERATIONS AND ADMIN- ISTRATION**

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 ex-

penses 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.

\* \* \* \* \*

**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. [33 U.S.C. 878a note]**

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, including 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.

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## TITLE II—DEPARTMENT OF JUSTICEGENERAL 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: *Pro-*

*vided 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.

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#### 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.

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### **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.

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### **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).

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## TITLE V—GENERAL PROVISIONS

### SEC. (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 per-

sonnel 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. [34 U.S.C. 20101 note]**

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 na-



tion. 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.

**SEC. 523. (RESCISSIONS). (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-Wydler 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. [16 U.S.C. 1855]**

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.

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## 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.

\* \* \* \* \*

### TITLE II—OPERATION AND MAINTENANCE OPERATION AND MAIN- TENANCE, 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.

\* \* \* \* \*

### 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.

\* \* \* \* \*

## **TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATIONRESEARCH, DEVELOPMENT, TEST AND EVALUA- TION, 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.

\* \* \* \* \*

## **TITLE V—REVOLVING AND MANAGE- MENT FUNDSDEFENSE WORKING CAP- ITAL FUNDS.**

For the Defense Working Capital Funds, \$1,685,596,000.

## **TITLE VI—OTHER DEPARTMENT OF DE- FENSE PROGRAMSDEFENSE 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.

\* \* \* \* \*



**TITLE VII—RELATED  
AGENCIESCENTRAL INTELLIGENCE  
AGENCY RETIREMENT AND DIS-  
ABILITY 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.

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**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. [10 U.S.C. 1584 note]**

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.

**SEC. 8005. (TRANSFER OF FUNDS).**

Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the ap-

proval 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".

**SEC. 8008. (TRANSFER OF FUNDS).**

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 determined 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. [10 U.S.C. 2306b note]**

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.

**SEC. 8015. (TRANSFER OF FUNDS).**

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 assist-

ance 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 in the United States exceeds 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 non-appropriated 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 Corpora-

tion operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) \$10,600,000 shall be available from “Aircraft 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. [10 U.S.C. 2731 note]**

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) [41 U.S.C. 8304 note]** 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. [10 U.S.C. 2484 note]**

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. [50 U.S.C. 3521 note]**

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.

**SEC. 8041. (RESCISSIONS).**

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 counter-intelligence 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) [10 U.S.C. 274 note] 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) [50 U.S.C. 3506 note] 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 certi-

fying 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.



**SEC. 8053. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 8057. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 8061. (INCLUDING TRANSFER OF FUNDS).**

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 nongovernmental entity ammunition held by the Depart-

ment 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 section 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.

**SEC. 8067. (INCLUDING TRANSFER OF FUNDS).**

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 Pro-

gram 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. [10 U.S.C. 2302 note]**

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.

#### **SEC. 8071. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 8072. (INCLUDING TRANSFER OF FUNDS).**

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. [10 U.S.C. 221]**

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, appropriated 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. [50 U.S.C. 3103 note]**

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.

**SEC. 8092. (INCLUDING TRANSFER OF FUNDS).**

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 subcontract 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.

**SEC. 8096. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 8099. (INCLUDING TRANSFER OF FUNDS).**

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 re-

port 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) [10 U.S.C. 2731 note] 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.

**SEC. 8122. (INCLUDING TRANSFER OF FUNDS).**

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 pri-

ority 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

### Subtitle —MILITARY PERSONNELMILITARY 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.

\* \* \* \* \*

### Subtitle —OTHER DEPARTMENT OF DEFENSE PROGRAMS

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#### SEC. 9001. GENERAL PROVISIONS.

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.

#### SEC. 9002. (INCLUDING TRANSFER OF FUNDS).

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 exceed \$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-ISIS 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.

**SEC. 9017. (INCLUDING TRANSFER OF FUNDS).**

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 pro-



vided 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.

**SEC. 9020. (RESCISSIONS).**

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.

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

### TITLE I—CORPS OF ENGINEERS

#### Subtitle —DEPARTMENT OF THE ARMYCORPS OF ENGINEERS.

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, shore protection, 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

nance 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.

## Subtitle —GENERAL PROVISIONS(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 Pollu-

tion Control Act (33 U.S.C. 1341): *Provided*, 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 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.

\* \* \* \* \*

## Subtitle —GENERAL PROVISIONS

**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 “SJVDP—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**

### **Subtitle —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.

\* \* \* \* \*

## Subtitle —GENERAL PROVISIONS(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 Sec-

retary 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 include 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.

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### 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 in-

cludes 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 semi-annual 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 TREASURYDEPARTMENTAL 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 Policy, 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 Opportu-

nities, 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.

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#### 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 Serv-

ice-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.

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**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 Franchise 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.

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## 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.

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### 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.

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### 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 Ar-

**Sec. 301** **Consolidated Appropriations Act, 2018** **122**

chitect by 40 U.S.C. 6111 and 6112, \$16,153,000, to remain available until expended.

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**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) **[28 U.S.C. 1871 note] EFFECTIVE DATE.**—The amendment made in subsection (a) shall take effect 45 days after the date of enactment of this Act.

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## 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 eligible 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 Judicial 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 agen-

cies.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.

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## **TITLE V—INDEPENDENT AGENCIESADMINISTRATIVE 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.

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### **SEC. 501. ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION.**

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 Con-

sumer 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.

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#### **SEC. 510. ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION.**

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 (l)) 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 Broadcaster 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.”.

\* \* \* \* \*

#### 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. [40 U.S.C. 1303 note]**

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 Manage-

ment 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.”.

\* \* \* \* \*

**SEC. 530. (INCLUDING RESCISSION AND TRANSFER OF FUNDS).**

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”.

\* \* \* \* \*

## TITLE VI—GENERAL PROVISIONS

**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 nondomestic 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 interagency 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(l)).
  - (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 DEPARTMENTS, AGEN- CIES, 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. [31 U.S.C. 1343 note]**

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. [5 U.S.C. 3101 note]**

**[5 U.S.C. 3101 note]**

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 ac-

cordance 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 interagency 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 interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (author-

ized 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 in-

cludes 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) [5 U.S.C. 5343 note] 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) [5 U.S.C. 5303 note] 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**

**SEC. (INCLUDING TRANSFERS OF FUNDS).****SEC. 801.**

There are appropriated from the applicable 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 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.**

(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.

