

MARCH 21, 2018

RULES COMMITTEE PRINT 115–66
TEXT OF THE HOUSE AMENDMENT TO THE
SENATE AMENDMENT TO H.R. 1625

**[Showing the text of the Consolidated Appropriations Act,
2018.]**

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Consolidated Appro-
3 priations Act, 2018”.

4 SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Explanatory statement.
Sec. 5. Statement of appropriations.
Sec. 6. Availability of funds.
Sec. 7. Adjustments to compensation.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIA-
TIONS ACT, 2018

Title I—Agricultural Programs
Title II—Farm Production and Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agencies and Food and Drug Administration
Title VII—General Provisions

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

Title I—Department of Commerce
Title II—Department of Justice

Title III—Science
Title IV—Related Agencies
Title V—General Provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
2018

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations

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

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

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

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the
President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent Agencies
Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia

DIVISION F—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2018

Title I—Departmental Management, Operations, Intelligence, and Oversight
Title II—Security, Enforcement, and Investigations
Title III—Protection, Preparedness, Response, and Recovery
Title IV—Research, Development, Training, and Services
Title V—General Provisions

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

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related Agencies

Title IV—General Provisions

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

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related Agencies

Title V—General Provisions

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2018

Title I—Legislative Branch

Title II—General Provisions

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

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related Agencies

Title IV—Overseas Contingency Operations

Title V—General Provisions

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

Title I—Department of State and Related Agency

Title II—United States Agency for International Development

Title III—Bilateral Economic Assistance

Title IV—International Security Assistance

Title V—Multilateral Assistance

Title VI—Export and Investment Assistance

Title VII—General Provisions

Title VIII—Overseas Contingency Operations/Global War on Terrorism

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

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related Agencies

Title IV—General Provisions—This Act

DIVISION M—EXTENSIONS

Title I—Airport and Airway Extension

Title II—Immigration Extensions

Title III—National Flood Insurance Program Extension

Title IV—Pesticide Registration Improvement Act Extension

Title V—Generalized System of Preferences

Title VI—Judicial Redaction Authority Extension

Title VII—Budgetary Effects

DIVISION N—BUILD ACT

DIVISION O—WILDFIRE SUPPRESSION FUNDING AND FOREST
MANAGEMENT ACTIVITIES ACT

DIVISION P—RAY BAUM'S ACT OF 2018

DIVISION Q—KEVIN AND AVONTE'S LAW

DIVISION R—TARGET ACT

DIVISION S—OTHER MATTER

Title I—Child Protection Improvements Act

Title II—Save America's Pastime Act

Title III—Keep Young Athletes Safe Act

Title IV—Consent of Congress to Amendments to the Constitution of the State
of Arizona

Title V—Stop School Violence Act

Title VI—Fix NICS Act

Title VII—State Sexual Risk Avoidance Education Program

Title VIII—Small Business Credit Availability Act

Title IX—Small Business Access to Capital After a Natural Disaster Act

Title X—Taylor Force Act

Title XI—FARM Act

Title XII—Tipped Employees

Title XIII—Revisions to Pass-Through Period and Payment Rules

DIVISION T—REVENUE PROVISIONS

DIVISION U—TAX TECHNICAL CORRECTIONS

DIVISION V—CLOUD ACT

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **SEC. 4. EXPLANATORY STATEMENT.**

7 The explanatory statement regarding this Act, print-
8 ed in the House section of the Congressional Record on
9 or about March 22, 2018, and submitted by the Chairman
10 of the Committee on Appropriations of the House, shall
11 have the same effect with respect to the allocation of funds

1 and implementation of divisions A through L of this Act
2 as if it were a joint explanatory statement of a committee
3 of conference.

4 **SEC. 5. STATEMENT OF APPROPRIATIONS.**

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

8 **SEC. 6. AVAILABILITY OF FUNDS.**

9 Each amount designated in this Act by the Congress
10 for Overseas Contingency Operations/Global War on Ter-
11 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985
13 shall be available (or rescinded, if applicable) only if the
14 President subsequently so designates all such amounts
15 and transmits such designations to the Congress.

16 **SEC. 7. ADJUSTMENTS TO COMPENSATION.**

17 (a) Notwithstanding any other provision of law, no
18 adjustment shall be made under section 601(a) of the Leg-
19 islative Reorganization Act of 1946 (2 U.S.C. 4501) (re-
20 lating to cost of living adjustments for Members of Con-
21 gress) during fiscal year 2018.

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

1 **DIVISION A—AGRICULTURE, RURAL DE-**
2 **VELOPMENT, FOOD AND DRUG ADMIN-**
3 **ISTRATION, AND RELATED AGENCIES**
4 **APPROPRIATIONS ACT, 2018**

5 TITLE I

6 AGRICULTURAL PROGRAMS

7 PROCESSING, RESEARCH AND MARKETING

8 OFFICE OF THE SECRETARY

9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses of the Office of the Secretary,
11 \$46,532,000, of which not to exceed \$5,051,000 shall be
12 available for the immediate Office of the Secretary; not
13 to exceed \$800,000 shall be available for the Office of the
14 Assistant to the Secretary for Rural Development: *Pro-*
15 *vided*, That funds made available by this Act to an agency
16 in the Rural Development mission area for salaries and
17 expenses are available to fund up to one administrative
18 support staff for the Office; not to exceed \$1,496,000 shall
19 be available for the Office of Homeland Security; not to
20 exceed \$4,711,000 shall be available for the Office of Part-
21 nerships and Public Engagement; not to exceed
22 \$23,105,000 shall be available for the Office of the Assist-
23 ant Secretary for Administration, of which \$22,301,000
24 shall be available for Departmental Administration to pro-
25 vide for necessary expenses for management support serv-