\* \* \* \* \*

## 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.

\* \* \* \* \*

#### SEC. 101. [6 U.S.C. 454 note]

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 INVESTIGATIONSU.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.

\* \* \* \* \*

**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. [6 U.S.C. 211 note]**

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, PREPARED- NESS, 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.

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#### **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 appli-

cants 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 SERVICESU.S. CITI-  
ZENSHIP AND IMMIGRATION SERV-  
ICES.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.

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**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

**SEC. 501. (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS).**

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. [31 U.S.C. 501 note]**

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. [49 U.S.C. 44901 note]**

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 extraordinary 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) [6 U.S.C. 391 note] 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.

**SEC. 539. (RESCISSIONS).**

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 17/18 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”**.

**SEC. 540. (RESCISSIONS).**

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.

**SEC. 541. (RESCISSIONS).**

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”.

**SEC. 542. (RESCISSION).**

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. 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 ex-



pended, 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. [43 U.S.C. 1735 note] 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.

\* \* \* \* \*

#### SEC. 101. EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU.

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.

**SEC. 102. EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE.**

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. 7717(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 assumption 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.

**SEC. 103. AUTHORIZED USE OF FUNDS.**

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.

**SEC. 104. AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT.**

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.

**SEC. 105. REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS.**

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.

**SEC. 106. ELLIS, GOVERNORS, AND LIBERTY ISLANDS.**

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 transportation 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.

**SEC. 107. OUTER CONTINENTAL SHELF INSPECTION FEES. (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.

**SEC. 108. BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION.**

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).

**SEC. 109. [16 U.S.C. 1336 note] CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES.**

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.

**SEC. 110. MASS MARKING OF SALMONIDS.**

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.

**SEC. 111. EXHAUSTION OF ADMINISTRATIVE REVIEW.**

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,”.

**SEC. 112. CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS.**

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.

**SEC. 113. HUMANE TRANSFER OF EXCESS ANIMALS.**

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.

**SEC. 114. REPUBLIC OF PALAU.**

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.

**SEC. 115. DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM.** (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 layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

**SEC. 116. [16 U.S.C. 1132 note] JAY S. HAMMOND WILDERNESS.** (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”.

**SEC. 117. EXTENSION OF AUTHORITIES.** (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”.

**SEC. 118. PAYMENTS IN LIEU OF TAXES (PILT).**

Section 6906 of title 31, United States Code, is amended by striking “each of fiscal years 2008 through 2014” and inserting “fiscal year 2018”.

**SEC. 119. MORRISTOWN NATIONAL HISTORICAL PARK.**

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”.

**SEC. 120. SAGE-GROUSE.**

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.

\* \* \* \* \*

**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) [40 U.S.C. 8903 note] Section 7130 (Modification of the Second Division Memorial).

(2) [16 U.S.C. 460cccc] Section 7134 (Ste. Genevieve National Historical Park).

(b) [16 U.S.C. 1132 note] 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) [1 U.S.C. 112 note] In publishing this Act in slip form and in the United States Statutes at large pursuant 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.

**SEC. 122. MINERAL WITHDRAWAL SUBJECT TO VALID EXISTING RIGHTS.** (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 AGENCYSCIENCE 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.

\* \* \* \* \*

## **TITLE III—RELATED AGENCIES**

### **Subtitle —DEPARTMENT OF AGRICULTUREFOREST 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. [43 U.S.C. 1751 note]

[43 U.S.C. 1751 note]

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[43 U.S.C. 1751 note]

[43 U.S.C. 1751 note]

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, county, or municipal governments, public school districts, or other public school authorities, and for authorized ex-

penditures 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 REQUESTS 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 SUBSISTENCE 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

**[16 U.S.C. 556i]**

**[16 U.S.C. 556i]**

**[16 U.S.C. 556i]**

**[16 U.S.C. 556i]**

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**[16 U.S.C. 556i]**

**[16 U.S.C. 556i]**

**[16 U.S.C. 556i]** (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.

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## TITLE V—GENERAL PROVISIONS

### SEC. (INCLUDING TRANSFERS OF FUNDS).

#### SEC. 401. RESTRICTION ON USE OF FUNDS.

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.

#### SEC. 402. OBLIGATION OF APPROPRIATIONS.

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. 403. DISCLOSURE OF ADMINISTRATIVE EXPENSES.

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.

#### SEC. 404. MINING APPLICATIONS. (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 Appro-

priations 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.

**SEC. 405. CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION.**

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.

**SEC. 406. CONTRACT SUPPORT COSTS, FISCAL YEAR 2018 LIMITATION.**

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.

**SEC. 407. [16 U.S.C. 1604 note] FOREST MANAGEMENT PLANS.**

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.

**SEC. 408. PROHIBITION WITHIN NATIONAL MONUMENTS.**

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.

**SEC. 409. LIMITATION ON TAKINGS.**

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.

**SEC. 410. TIMBER SALE REQUIREMENTS.**

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.

**SEC. 411. PROHIBITION ON NO-BID CONTRACTS.**

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.

**SEC. 412. POSTING OF REPORTS.** (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.

**SEC. 413. NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES.**

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.

**SEC. 414. NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES.** (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 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 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.

**SEC. 415. STATUS OF BALANCES OF APPROPRIATIONS.**

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.

**SEC. 416. PROHIBITION ON USE OF FUNDS.**

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.

**SEC. 417. GREENHOUSE GAS REPORTING RESTRICTIONS.**

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.

**SEC. 418. FUNDING PROHIBITION.**

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.

**SEC. 419. CONTRACTING AUTHORITIES.**

Section 412 of Division E of Public Law 112-74 is amended by striking “fiscal year 2017” and inserting “fiscal year 2019”.

**SEC. 420. [54 U.S.C. 320101 note] CHESAPEAKE BAY INITIATIVE.**

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”.

**SEC. 421. EXTENSION OF GRAZING PERMITS.**

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.

**SEC. 422. FUNDING PROHIBITION.** (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.

**SEC. 423. FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT ACT.**

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”.

**SEC. 424. USE OF AMERICAN IRON AND STEEL.** (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.

**SEC. 425. MIDWAY ISLAND.**

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).

**SEC. 426. JOHN F. KENNEDY CENTER REAUTHORIZATION.**

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.”.

**SEC. 427. LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES.**

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.

**SEC. 428. ALASKA NATIVE REGIONAL HEALTH ENTITIES.**

Section 424 of the Consolidated Appropriations Act, 2014 (Public Law 113-76) is amended by striking “2018” and inserting “2019”.

**SEC. 429. TREATMENT OF CERTAIN HOSPITALS.**

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).”.

**SEC. 430. INFRASTRUCTURE.** (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.

**SEC. 431. POLICIES RELATING TO BIOMASS ENERGY.**

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 bio-energy—

(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.

**SEC. 432. CLARIFICATION OF EXEMPTIONS.**

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)).

**SEC. 433. SMALL REMOTE INCINERATORS.**

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.

\* \* \* \* \*

## 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 EMPLOY- MENT 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 Develop-

ment 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 expenses, 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 report-

ing 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.

\* \* \* \* \*

#### 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.

#### SEC. 102. (TRANSFER OF FUNDS).

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.

**SEC. 106. (TRANSFER OF FUNDS).** (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.

**SEC. 107. (TRANSFER OF FUNDS).** (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 performance 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.

**SEC. 110. (RESCISSION).**

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 NON-IMMIGRANTS 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)(ii)(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. [38 U.S.C. 4100 note]**

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. 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.

\* \* \* \* \*

## TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICESHEALTH RE- SOURCES AND SERVICES ADMINIS- TRATION.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. [42

U.S.C. 294a note]

[42 U.S.C. 294a note]

[42 U.S.C. 294a note]

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[42 U.S.C. 294a note]

[42 U.S.C. 294a note]

[42 U.S.C. 294a note] 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 paragraphs (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 subpara-

graphs (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.

\* \* \* \* \*

**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.

**SEC. 205. (TRANSFER OF FUNDS).**

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 information 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 nonprofit 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.

**SEC. 213. (TRANSFER OF FUNDS).**

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.

**SEC. 214. (TRANSFER OF FUNDS).**

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.

**SEC. 217. (TRANSFER OF FUNDS).**

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.

**SEC. 224. (TRANSFER OF FUNDS).** (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.

**SEC. 228. (TRANSFER OF FUNDS).**

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.

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## TITLE III—DEPARTMENT OF EDUCATION EDUCATION FOR THE DIS- ADVANTAGED.

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.

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**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.

**SEC. 304. (TRANSFER OF FUNDS).**

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. [48 U.S.C. 1921d note]**

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”.

**SEC. 310. (RESCISSION).**

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. [20 U.S.C. 7703 note] (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) [20 U.S.C. 7703 note] 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.** [20 U.S.C. 1085 note] (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 period: *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.



**SEC. 317. CHILDREN OF FALLEN HEROES SCHOLARSHIP ACT.**

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.

\* \* \* \* \*

## TITLE IV—RELATED AGENCIES COMMITTEE FOR PUR- CHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DIS- ABLED. 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.

\* \* \* \* \*

#### SEC. 401. ADMINISTRATIVE PROVISIONS.

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 selec-

tion 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. [42 U.S.C. 12571 note]**

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.

\* \* \* \* \*

**SEC. 407. ADMINISTRATIVE PROVISIONS.**

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 elec-

tronic means in an election to determine a representative for the purposes of collective bargaining.

\* \* \* \* \*

## TITLE V—GENERAL PROVISIONS

### SEC. 501. (TRANSFER OF FUNDS).

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. [31 U.S.C. 1502 note]**

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.

**SEC. 527. (RESCISSION).**

Of any available amounts appropriated under section 2104(a)(21) of the Social Security Act (42 U.S.C. 1397dd) 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.

**SEC. 530. (RESCISSION).**

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.

**SEC. 531. (RESCISSION).**

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**

#### **Subtitle —SENATEEXPENSE 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.

\* \* \* \* \*

#### **SEC. 101. REQUIRING AMOUNTS REMAINING IN SENATORS’ OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.**

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 undesignated 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).

#### **SEC. 102. SENATE PROCUREMENTS.**

Section 6102 of title 41, United States Code, is amended by adding at the end the following:

“(i) **SENATE**.—Section 6101 of title does not apply to agreements, contracts or purchases by any office of the Senate.”.

**SEC. 103. STUDENT LOAN REPAYMENT FOR EMPLOYEES OF DEPARTING SENATORS AND VICE PRESIDENTS.** (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) **[2 U.S.C. 4579 note]** 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.

## Subtitle —HOUSE OF REPRESENTATIVES

\* \* \* \* \*

**SEC. 110. REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.** (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.

**SEC. 111. DELIVERY OF BILLS AND RESOLUTIONS.**

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.

**SEC. 112. DELIVERY OF CONGRESSIONAL RECORD.**

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).

**SEC. 113. LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES.**

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.

**SEC. 114. LIMITATION ON PRINTED COPIES OF U.S. CODE TO HOUSE.**

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.

**SEC. 115. DELIVERY OF REPORTS OF DISBURSEMENTS.**

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).

**SEC. 116. DELIVERY OF DAILY CALENDAR.**

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.

**SEC. 117. DELIVERY OF CONGRESSIONAL PICTORIAL DIRECTORY.**

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).

**SEC. 118. AMENDING THE HOUSE SERVICES REVOLVING FUND. (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) **[2 U.S.C. 5545 note] EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 119. [2 U.S.C. 5511] TRANSFER OF FUNDS. (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.

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## Subtitle —CONGRESSIONAL BUDGET OFFICE

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**SEC. 130. [2 U.S.C. 605a] CONTRACTING PARITY.**

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.

## Subtitle —ARCHITECT OF THE CAPITOL

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### SEC. 140. NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET.

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.

### SEC. 141. SCRIMS.

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.

## Subtitle —LIBRARY OF CONGRESS

\* \* \* \* \*

### SEC. 150. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2018, the obligatory 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.

### SEC. 151. REVOLVING FUNDS UPDATE.

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.”.

### SEC. 152. GIFTS.

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.”.