1 ices to offices of the Department and for general adminis-
2 tration, security, repairs and alterations, and other mis-
3 cellaneous supplies and expenses not otherwise provided
4 for and necessary for the practical and efficient work of
5 the Department: *Provided further*, That funds made avail-
6 able by this Act to an agency in the Administration mis-
7 sion area for salaries and expenses are available to fund
8 up to one administrative support staff for the Office; not
9 to exceed \$3,869,000 shall be available for the Office of
10 Assistant Secretary for Congressional Relations to carry
11 out the programs funded by this Act, including programs
12 involving intergovernmental affairs and liaison within the
13 executive branch; and not to exceed \$7,500,000 shall be
14 available for the Office of Communications: *Provided fur-*
15 *ther*, That the Secretary of Agriculture is authorized to
16 transfer funds appropriated for any office of the Office
17 of the Secretary to any other office of the Office of the
18 Secretary: *Provided further*, That no appropriation for any
19 office shall be increased or decreased by more than 5 per-
20 cent: *Provided further*, That not to exceed \$11,000 of the
21 amount made available under this paragraph for the im-
22 mediate Office of the Secretary shall be available for offi-
23 cial reception and representation expenses, not otherwise
24 provided for, as determined by the Secretary: *Provided*
25 *further*, That the amount made available under this head-

1 ing for Departmental Administration shall be reimbursed
2 from applicable appropriations in this Act for travel ex-
3 penses incident to the holding of hearings as required by
4 5 U.S.C. 551–558: *Provided further*, That funds made
5 available under this heading for the Office of the Assistant
6 Secretary for Congressional Relations may be transferred
7 to agencies of the Department of Agriculture funded by
8 this Act to maintain personnel at the agency level: *Pro-*
9 *vided further*, That no funds made available under this
10 heading for the Office of Assistant Secretary for Congres-
11 sional Relations may be obligated after 30 days from the
12 date of enactment of this Act, unless the Secretary has
13 notified the Committees on Appropriations of both Houses
14 of Congress on the allocation of these funds by USDA
15 agency.

16 EXECUTIVE OPERATIONS

17 OFFICE OF THE CHIEF ECONOMIST

18 For necessary expenses of the Office of the Chief
19 Economist, \$19,786,000, of which \$4,000,000 shall be for
20 grants or cooperative agreements for policy research under
21 7 U.S.C. 3155.

22 OFFICE OF HEARINGS AND APPEALS

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

1 OFFICE OF BUDGET AND PROGRAM ANALYSIS

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

4 OFFICE OF THE CHIEF INFORMATION OFFICER

5 For necessary expenses of the Office of the Chief In-
6 formation Officer, \$58,950,000, of which not less than
7 \$33,000,000 is for cybersecurity requirements of the de-
8 partment.

9 OFFICE OF THE CHIEF FINANCIAL OFFICER

10 For necessary expenses of the Office of the Chief Fi-
11 nancial Officer, \$6,028,000.

12 OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL

13 RIGHTS

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

20 OFFICE OF CIVIL RIGHTS

21 For necessary expenses of the Office of Civil Rights,
22 \$24,206,000.

1 AGRICULTURE BUILDINGS AND FACILITIES

2 (INCLUDING TRANSFERS OF FUNDS)

3 For payment of space rental and related costs pursu-
4 ant to Public Law 92–313, including authorities pursuant
5 to the 1984 delegation of authority from the Adminis-
6 trator of General Services to the Department of Agri-
7 culture under 40 U.S.C. 121, for programs and activities
8 of the Department which are included in this Act, and for
9 alterations and other actions needed for the Department
10 and its agencies to consolidate unneeded space into con-
11 figurations suitable for release to the Administrator of
12 General Services, and for the operation, maintenance, im-
13 provement, and repair of Agriculture buildings and facili-
14 ties, and for related costs, \$64,414,000, to remain avail-
15 able until expended.

16 HAZARDOUS MATERIALS MANAGEMENT

17 (INCLUDING TRANSFERS OF FUNDS)

18 For necessary expenses of the Department of Agri-
19 culture, to comply with the Comprehensive Environmental
20 Response, Compensation, and Liability Act (42 U.S.C.
21 9601 et seq.) and the Resource Conservation and Recovery
22 Act (42 U.S.C. 6901 et seq.), \$3,503,000, to remain avail-
23 able until expended: *Provided*, That appropriations and
24 funds available herein to the Department for Hazardous
25 Materials Management may be transferred to any agency

1 of the Department for its use in meeting all requirements
2 pursuant to the above Acts on Federal and non-Federal
3 lands.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General, including employment pursuant to the Inspector
7 General Act of 1978 (Public Law 95–452; 5 U.S.C. App.),
8 \$98,208,000, including such sums as may be necessary for
9 contracting and other arrangements with public agencies
10 and private persons pursuant to section 6(a)(9) of the In-
11 spector General Act of 1978 (Public Law 95–452; 5
12 U.S.C. App.), and including not to exceed \$125,000 for
13 certain confidential operational expenses, including the
14 payment of informants, to be expended under the direction
15 of the Inspector General pursuant to the Inspector Gen-
16 eral Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and
17 section 1337 of the Agriculture and Food Act of 1981
18 (Public Law 97–98).

19 OFFICE OF THE GENERAL COUNSEL

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

22 OFFICE OF ETHICS

23 For necessary expenses of the Office of Ethics,
24 \$4,136,000.

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

3 For necessary expenses of the Office of the Under
4 Secretary for Research, Education, and Economics,
5 \$800,000: *Provided*, That funds made available by this
6 Act to an agency in the Research, Education, and Eco-
7 nomics mission area for salaries and expenses are avail-
8 able to fund up to one administrative support staff for
9 the Office.