**SEC. 153. APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 TO THE LIBRARY OF CONGRESS; ELECTION OF PROCEEDING.** (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”;

(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) **[2 U.S.C. 1301 note] 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)).

**SEC. 154. [2 U.S.C. 166a] EQUAL ACCESS TO CONGRESSIONAL RESEARCH SERVICE REPORTS. (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](http://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 Li-

brarian 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.

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## TITLE II—GENERAL PROVISIONS

### SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.

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.

### SEC. 202. FISCAL YEAR LIMITATION.

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.

### SEC. 203. RATES OF COMPENSATION AND DESIGNATION.

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.

### SEC. 204. CONSULTING SERVICES.

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.

### SEC. 205. COSTS OF LBFMC.

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.

**SEC. 206. LIMITATION ON TRANSFERS.**

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. 207. GUIDED TOURS OF THE CAPITOL.** (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

**Sec. 101** **Consolidated Appropriations Act, 2018** **258**

the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

\* \* \* \* \*

**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 con-

struction 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.

**SEC. 117. (INCLUDING TRANSFER OF FUNDS).**

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 unaccompanied 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.

**SEC. 118. (INCLUDING TRANSFER OF FUNDS).**

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. [10 U.S.C. 2821 note]**

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.

**SEC. 121. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 126. (RESCISSIONS OF FUNDS).**

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. [10 U.S.C. 221 note]**

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 AFFAIRSVETERANS BENEFITS ADMIN- ISTRATION.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 guaran-

teed 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.

\* \* \* \* \*

#### 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.

#### SEC. 202. (INCLUDING TRANSFER OF FUNDS).

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”.

**SEC. 208. (INCLUDING TRANSFER OF FUNDS).**

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 accumu-

lated 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.

**SEC. 210. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 212. (INCLUDING TRANSFER OF FUNDS).**

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 construc-

tion (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.

**SEC. 214. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 216. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 218. (INCLUDING TRANSFER OF FUNDS).**

Amounts made available under the “Medical Services”, “Medical Community 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 fis-

cal 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.

**SEC. 219. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 220. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 221. (INCLUDING TRANSFER OF FUNDS).**

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 trans-

fer 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.

**SEC. 222. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 229. (INCLUDING TRANSFER OF FUNDS).**

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.

**SEC. 230. (INCLUDING TRANSFER OF FUNDS).**

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 Vet-

erans 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, domiciliaries, 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 transpor-



tation 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).

**SEC. 237. (RESCISSION OF FUNDS).**

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.** [38 U.S.C. 5701 note] (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.

**SEC. 243. (RESCISSIONS OF FUNDS).** (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. [38 U.S.C. 7601 note] (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) **[38 U.S.C. 2402 note] 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. [38 U.S.C. 1701 note]**

During the period preceding October 1, 2022, the Secretary of Veterans Affairs may carry out a 2-year pilot program making grants to nonprofit 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 locations 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 require-

ments 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. [38 U.S.C. 5101 note]**

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:**

**“SEC. 1712L. [38 U.S.C. 1712I] MENTAL AND BEHAVIORAL HEALTH CARE FOR CERTAIN FORMER MEMBERS OF THE ARMED FORCE**

“(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’ Af-

fairs 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) **[38 U.S.C. 1701] 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:

**“SEC. 5303B. [38 U.S.C. 5303B] CHARACTER OF SERVICE DETERMINATION**

“(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) **[38 U.S.C. 5301] 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 AGENCIESAMERICAN 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 monu-

ments 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.

\* \* \* \* \*

**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

### Subtitle —DEPARTMENT OF DEFENSEMILITARY 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.

\* \* \* \* \*

**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. [10 U.S.C. 221 note]**

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 department, 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 RE- LATED PROGRAMS APPROPRIATIONS ACT, 2018**

### **TITLE I—DEPARTMENT OF STATE AND RELATED AGENCY**

#### **Subtitle —DEPARTMENT OF STATEADMINISTRATION OF FOREIGN AFFAIRS.DIPLOMATIC AND CONSULAR PRO- GRAMS**

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 consulta-

tion 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.

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## TITLE II—UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FUNDS                      APPRO- PRIATED TO THE PRESI- DENT. 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.

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**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, DEMINING 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.

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## 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.

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**TITLE VI—EXPORT AND INVESTMENT  
ASSISTANCEEXPORT-IMPORT BANK  
OF THE UNITED STATES.INSPECTOR GEN-  
ERAL**

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.

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## TITLE VII—GENERAL PROVISIONS

### SEC. 7001. ALLOWANCES AND DIFFERENTIALS.

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.

### SEC. 7002. UNOBLIGATED BALANCES REPORT.

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.

### SEC. 7003. CONSULTING SERVICES.

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.

**SEC. 7004. DIPLOMATIC FACILITIES.** (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 in-

clude 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 consulta-

tion 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, Construction, 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.

#### SEC. 7005. PERSONNEL ACTIONS.

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.

**SEC. 7006. DEPARTMENT OF STATE MANAGEMENT.** (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 pay-

ments 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.

**SEC. 7007. PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES.**

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.

**SEC. 7008. COUPS D'ÉTAT.**

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.

**SEC. 7009. TRANSFER OF FUNDS AUTHORITY. (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 oth-

erwise 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.

**SEC. 7010. PROHIBITION ON CERTAIN OPERATIONAL EXPENSES.** (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.

**SEC. 7011. AVAILABILITY OF FUNDS.**

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.

**SEC. 7012. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT.**

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.

**SEC. 7013. PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE.**

**(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 unless 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 reim-

bursed 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 include 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).

**SEC. 7014. RESERVATIONS OF FUNDS.** (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.

**SEC. 7015. NOTIFICATION REQUIREMENTS.** (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 refloes 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”, “Nonproliferation, 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 “Diplo-

**matic 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 publically 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.

#### **SEC. 7016. NOTIFICATION ON EXCESS DEFENSE EQUIPMENT.**

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.

**SEC. 7017. LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS.**

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.

**SEC. 7018. PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION.**

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.

**SEC. 7019. ALLOCATIONS AND REPORTS.** (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.

**SEC. 7020. REPRESENTATION AND ENTERTAINMENT EXPENSES.** (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.

**SEC. 7021. PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM.** (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 provision 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.

**SEC. 7022. AUTHORIZATION REQUIREMENTS.**

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)).

**SEC. 7023. DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY.**

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.

**SEC. 7024. AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION.**

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.

**SEC. 7025. COMMERCE, TRADE AND SURPLUS COMMODITIES.** (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) **[22 U.S.C. 262h note] 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.

**SEC. 7026. SEPARATE ACCOUNTS.** (a) **[22 U.S.C. 2362 note]** 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.

**SEC. 7027. ELIGIBILITY FOR ASSISTANCE.** (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.

**SEC. 7028. LOCAL COMPETITION.** (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.

**SEC. 7029. INTERNATIONAL FINANCIAL INSTITUTIONS.** (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.

**SEC. 7030. DEBT-FOR-DEVELOPMENT.**

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.

**SEC. 7031. FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY.**

(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) [8 U.S.C. 1182 note] 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

tion 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.

**SEC. 7032. DEMOCRACY PROGRAMS. (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, nongovernmental 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 sub-

ject 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.

**SEC. 7033. INTERNATIONAL RELIGIOUS FREEDOM.** (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 RE-INTEGRATION 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 con-

sultation 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.

**SEC. 7034. SPECIAL PROVISIONS.** (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 sub-national 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 section 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 excep-

tions 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) [22 U.S.C. 214 note] 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) [22 U.S.C. 2385 note] USAID CIVIL SERVICE ANNUITY 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 ANNUITY WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropria-

tions 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) [22 U.S.C. 4831 note] 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) [22 U.S.C. 2152i note] 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 (divi-

sion 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 nongovernmental 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) [22 U.S.C. 262h note] 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) [22 U.S.C. 2152i note] 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.

**SEC. 7035. ARAB LEAGUE BOYCOTT OF ISRAEL.**

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.

**SEC. 7036. PALESTINIAN STATEHOOD. (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”).

#### SEC. 7037. RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY.

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.

**SEC. 7038. PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION.**

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.

**SEC. 7039. ASSISTANCE FOR THE WEST BANK AND GAZA.** (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).

**SEC. 7040. LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY.** (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.

**SEC. 7041. MIDDLE EAST AND NORTH AFRICA. (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 Sup-



port 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 non-proliferation 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 Author-

ization 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 practicable 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 “**Non-proliferation, 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 coexistence with Israel.

**SEC. 7042. AFRICA.** (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 in-

tended 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) [22 U.S.C. 2151 note] 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.

SEC. 7043. EAST ASIA AND THE PACIFIC. (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 ex-

planatory 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 restriction 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.

**SEC. 7044. SOUTH AND CENTRAL ASIA. (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 consultation 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.

**SEC. 7045. LATIN AMERICA AND THE CARIBBEAN.** (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 determination 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.

**SEC. 7046. EUROPE AND EURASIA. (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.

#### SEC. 7047. WAR CRIMES TRIBUNALS.

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 draw-down 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.

**SEC. 7048. UNITED NATIONS. (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 International 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.

(i) 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.

#### SEC. 7049. COMMUNITY-BASED POLICE ASSISTANCE.

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, not-

withstanding 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.

**SEC. 7050. DISABILITY PROGRAMS.** (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.

**SEC. 7051. INTERNATIONAL CONFERENCES.**

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.

**SEC. 7052. AIRCRAFT TRANSFER, COORDINATION, AND USE.** (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 coordi-

nated 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.

**SEC. 7053. PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS.**

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”.

**SEC. 7054. LANDMINES AND CLUSTER MUNITIONS.** (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.

**SEC. 7055. PROHIBITION ON PUBLICITY OR PROPAGANDA.**

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).

**SEC. 7056. CONTINUOUS SUPERVISION AND GENERAL DIRECTION OF ECONOMIC AND MILITARY ASSISTANCE.** (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).

**SEC. 7057. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT.** (a) [22 U.S.C. 3948 note] **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) [22 U.S.C. 3948 note] **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) [22 U.S.C. 3948 note] **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) [22 U.S.C. 3948 note] 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) [22 U.S.C. 3948 note] 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.

**SEC. 7058. GLOBAL HEALTH ACTIVITIES.** (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 na-



tional 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 au-

thority 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.

**SEC. 7059. GENDER EQUALITY.** (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.

**SEC. 7060. SECTOR ALLOCATIONS.** (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.

**SEC. 7061. OVERSEAS PRIVATE INVESTMENT CORPORATION.** (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 Overseas 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) [22 U.S.C. 2194 note] **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.

**SEC. 7062. ARMS TRADE TREATY.**

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.

**SEC. 7063. INSPECTORS GENERAL.** (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.

**SEC. 7064. REPORTING REQUIREMENTS CONCERNING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTÁNAMO BAY, CUBA.**

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.

**SEC. 7065. MULTI-YEAR PLEDGES.**

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.

**SEC. 7066. PROHIBITION ON USE OF TORTURE.**

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.

**SEC. 7067. EXTRADITION.** (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.

**SEC. 7068. COMMERCIAL LEASING OF DEFENSE ARTICLES.**

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.

**SEC. 7069. JOINT STRATEGIC PLAN, BUDGET, AND TRANSITIONS.** (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.

**SEC. 7070. COUNTERING RUSSIAN INFLUENCE AND AGGRESSION.** (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 co-

operation 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).

**SEC. 7071. INTERNATIONAL MONETARY FUND.** (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.

**SEC. 7072. SPECIAL DEFENSE ACQUISITION FUND.**

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.

**SEC. 7073. STABILITY AND DEVELOPMENT IN REGIONS IMPACTED BY EXTREMISM AND CONFLICT.** (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 bilateral 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.

**SEC. 7074. ENTERPRISE FUNDS.** (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.

**SEC. 7075. USE OF FUNDS IN CONTRAVENTION OF THIS ACT.**

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.

**SEC. 7076. BUDGET DOCUMENTS.** (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”.

**SEC. 7077. REPORTS AND RECORDS MANAGEMENT.** (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.

**SEC. 7078. GLOBAL INTERNET FREEDOM.** (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; facili-

tate 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.

**SEC. 7079. IMPACT ON JOBS IN THE UNITED STATES.**

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 infor-

mal 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.