10 ECONOMIC RESEARCH SERVICE

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

13 NATIONAL AGRICULTURAL STATISTICS SERVICE

14 For necessary expenses of the National Agricultural
15 Statistics Service, \$191,717,000, of which up to
16 \$63,350,000 shall be available until expended for the Cen-
17 sus of Agriculture: *Provided*, That amounts made available
18 for the Census of Agriculture may be used to conduct Cur-
19 rent Industrial Report surveys subject to 7 U.S.C.
20 2204g(d) and (f).

21 AGRICULTURAL RESEARCH SERVICE

22 SALARIES AND EXPENSES

23 For necessary expenses of the Agricultural Research
24 Service and for acquisition of lands by donation, exchange,
25 or purchase at a nominal cost not to exceed \$100, and

1 for land exchanges where the lands exchanged shall be of
2 equal value or shall be equalized by a payment of money
3 to the grantor which shall not exceed 25 percent of the
4 total value of the land or interests transferred out of Fed-
5 eral ownership, \$1,202,766,000: *Provided*, That appro-
6 priations hereunder shall be available for the operation
7 and maintenance of aircraft and the purchase of not to
8 exceed one for replacement only: *Provided further*, That
9 appropriations hereunder shall be available pursuant to 7
10 U.S.C. 2250 for the construction, alteration, and repair
11 of buildings and improvements, but unless otherwise pro-
12 vided, the cost of constructing any one building shall not
13 exceed \$500,000, except for headhouses or greenhouses
14 which shall each be limited to \$1,800,000, except for 10
15 buildings to be constructed or improved at a cost not to
16 exceed \$1,100,000 each, and except for two buildings to
17 be constructed at a cost not to exceed \$3,000,000 each,
18 and the cost of altering any one building during the fiscal
19 year shall not exceed 10 percent of the current replace-
20 ment value of the building or \$500,000, whichever is
21 greater: *Provided further*, That appropriations hereunder
22 shall be available for entering into lease agreements at any
23 Agricultural Research Service location for the construction
24 of a research facility by a non-Federal entity for use by
25 the Agricultural Research Service and a condition of the

1 lease shall be that any facility shall be owned, operated,
2 and maintained by the non-Federal entity and shall be re-
3 moved upon the expiration or termination of the lease
4 agreement: *Provided further*, That the limitations on alter-
5 ations contained in this Act shall not apply to moderniza-
6 tion or replacement of existing facilities at Beltsville,
7 Maryland: *Provided further*, That appropriations here-
8 under shall be available for granting easements at the
9 Beltsville Agricultural Research Center: *Provided further*,
10 That the foregoing limitations shall not apply to replace-
11 ment of buildings needed to carry out the Act of April
12 24, 1948 (21 U.S.C. 113a): *Provided further*, That appro-
13 priations hereunder shall be available for granting ease-
14 ments at any Agricultural Research Service location for
15 the construction of a research facility by a non-Federal
16 entity for use by, and acceptable to, the Agricultural Re-
17 search Service and a condition of the easements shall be
18 that upon completion the facility shall be accepted by the
19 Secretary, subject to the availability of funds herein, if the
20 Secretary finds that acceptance of the facility is in the
21 interest of the United States: *Provided further*, That funds
22 may be received from any State, other political subdivi-
23 sion, organization, or individual for the purpose of estab-
24 lishing or operating any research facility or research

1 project of the Agricultural Research Service, as authorized
2 by law.

3 BUILDINGS AND FACILITIES

4 For the acquisition of land, construction, repair, im-
5 provement, extension, alteration, and purchase of fixed
6 equipment or facilities as necessary to carry out the agri-
7 cultural research programs of the Department of Agri-
8 culture, where not otherwise provided, \$140,600,000 to re-
9 main available until expended.

10 NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

11 RESEARCH AND EDUCATION ACTIVITIES

12 For payments to agricultural experiment stations, for
13 cooperative forestry and other research, for facilities, and
14 for other expenses, \$887,171,000, which shall be for the
15 purposes, and in the amounts, specified in the table titled
16 “National Institute of Food and Agriculture, Research
17 and Education Activities” in the explanatory statement
18 described in section 4 (in the matter preceding division
19 A of this consolidated Act): *Provided*, That funds for re-
20 search grants for 1994 institutions, education grants for
21 1890 institutions, capacity building for non-land-grant
22 colleges of agriculture, the agriculture and food research
23 initiative, veterinary medicine loan repayment, multicul-
24 tural scholars, graduate fellowship and institution chal-
25 lenge grants, and grants management systems shall re-

1 main available until expended: *Provided further*, That each
2 institution eligible to receive funds under the Evans-Allen
3 program receives no less than \$1,000,000: *Provided fur-*
4 *ther*, That funds for education grants for Alaska Native
5 and Native Hawaiian-serving institutions be made avail-
6 able to individual eligible institutions or consortia of eligi-
7 ble institutions with funds awarded equally to each of the
8 States of Alaska and Hawaii: *Provided further*, That funds
9 for education grants for 1890 institutions shall be made
10 available to institutions eligible to receive funds under 7
11 U.S.C. 3221 and 3222: *Provided further*, That not more
12 than 5 percent of the amounts made available by this or
13 any other Act to carry out the Agriculture and Food Re-
14 search Initiative under 7 U.S.C. 450i(b) may be retained
15 by the Secretary of Agriculture to pay administrative costs
16 incurred by the Secretary in carrying out that authority.