**SEC. 7080. UNITED STATES CITIZENS AND NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.** (a) **REVIEW.**—The Special Presidential Envoy for Hostage Affairs, in consultation 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.

**SEC. 7081. REORGANIZATION AND REDESIGN. (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: *Pro-*

*vided*, 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.

**SEC. 7082. UNITED NATIONS POPULATION FUND. (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.

**SEC. 7083. MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS.**

(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. SEC. 36. [22 U.S.C. 285gg] 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. SEC. 30. [22 U.S.C. 284bb] 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. SEC. 225. [22 U.S.C. 290g-24] 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, with-

out fiscal year limitation, \$513,900,000 for payment by the Secretary of the Treasury.”. RESCISSIONS.

**SEC. 7084. (INCLUDING RESCISSION OF FUNDS).** (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**

### **Subtitle —DEPARTMENT OF STATEADMINISTRATION 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 remain 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.

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## Subtitle —INTERNATIONAL SECURITY ASSISTANCE

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### SEC. 8001. ADDITIONAL APPROPRIATIONS.

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.

### SEC. 8002. EXTENSION OF AUTHORITIES AND CONDITIONS.

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.

### SEC. 8003. COUNTERTERRORISM PARTNERSHIPS FUND.

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.

### SEC. 8004. TRANSFER OF FUNDS. (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.

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## DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED 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. [49 U.S.C. 112 note]

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[49 U.S.C. 112 note] 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 fur-*

*ther*, 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 technology 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 pro-

vide 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, subactivity 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.

**SEC. 101. ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION.**

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.

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**SEC. 110. ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION.**

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-mar-

ket” 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 jus-



tifies 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.

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**SEC. 120. ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION.** (a) [23 U.S.C. 104 note] 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. [23 U.S.C. 313 note]

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 Infra-

structure 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.”.

\* \* \* \* \*

**SEC. 130. ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.**

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.

\* \* \* \* \*

**SEC. 140. ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.**

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 avail-

able 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.

\* \* \* \* \*

**SEC. 150. ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION.**

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 receiv-



ing waivers for each month for 2017 and for the three prior calendar years.

\* \* \* \* \*

**SEC. 160. ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION.**

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, multi-modal, 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.

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**SEC. 170. ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION.**

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: *Pro-*

*vided*, 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.

\* \* \* \* \*

**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 the 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 as-

sistance 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.

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## TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENTMANAGEMENT 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 Of-

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.

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**SEC. 201. (INCLUDING RESCISSION).**

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 approved 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 nonfrivolous 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 sec-

tion 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 Department 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 non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor 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 fi-



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 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-Gonzalez 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 financial 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. 1715z-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. [42 U.S.C. 1437g note]**

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. [42 U.S.C. 3545a note]**

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 supporting 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 program) 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. [42 U.S.C. 1437f note]**

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 documentation, 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 assist-

ance 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.

\* \* \* \* \*

### **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.

\* \* \* \* \*

### **TITLE IV—GENERAL PROVISIONS (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 assist-

ance 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,”.

\* \* \* \* \*

## DIVISION M—EXTENSIONS

### TITLE I—AIRPORT AND AIRWAY EXTENSION ACT OF 2018

**SECTION 1. [26 U.S.C. 1 note] 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) [49 U.S.C. 42301 note] 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 re-

quirements 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.

“(ii) 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) **[26 U.S.C. 9502]** 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) [26 U.S.C. 4261] 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. [8 U.S.C. 1324a note]**

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. [8 U.S.C. 1101 note]**

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. [8 U.S.C. 1182 note]**

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. [8 U.S.C. 1153 note]**

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. [42 U.S.C. 4026 note]**

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) [7 U.S.C. 136a-1 note] 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) **[7 U.S.C. 136a-1 note]** 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) **[7 U.S.C. 136w-8 note]** 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) **[21 U.S.C. 346a note]** 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) **[19 U.S.C. 2465 note] 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. [42 U.S.C. 9601 note] 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)”; and

(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”; and
  - (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:

“(E) 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 amend-

ed 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. [43 U.S.C. 1701 note] 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 132 STAT. 1060 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) **[2 U.S.C. 901 note]** The amendment made by paragraph (1) of subsection (a) shall begin to apply in fiscal year 2019.

**SEC. 103. [43 U.S.C. 1748a-1] 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. [43 U.S.C. 1748a-2] REPORTING REQUIREMENTS.**

(a) IN GENERAL.—Not later than 90 days after the end of the fiscal year for which additional 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. [16 U.S.C. 6591c note] 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. SEC. 605. [16 U.S.C. 6591d] 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 programatically 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. [16 U.S.C. 6591c] 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 regard-

ing 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. [43 U.S.C. 2606] 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. [16 U.S.C. 6501 note] 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. [43 U.S.C. 1772] 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 ap-

plicable 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. [43 U.S.C. 2301 note] 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;”;

(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 “96-586”; 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 semicolon; 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”;

(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. [42 U.S.C. 6241 note] 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. [47 U.S.C. 609 note] 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.  
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#### TITLE VI—MOBILE NOW

Sec. 601. Short title.  
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 Sec. 617. Unlicensed spectrum policy.  
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 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. [47 U.S.C. 155a note] 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)”;

(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) [47 U.S.C. 156 note] 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 noncommercial 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. 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 noncommercial 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. SEC. 9A. [47 U.S.C. 159a] 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 8 or subsection (c) or (d) 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) [47 U.S.C. 158 note] 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) [47 U.S.C. 159 note] 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) [47 U.S.C. 159 note] 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. [47 U.S.C. 156 note] 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 publically

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.”; and

(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. SEC. 13. [47 U.S.C. 163] 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 (l) 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 (l)(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. [47 U.S.C. 154 note] 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. [47 U.S.C. 154 note] 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. [47 U.S.C. 155a] 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) [47 U.S.C. 227 note] 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) [47 U.S.C. 227 note] 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) [47 U.S.C. 227a] 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) **[47 U.S.C. 227 note] 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. [47 U.S.C. 254 note] 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. [47 U.S.C. 615 note] 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. [47 U.S.C. 1301 note] 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. [47 U.S.C. 503 note] 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. [47 U.S.C. 309a] 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. [47 U.S.C. 1501 note 47 U.S.C. 1501] 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 Tele-

communications 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. [47 U.S.C. 1502] 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. [47 U.S.C. 1503] 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) **[47 U.S.C. 1455 note] 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 Infra-

structure 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) **[47 U.S.C. 1455 note] 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. [47 U.S.C. 1504] 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) [40 U.S.C. 1303 note] 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) [40 U.S.C. 1303 note] 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) [40 U.S.C. 1303 note] 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 of such eligible frequencies per 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. [47 U.S.C. 1505] 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. [47 U.S.C. 1506] 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. [47 U.S.C. 1507] 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. [47 U.S.C. 1508] 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 unlicensed 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 Tele-

communications 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. [47 U.S.C. 1509] 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 spec-

trum 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. [47 U.S.C. 1510] 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 equitable 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 de-



claratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of subsection (c).