17 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

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

21 EXTENSION ACTIVITIES

22 For payments to States, the District of Columbia,
23 Puerto Rico, Guam, the Virgin Islands, Micronesia, the
24 Northern Marianas, and American Samoa, \$483,626,000,
25 which shall be for the purposes, and in the amounts, speci-

1 fied in the table titled “National Institute of Food and
2 Agriculture, Extension Activities” in the explanatory
3 statement described in section 4 (in the matter preceding
4 division A of this consolidated Act): *Provided*, That funds
5 for facility improvements at 1890 institutions shall remain
6 available until expended: *Provided further*, That institu-
7 tions eligible to receive funds under 7 U.S.C. 3221 for co-
8 operative extension receive no less than \$1,000,000: *Pro-*
9 *vided further*, That funds for cooperative extension under
10 sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C.
11 343(b) and (c)) and section 208(c) of Public Law 93–471
12 shall be available for retirement and employees’ compensa-
13 tion costs for extension agents.

14

INTEGRATED ACTIVITIES

15 For the integrated research, education, and extension
16 grants programs, including necessary administrative ex-
17 penses, \$37,000,000, which shall be for the purposes, and
18 in the amounts, specified in the table titled “National In-
19 stitute of Food and Agriculture, Integrated Activities” in
20 the explanatory statement described in section 4 (in the
21 matter preceding division A of this consolidated Act): *Pro-*
22 *vided*, That funds for the Food and Agriculture Defense
23 Initiative shall remain available until September 30, 2019:
24 *Provided further*, That notwithstanding any other provi-
25 sion of law, indirect costs shall not be charged against any

1 Extension Implementation Program Area grant awarded
2 under the Crop Protection/Pest Management Program (7
3 U.S.C. 7626).

4 OFFICE OF THE UNDER SECRETARY FOR MARKETING
5 AND REGULATORY PROGRAMS

6 For necessary expenses of the Office of the Under
7 Secretary for Marketing and Regulatory Programs,
8 \$901,000: *Provided*, That funds made available by this
9 Act to an agency in the Marketing and Regulatory Pro-
10 grams mission area for salaries and expenses are available
11 to fund up to one administrative support staff for the Of-
12 fice.

13 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
14 SALARIES AND EXPENSES
15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Animal and Plant
17 Health Inspection Service, including up to \$30,000 for
18 representation allowances and for expenses pursuant to
19 the Foreign Service Act of 1980 (22 U.S.C. 4085),
20 \$981,893,000, of which \$470,000, to remain available
21 until expended, shall be available for the control of out-
22 breaks of insects, plant diseases, animal diseases and for
23 control of pest animals and birds (“contingency fund”) to
24 the extent necessary to meet emergency conditions; of
25 which \$11,520,000, to remain available until expended,

1 shall be used for the cotton pests program for cost share
2 purposes or for debt retirement for active eradication
3 zones; of which \$37,857,000, to remain available until ex-
4 pended, shall be for Animal Health Technical Services; of
5 which \$705,000 shall be for activities under the authority
6 of the Horse Protection Act of 1970, as amended (15
7 U.S.C. 1831); of which \$62,840,000, to remain available
8 until expended, shall be used to support avian health; of
9 which \$4,251,000, to remain available until expended,
10 shall be for information technology infrastructure; of
11 which \$178,170,000, to remain available until expended,
12 shall be for specialty crop pests; of which, \$9,326,000, to
13 remain available until expended, shall be for field crop and
14 rangeland ecosystem pests; of which \$16,523,000, to re-
15 main available until expended, shall be for zoonotic disease
16 management; of which \$40,966,000, to remain available
17 until expended, shall be for emergency preparedness and
18 response; of which \$56,000,000, to remain available until
19 expended, shall be for tree and wood pests; of which
20 \$5,725,000, to remain available until expended, shall be
21 for the National Veterinary Stockpile; of which up to
22 \$1,500,000, to remain available until expended, shall be
23 for the scrapie program for indemnities; of which
24 \$2,500,000, to remain available until expended, shall be
25 for the wildlife damage management program for aviation

1 safety: *Provided*, That of amounts available under this
2 heading for wildlife services methods development,
3 \$1,000,000 shall remain available until expended: *Pro-*
4 *vided further*, That of amounts available under this head-
5 ing for the screwworm program, \$4,990,000 shall remain
6 available until expended; of which \$3,000,000, to remain
7 available until expended, shall be for National Bio and
8 Agro-Defense human capital development: *Provided fur-*
9 *ther*, That no funds shall be used to formulate or admin-
10 ister a brucellosis eradication program for the current fis-
11 cal year that does not require minimum matching by the
12 States of at least 40 percent: *Provided further*, That this
13 appropriation shall be available for the operation and
14 maintenance of aircraft and the purchase of not to exceed
15 five, of which two shall be for replacement only: *Provided*
16 *further*, That in addition, in emergencies which threaten
17 any segment of the agricultural production industry of the
18 United States, the Secretary may transfer from other ap-
19 propriations or funds available to the agencies or corpora-
20 tions of the Department such sums as may be deemed nec-
21 essary, to be available only in such emergencies for the
22 arrest and eradication of contagious or infectious disease
23 or pests of animals, poultry, or plants, and for expenses
24 in accordance with sections 10411 and 10417 of the Ani-
25 mal Health Protection Act (7 U.S.C. 8310 and 8316) and

1 sections 431 and 442 of the Plant Protection Act (7
2 U.S.C. 7751 and 7772), and any unexpended balances of
3 funds transferred for such emergency purposes in the pre-
4 ceding fiscal year shall be merged with such transferred
5 amounts: *Provided further*, That appropriations hereunder
6 shall be available pursuant to law (7 U.S.C. 2250) for the
7 repair and alteration of leased buildings and improve-
8 ments, but unless otherwise provided the cost of altering
9 any one building during the fiscal year shall not exceed
10 10 percent of the current replacement value of the build-
11 ing.

12 In fiscal year 2018, the agency is authorized to collect
13 fees to cover the total costs of providing technical assist-
14 ance, goods, or services requested by States, other political
15 subdivisions, domestic and international organizations,
16 foreign governments, or individuals, provided that such
17 fees are structured such that any entity's liability for such
18 fees is reasonably based on the technical assistance, goods,
19 or services provided to the entity by the agency, and such
20 fees shall be reimbursed to this account, to remain avail-
21 able until expended, without further appropriation, for
22 providing such assistance, goods, or services.

23 BUILDINGS AND FACILITIES

24 For plans, construction, repair, preventive mainte-
25 nance, environmental support, improvement, extension, al-

1 teration, and purchase of fixed equipment or facilities, as
2 authorized by 7 U.S.C. 2250, and acquisition of land as
3 authorized by 7 U.S.C. 428a, \$3,175,000, to remain avail-
4 able until expended.

5 AGRICULTURAL MARKETING SERVICE

6 MARKETING SERVICES

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

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

19 LIMITATION ON ADMINISTRATIVE EXPENSES

20 Not to exceed \$61,227,000 (from fees collected) shall
21 be obligated during the current fiscal year for administra-
22 tive expenses: *Provided*, That if crop size is understated
23 and/or other uncontrollable events occur, the agency may
24 exceed this limitation by up to 10 percent with notification

1 to the Committees on Appropriations of both Houses of
2 Congress.

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

6 Funds available under section 32 of the Act of Au-
7 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-
8 modity program expenses as authorized therein, and other
9 related operating expenses, except for: (1) transfers to the
10 Department of Commerce as authorized by the Fish and
11 Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) trans-
12 fers otherwise provided in this Act; and (3) not more than
13 \$20,705,000 for formulation and administration of mar-
14 keting agreements and orders pursuant to the Agricultural
15 Marketing Agreement Act of 1937 and the Agricultural
16 Act of 1961 (Public Law 87–128).

17 PAYMENTS TO STATES AND POSSESSIONS

18 For payments to departments of agriculture, bureaus
19 and departments of markets, and similar agencies for
20 marketing activities under section 204(b) of the Agricul-
21 tural Marketing Act of 1946 (7 U.S.C. 1623(b)),
22 \$1,235,000.

1 oratory accreditation as authorized by section 1327 of the
2 Food, Agriculture, Conservation and Trade Act of 1990
3 (7 U.S.C. 138f): *Provided*, That funds provided for the
4 Public Health Data Communication Infrastructure system
5 shall remain available until expended: *Provided further*,
6 That no fewer than 148 full-time equivalent positions shall
7 be employed during fiscal year 2018 for purposes dedi-
8 cated solely to inspections and enforcement related to the
9 Humane Methods of Slaughter Act (7 U.S.C. 1901 et
10 seq.): *Provided further*, That not later than 180 days after
11 the date of enactment of this Act, the Food Safety and
12 Inspection Service shall issue equivalence determinations
13 for all countries wishing to continue exporting
14 Siluriformes to the United States: *Provided further*, That
15 unless the requirements pursuant to the previous proviso
16 have been met, thereafter, none of the funds made avail-
17 able by this or any other Act may be used to inspect, at
18 point of entry, Siluriformes from countries exporting to
19 the United States until all requirements under section
20 557.2 of title 9, Code of Federal Regulations have been
21 met and a final determination of equivalence final rule has
22 been published in the Federal Register adding such coun-
23 tries to the list under section 327.2 of title 9, Code of
24 Federal Regulations: *Provided further*, That of the funds
25 made available under this heading, \$7,500,000 shall re-

1 main available until expended for public health veteri-
2 narian recruitment and retention incentives: *Provided fur-*
3 *ther*, That this appropriation shall be available pursuant
4 to law (7 U.S.C. 2250) for the alteration and repair of
5 buildings and improvements, but the cost of altering any
6 one building during the fiscal year shall not exceed 10 per-
7 cent of the current replacement value of the building.

1 TITLE II
2 FARM PRODUCTION AND CONSERVATION
3 PROGRAMS

4 OFFICE OF THE UNDER SECRETARY FOR FARM
5 PRODUCTION AND CONSERVATION

6 For necessary expenses of the Office of the Under
7 Secretary for Farm Production and Conservation,
8 \$901,000: *Provided*, That funds made available by this
9 Act to an agency in the Farm Production and Conserva-
10 tion mission area for salaries and expenses are available
11 to fund up to one administrative support staff for the Of-
12 fice.