**SEC. 621. [47 U.S.C. 1511] 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. [47 U.S.C. 1512] 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. [47 U.S.C. 1513] NO ADDITIONAL FUNDS AUTHORIZED.**

No additional funds are authorized to be appropriated to carry out this title, or the amendments made by this title. 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. [34 U.S.C. 10101 note] 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. [34 U.S.C. 10101 note] 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 Ap-

propriations 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) **[34 U.S.C. 12622] 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 benefitted 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 local 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. [34 U.S.C. 12623 note] 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. [34 U.S.C. 12623] 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. [22 U.S.C. 2651 note 22 U.S.C. 2708 note] 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”; 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”; and

(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) **[34 U.S.C. 40102 note] 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) **[29 U.S.C. 213 note]** 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. **[36 U.S.C. 101 note]** 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 SUBCHAPTER III—GRANT TO KEEP YOUNG  
ATHLETES SAFE

#### “SEC. 220531. **[36 U.S.C. 220531]** GRANT TO PROTECT YOUNG ATHLETES FROM ABUS

“(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) **[36 U.S.C. 220501] 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. [34 U.S.C. 10101 note] 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(l)).”;

(5) **[42 U.S.C. 3797e]** by striking section 2705 and inserting the following:

**“SEC. SEC. 2705. [34 U.S.C. 10555] 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. SEC. 2706. [34 U.S.C. 10556] 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. [34 U.S.C. 10101 note] 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 semiannual 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)”; and

(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. 40911 et seq.) is amended by adding at the end the following:

**“SEC. SEC. 107. [34 U.S.C. 40917] 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 beginning 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. [15 U.S.C. 80a-51 note] 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 subparagraphs (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) 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 share-

holder 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. [15 U.S.C. 80a-53 note] 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 develop-

ment 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. [15 U.S.C. 78a note] 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. [22 U.S.C. 2151 note] SHORT TITLE.**

This title may be cited as the “Taylor Force Act”.

### **SEC. 1002. [22 U.S.C. 2378c-1 note] 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. [22 U.S.C. 2378c-1] 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. [22 U.S.C. 2378c-1 note] 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. [42 U.S.C. 9601 note] 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. [42 U.S.C. 9603 note] 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)”; and

(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) [29 U.S.C. 203 note] 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 OPPTS 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”; and

(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) [42 U.S.C. 1395l note] 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) **[26 U.S.C. 199A]** 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) **[26 U.S.C. 63]** 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) **[26 U.S.C. 199A]** 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) [26 U.S.C. 74 note] 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) [26 U.S.C. 62 note] 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) **[26 U.S.C. 42] 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) **[26 U.S.C. 42 note] 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) **[26 U.S.C. 42 note] 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) **[26 U.S.C. 1 note] 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) **[26 U.S.C. 32]** 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) **[26 U.S.C. 168 note]** 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) [26 U.S.C. 168 note] 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) [26 U.S.C. 168] 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) [26 U.S.C. 6045 note] 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) [26 U.S.C. 6109 note] 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) [26 U.S.C. 32 note] 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) [26 U.S.C. 24] Section 24(e)(2) is amended by striking “identifying number” and inserting “taxpayer identification number”.

(2) [26 U.S.C. 24 note] 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) [26 U.S.C. 25A note] 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) **[26 U.S.C. 6676 note]** 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) **[26 U.S.C. 25A]** 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) [26 U.S.C. 25A] 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) [26 U.S.C. 25A] The heading of section 25A is amended by striking “hope” and inserting “american opportunity”.

(10) [26 U.S.C. 21] 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) [26 U.S.C. 856] 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.”.

(o) 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) [26 U.S.C. 897] 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) [26 U.S.C. 897 note] 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 (l) of section 897 as precedes paragraph (2) thereof is amended to read as follows:

“(l) 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(l)(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) [26 U.S.C. 897] Section 897(l)(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(l)(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) **26 U.S.C. 831** 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 front-

ing, intermediary, or similar arrangement, the term ‘policyholder’ means each policyholder of the underlying direct written insurance with respect to such reinsurance or arrangement.”.

(s) **[26 U.S.C. 24 note] 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. [26 U.S.C. 199 note] 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) **[26 U.S.C. 7345] Section 7345(f)** is amended by striking “subsection (a)” and inserting “subsection (b)(1)(B)”.

(b) **[26 U.S.C. 7345 note] 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) **[26 U.S.C. 6662 note] 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) **[26 U.S.C. 6651 note] 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 furnished,” 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) **[26 U.S.C. 6651 note] 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) **[26 U.S.C. 6211 note] 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) **[19 U.S.C. 3805 note] 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) **[19 U.S.C. 3805 note] 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) **[26 U.S.C. 5681] AMENDMENT RELATING TO SECTION 11125.**—Section 5681(b) is amended by striking “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) **[26 U.S.C. 5681 note] 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) [26 U.S.C. 501 note] 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) [26 U.S.C. 6241] 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 re-

quired 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) [26 U.S.C. 6221] 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) [26 U.S.C. 6225] 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 satis-

fied 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) **[26 U.S.C. 6201]** 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) **[26 U.S.C. 6226]** 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) **[16 U.S.C. 6501] 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-FILE 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) **10 U.S.C. 6227** 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) **[26 U.S.C. 6233] 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).