13 FARM PRODUCTION AND CONSERVATION BUSINESS
14 CENTER

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

1 FARM SERVICE AGENCY

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses of the Farm Service Agency,
5 \$1,202,146,000: *Provided*, That not more than 50 percent
6 of the \$78,013,000 made available under this heading for
7 information technology related to farm program delivery,
8 including the Modernize and Innovate the Delivery of Ag-
9 ricultural Systems and other farm program delivery sys-
10 tems, may be obligated until the Secretary submits to the
11 Committees on Appropriations of both Houses of Con-
12 gress, and receives written or electronic notification of re-
13 ceipt from such Committees of, a plan for expenditure that
14 (1) identifies for each project/investment over \$25,000 (a)
15 the functional and performance capabilities to be delivered
16 and the mission benefits to be realized, (b) the estimated
17 lifecycle cost, including estimates for development as well
18 as maintenance and operations, and (c) key milestones to
19 be met; (2) demonstrates that each project/investment is,
20 (a) consistent with the Farm Service Agency Information
21 Technology Roadmap, (b) being managed in accordance
22 with applicable lifecycle management policies and guid-
23 ance, and (c) subject to the applicable Department's cap-
24 ital planning and investment control requirements; and (3)
25 has been reviewed by the Government Accountability Of-

1 fice and approved by the Committees on Appropriations
2 of both Houses of Congress: *Provided further*, That the
3 agency shall submit a report by the end of the fourth quar-
4 ter of fiscal year 2018 to the Committees on Appropria-
5 tions and the Government Accountability Office, that iden-
6 tifies for each project/investment that is operational (a)
7 current performance against key indicators of customer
8 satisfaction, (b) current performance of service level agree-
9 ments or other technical metrics, (c) current performance
10 against a pre-established cost baseline, (d) a detailed
11 breakdown of current and planned spending on oper-
12 ational enhancements or upgrades, and (e) an assessment
13 of whether the investment continues to meet business
14 needs as intended as well as alternatives to the investment:
15 *Provided further*, That the Secretary is authorized to use
16 the services, facilities, and authorities (but not the funds)
17 of the Commodity Credit Corporation to make program
18 payments for all programs administered by the Agency:
19 *Provided further*, That other funds made available to the
20 Agency for authorized activities may be advanced to and
21 merged with this account: *Provided further*, That funds
22 made available to county committees shall remain avail-
23 able until expended: *Provided further*, That none of the
24 funds available to the Farm Service Agency shall be used
25 to close Farm Service Agency county offices: *Provided fur-*

1 *ther*, That none of the funds available to the Farm Service
2 Agency shall be used to permanently relocate county based
3 employees that would result in an office with two or fewer
4 employees without prior notification and approval of the
5 Committees on Appropriations of both Houses of Con-
6 gress.

7 STATE MEDIATION GRANTS

8 For grants pursuant to section 502(b) of the Agricul-
9 tural Credit Act of 1987, as amended (7 U.S.C. 5101–
10 5106), \$3,904,000.

11 GRASSROOTS SOURCE WATER PROTECTION PROGRAM

12 For necessary expenses to carry out wellhead or
13 groundwater protection activities under section 12400 of
14 the Food Security Act of 1985 (16 U.S.C. 3839bb–2),
15 \$6,500,000, to remain available until expended.

16 DAIRY INDEMNITY PROGRAM

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses involved in making indemnity
19 payments to dairy farmers and manufacturers of dairy
20 products under a dairy indemnity program, such sums as
21 may be necessary, to remain available until expended: *Pro-*
22 *vided*, That such program is carried out by the Secretary
23 in the same manner as the dairy indemnity program de-
24 scribed in the Agriculture, Rural Development, Food and
25 Drug Administration, and Related Agencies Appropria-

1 tions Act, 2001 (Public Law 106–387, 114 Stat. 1549A–
2 12).

3 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

4 ACCOUNT

5 (INCLUDING TRANSFERS OF FUNDS)

6 For gross obligations for the principal amount of di-
7 rect and guaranteed farm ownership (7 U.S.C. 1922 et
8 seq.) and operating (7 U.S.C. 1941 et seq.) loans, emer-
9 gency loans (7 U.S.C. 1961 et seq.), Indian tribe land ac-
10 quisition loans (25 U.S.C. 488), boll weevil loans (7
11 U.S.C. 1989), guaranteed conservation loans (7 U.S.C.
12 1924 et seq.), and Indian highly fractionated land loans
13 (25 U.S.C. 488) to be available from funds in the Agricul-
14 tural Credit Insurance Fund, as follows: \$2,750,000,000
15 for guaranteed farm ownership loans and \$1,500,000,000
16 for farm ownership direct loans; \$1,960,000,000 for un-
17 subsidized guaranteed operating loans and
18 \$1,530,000,000 for direct operating loans; emergency
19 loans, \$25,610,000; Indian tribe land acquisition loans,
20 \$20,000,000; guaranteed conservation loans,
21 \$150,000,000; Indian highly fractionated land loans,
22 \$10,000,000; and for boll weevil eradication program
23 loans, \$60,000,000: *Provided*, That the Secretary shall
24 deem the pink bollworm to be a boll weevil for the purpose
25 of boll weevil eradication program loans.

1 For the cost of direct and guaranteed loans and
2 grants, including the cost of modifying loans as defined
3 in section 502 of the Congressional Budget Act of 1974,
4 as follows: farm operating loans, \$61,812,000 for direct
5 operating loans, \$21,756,000 for unsubsidized guaranteed
6 operating loans, emergency loans, \$1,260,000 and
7 \$2,272,000 for Indian highly fractionated land loans to
8 remain available until expended.

9 In addition, for administrative expenses necessary to
10 carry out the direct and guaranteed loan programs,
11 \$325,068,000: *Provided*, That of this amount,
12 \$314,998,000 shall be transferred to and merged with the
13 appropriation for “Farm Service Agency, Salaries and Ex-
14 penses”, of which \$8,000,000 shall be available until Sep-
15 tember 30, 2019.

16 Funds appropriated by this Act to the Agricultural
17 Credit Insurance Program Account for farm ownership,
18 operating and conservation direct loans and guaranteed
19 loans may be transferred among these programs: *Pro-*
20 *vided*, That the Committees on Appropriations of both
21 Houses of Congress are notified at least 15 days in ad-
22 vance of any transfer.