(l) **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) **[26 U.S.C. 6241] 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) [26 U.S.C. 6698] 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.”.

(o) 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) [26 U.S.C. 6221] The heading of the first part of subchapter C of chapter 63 is amended to read as follows:

**“PART PART I—IN GENERAL”.**

- (10) [26 U.S.C. 6225] The heading of the second part of subchapter C of chapter 63 is amended to read as follows:

**“PART PART II—PARTNERSHIP  
ADJUSTMENTS”.**

- (11) [26 U.S.C. 6231] The heading of the third part of subchapter C of chapter 63 is amended to read as follows:

**“PART PART III—PROCEDURE”.**

- (12) [26 U.S.C. 6241] The heading of the fourth part of subchapter C of chapter 63 is amended to read as follows:

**“PART PART IV—DEFINITIONS AND SPECIAL  
RULES”.**

**SEC. 207. [26 U.S.C. 6031 note] 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) **[26 U.S.C. 6011 note] 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) **[26 U.S.C. 168]** 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) **[26 U.S.C. 168 note] 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) **[26 U.S.C. 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 25C(b)(2) is amended by striking “subsection (c)(2)(B)” and inserting “subsection (c)(3)(B)”.

(5) Section 25C(d)(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 25C(g)(2) is amended by striking “2017..” and inserting “2017.”.
- (7) **[26 U.S.C. 38]** 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) **[26 U.S.C. 42]** 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 “shareholder” 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) [26 U.S.C. 62] 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) [26 U.S.C. 139E note] Section 3(a) of the Tribal General Welfare Exclusion Act of 2014 is amended by striking “subsection” and inserting “section”.
- (45) [26 U.S.C. 141] 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) [26 U.S.C. 223] Section 223(d)(2)(A) is amended by striking “section 213(d)” and inserting “section 213(d))”.

(59) [26 U.S.C. 261] 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 “paragaraph” and inserting “paragraph”.

(65) The second sentence of section 355(h)(2)(B) is amended by striking “of assets”.

(66) [26 U.S.C. 361] 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) [26 U.S.C. 410] 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) [26 U.S.C. 411] 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(l)(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),” and

(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) [26 U.S.C. 401] 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) [26 U.S.C. 430] 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) **[26 U.S.C. 430]** 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) **[26 U.S.C. 436]** 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) **[26 U.S.C. 461]** 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) **[26 U.S.C. 501]** 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) **[26 U.S.C. 511]** 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) [26 U.S.C. 661] 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) [26 U.S.C. 706] 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) [26 U.S.C. 912] 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) [26 U.S.C. 1221] 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) [26 U.S.C. 1231] 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) [26 U.S.C. 1274] 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 “provisons” 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) [26 U.S.C. 2106] 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) [26 U.S.C. 4261] 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) [26 U.S.C. 4971] 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) **[26 U.S.C. 5101]** 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) **[26 U.S.C. 5171]** 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) **[26 U.S.C. 5601]** 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) **[26 U.S.C. 5841]** 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) **[26 U.S.C. 5851]** 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) [26 U.S.C. 5851] 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) [26 U.S.C. 6041] 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) [26 U.S.C. 6041] 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) [26 U.S.C. 6041] 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) **[26 U.S.C. 6334]** 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) [26 U.S.C. 6651] 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) [26 U.S.C. 6654] 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) [26 U.S.C. 6671] 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) **[26 U.S.C. 6671]** 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) **[26 U.S.C. 7428]** 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) **[26 U.S.C. 7441]** 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) **[26 U.S.C. 9705]** 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) **[26 U.S.C. 48]** 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) **[26 U.S.C. 6303]** 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 132 STAT. 1202 in paragraph (5)(A) after application of the rules of paragraph (5)(B))”.
- (E) **[26 U.S.C. 39]** 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) [26 U.S.C. 168 note] 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) [26 U.S.C. 179 note] 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) [26 U.S.C. 419A] 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) [26 U.S.C. 501] 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) [26 U.S.C. 1252] 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) [26 U.S.C. 6654] Section 6654(d)(1) is amended by striking subparagraph (D).

(50) [26 U.S.C. 7321] 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) **[26 U.S.C. 163 note]** 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) **[26 U.S.C. 1286]** 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) **[26 U.S.C. 305 note]** 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) **[26 U.S.C. 163 note]** 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. 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) **[26 U.S.C. 27]** 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) **[26 U.S.C. 931]** 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)



【26 U.S.C. 27】 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)

【26 U.S.C. 168】 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)

【26 U.S.C. 865】 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) **[26 U.S.C. 30]** 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) **[26 U.S.C. 46]** 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)

**[26 U.S.C. 49]** 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) **[26 U.S.C. 48D note]** 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) **[26 U.S.C. 1]** 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) **[26 U.S.C. 1400A note]** 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) **[26 U.S.C. 1]** 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)

**[26 U.S.C. 469]** 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) **[26 U.S.C. 1400F note]** 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) **[26 U.S.C. 1]** **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)

**[26 U.S.C. 38]** 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(l)(6)”, and

(II) by striking “or 1400N(l)(2)(D), as the case may be”.

(C) **[26 U.S.C. 1400L note]** 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) **[26 U.S.C. 6411]** 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) **[26 U.S.C. 6671]** 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) **[26 U.S.C. 101]** 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) **[26 U.S.C. 9001]** 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) **[26 U.S.C. 23 note]** 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. [18 U.S.C. 1 note] SHORT TITLE.

This division may be cited as the “Clarifying Lawful Overseas Use of Data Act” or the “CLOUD Act”.

### SEC. 102. [18 U.S.C. 2523 note] 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:

#### “SEC. 2713. [18 U.S.C. 2713] REQUIRED PRESERVATION AND DISCLOSURE OF COMMUNICATIONS AND RECORD

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) [18 U.S.C. 2701] 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) **[18 U.S.C. 2703 note] 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;”;

(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:

**“SEC. 2523. [18 U.S.C. 2523] EXECUTIVE AGREEMENTS ON ACCESS TO DATA BY FOREIGN GOVERNMENT**

“(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 communications, 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 reso-



lution 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.

“(7) 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 mo-

tion 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) [18 U.S.C. 2510] 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. [18 U.S.C. 2520 note] 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.