1 RISK MANAGEMENT AGENCY

2 SALARIES AND EXPENSES

3 For necessary expenses of the Risk Management
4 Agency, \$74,829,000: *Provided*, That not to exceed
5 \$1,000 shall be available for official reception and rep-
6 resentation expenses, as authorized by 7 U.S.C. 1506(i).

7 NATURAL RESOURCES CONSERVATION SERVICE

8 CONSERVATION OPERATIONS

9 For necessary expenses for carrying out the provi-
10 sions of the Act of April 27, 1935 (16 U.S.C. 590a–f),
11 including preparation of conservation plans and establish-
12 ment of measures to conserve soil and water (including
13 farm irrigation and land drainage and such special meas-
14 ures for soil and water management as may be necessary
15 to prevent floods and the siltation of reservoirs and to con-
16 trol agricultural related pollutants); operation of conserva-
17 tion plant materials centers; classification and mapping of
18 soil; dissemination of information; acquisition of lands,
19 water, and interests therein for use in the plant materials
20 program by donation, exchange, or purchase at a nominal
21 cost not to exceed \$100 pursuant to the Act of August
22 3, 1956 (7 U.S.C. 428a); purchase and erection or alter-
23 ation or improvement of permanent and temporary build-
24 ings; and operation and maintenance of aircraft,
25 \$874,107,000, to remain available until September 30,

1 2019: *Provided*, That appropriations hereunder shall be
2 available pursuant to 7 U.S.C. 2250 for construction and
3 improvement of buildings and public improvements at
4 plant materials centers, except that the cost of alterations
5 and improvements to other buildings and other public im-
6 provements shall not exceed \$250,000: *Provided further*,
7 That when buildings or other structures are erected on
8 non-Federal land, that the right to use such land is ob-
9 tained as provided in 7 U.S.C. 2250a: *Provided further*,
10 That of the amounts made available under this heading,
11 \$5,600,000, shall remain available until expended for the
12 authorities under 16 U.S.C. 1001–1005 and 1007–1009
13 for authorized ongoing watershed projects with a primary
14 purpose of providing water to rural communities.

15 WATERSHED AND FLOOD PREVENTION OPERATIONS

16 For necessary expenses to carry out preventive meas-
17 ures, including but not limited to surveys and investiga-
18 tions, engineering operations, works of improvement, and
19 changes in use of land, in accordance with the Watershed
20 Protection and Flood Prevention Act (16 U.S.C. 1001–
21 1005 and 1007–1009) and in accordance with the provi-
22 sions of laws relating to the activities of the Department,
23 \$150,000,000, to remain available until expended: *Pro-*
24 *vided*, That for funds provided by this Act or any other
25 prior Act, the limitation regarding the size of the water-

1 shed or subwatershed exceeding two hundred and fifty
2 thousand acres in which such activities can be undertaken
3 shall only apply for activities undertaken for the primary
4 purpose of flood prevention (including structural and land
5 treatment measures): *Provided further*, That of the
6 amounts made available under this heading, \$50,000,000
7 shall be allocated to projects and activities that can com-
8 mence promptly following enactment; that address re-
9 gional priorities for flood prevention, agricultural water
10 management, inefficient irrigation systems, fish and wild-
11 life habitat, or watershed protection; or that address au-
12 thorized ongoing projects under the authorities of section
13 13 of the Flood Control Act of December 22, 1944 (Public
14 Law 78–534) with a primary purpose of watershed protec-
15 tion by preventing floodwater damage and stabilizing
16 stream channels, tributaries, and banks to reduce erosion
17 and sediment transport.

18 WATERSHED REHABILITATION PROGRAM

19 Under the authorities of section 14 of the Watershed
20 Protection and Flood Prevention Act, \$10,000,000 is pro-
21 vided: *Provided*, That of the amounts made available
22 under this heading, \$5,000,000 shall remain available
23 until expended for watershed rehabilitation projects in
24 states with high-hazard dams and other watershed struc-

1 tures and that have recently incurred flooding events
2 which caused fatalities.

3 **CORPORATIONS**

4 The following corporations and agencies are hereby
5 authorized to make expenditures, within the limits of
6 funds and borrowing authority available to each such cor-
7 poration or agency and in accord with law, and to make
8 contracts and commitments without regard to fiscal year
9 limitations as provided by section 104 of the Government
10 Corporation Control Act as may be necessary in carrying
11 out the programs set forth in the budget for the current
12 fiscal year for such corporation or agency, except as here-
13 inafter provided.

14 **FEDERAL CROP INSURANCE CORPORATION FUND**

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

18 **COMMODITY CREDIT CORPORATION FUND**

19 **REIMBURSEMENT FOR NET REALIZED LOSSES**

20 **(INCLUDING TRANSFERS OF FUNDS)**

21 For the current fiscal year, such sums as may be nec-
22 essary to reimburse the Commodity Credit Corporation for
23 net realized losses sustained, but not previously reim-
24 bursed, pursuant to section 2 of the Act of August 17,
25 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds

1 available to the Commodity Credit Corporation under sec-
2 tion 11 of the Commodity Credit Corporation Charter Act
3 (15 U.S.C. 714i) for the conduct of its business with the
4 Foreign Agricultural Service, up to \$5,000,000 may be
5 transferred to and used by the Foreign Agricultural Serv-
6 ice for information resource management activities of the
7 Foreign Agricultural Service that are not related to Com-
8 modity Credit Corporation business.

9 HAZARDOUS WASTE MANAGEMENT

10 (LIMITATION ON EXPENSES)

11 For the current fiscal year, the Commodity Credit
12 Corporation shall not expend more than \$5,000,000 for
13 site investigation and cleanup expenses, and operations
14 and maintenance expenses to comply with the requirement
15 of section 107(g) of the Comprehensive Environmental
16 Response, Compensation, and Liability Act (42 U.S.C.
17 9607(g)), and section 6001 of the Resource Conservation
18 and Recovery Act (42 U.S.C. 6961).

1 TITLE III
2 RURAL DEVELOPMENT PROGRAMS
3 RURAL DEVELOPMENT
4 SALARIES AND EXPENSES
5 (INCLUDING TRANSFERS OF FUNDS)

6 For necessary expenses for carrying out the adminis-
7 tration and implementation of Rural Development pro-
8 grams, including activities with institutions concerning the
9 development and operation of agricultural cooperatives;
10 and for cooperative agreements; \$230,835,000: *Provided*,
11 That notwithstanding any other provision of law, funds
12 appropriated under this heading may be used for adver-
13 tising and promotional activities that support Rural Devel-
14 opment programs: *Provided further*, That in addition to
15 any other funds appropriated for purposes authorized by
16 section 502(i) of the Housing Act of 1949 (42 U.S.C.
17 1472(i)), any amounts collected under such section, as
18 amended by this Act, will immediately be credited to this
19 account and will remain available until expended for such
20 purposes.

21 RURAL HOUSING SERVICE
22 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT
23 (INCLUDING TRANSFERS OF FUNDS)

24 For gross obligations for the principal amount of di-
25 rect and guaranteed loans as authorized by title V of the

1 Housing Act of 1949, to be available from funds in the
2 rural housing insurance fund, as follows: \$1,100,000,000
3 shall be for direct loans and \$24,000,000,000 shall be for
4 unsubsidized guaranteed loans; \$28,000,000 for section
5 504 housing repair loans; \$40,000,000 for section 515
6 rental housing; \$230,000,000 for section 538 guaranteed
7 multi-family housing loans; \$10,000,000 for credit sales
8 of single family housing acquired property; \$5,000,000 for
9 section 523 self-help housing land development loans; and
10 \$5,000,000 for section 524 site development loans: *Pro-*
11 *vided*, That section 514(f)(3)(A) of the Housing Act of
12 1949 (42 U.S.C. 1484(f)(3)(A)) is amended by striking
13 “United States” and inserting “United States,” and by
14 inserting before the semicolon the following: “, or a person
15 legally admitted to the United States and authorized to
16 work in agriculture”.

17 For the cost of direct and guaranteed loans, including
18 the cost of modifying loans, as defined in section 502 of
19 the Congressional Budget Act of 1974, as follows: section
20 502 loans, \$42,350,000 shall be for direct loans; section
21 504 housing repair loans, \$3,452,000; section 523 self-
22 help housing land development loans, \$368,000; section
23 524 site development loans, \$58,000; and repair, rehabili-
24 tation, and new construction of section 515 rental housing,
25 \$10,524,000: *Provided*, That to support the loan program

1 level for section 538 guaranteed loans made available
2 under this heading the Secretary may charge or adjust
3 any fees to cover the projected cost of such loan guaran-
4 tees pursuant to the provisions of the Credit Reform Act
5 of 1990 (2 U.S.C. 661 et seq.), and the interest on such
6 loans may not be subsidized: *Provided further*, That appli-
7 cants in communities that have a current rural area waiv-
8 er under section 541 of the Housing Act of 1949 (42
9 U.S.C. 1490q) shall be treated as living in a rural area
10 for purposes of section 502 guaranteed loans provided
11 under this heading: *Provided further*, That of the amounts
12 available under this paragraph for section 502 direct
13 loans, no less than \$5,000,000 shall be available for direct
14 loans for individuals whose homes will be built pursuant
15 to a program funded with a mutual and self-help housing
16 grant authorized by section 523 of the Housing Act of
17 1949 until June 1, 2018: *Provided further*, That the Sec-
18 retary shall implement provisions to provide incentives to
19 nonprofit organizations and public housing authorities to
20 facilitate the acquisition of Rural Housing Service (RHS)
21 multifamily housing properties by such nonprofit organi-
22 zations and public housing authorities that commit to keep
23 such properties in the RHS multifamily housing program
24 for a period of time as determined by the Secretary, with
25 such incentives to include, but not be limited to, the fol-

1 in lieu of debt forgiveness or payments for eligible house-
2 holds as authorized by section 502(c)(5)(D) of the Hous-
3 ing Act of 1949, \$1,345,293,000, of which \$40,000,000
4 shall be available until September 30, 2019; and in addi-
5 tion such sums as may be necessary, as authorized by sec-
6 tion 521(c) of the Act, to liquidate debt incurred prior to
7 fiscal year 1992 to carry out the rental assistance program
8 under section 521(a)(2) of the Act: *Provided*, That rental
9 assistance agreements entered into or renewed during the
10 current fiscal year shall be funded for a one-year period:
11 *Provided further*, That any unexpended balances remain-
12 ing at the end of such one-year agreements may be trans-
13 ferred and used for purposes of any debt reduction; main-
14 tenance, repair, or rehabilitation of any existing projects;
15 preservation; and rental assistance activities authorized
16 under title V of the Act: *Provided further*, That rental as-
17 sistance provided under agreements entered into prior to
18 fiscal year 2018 for a farm labor multi-family housing
19 project financed under section 514 or 516 of the Act may
20 not be recaptured for use in another project until such
21 assistance has remained unused for a period of 12 con-
22 secutive months, if such project has a waiting list of ten-
23 ants seeking such assistance or the project has rental as-
24 sistance eligible tenants who are not receiving such assist-
25 ance: *Provided further*, That such recaptured rental assist-

1 shall be the difference between comparable market rent
2 for the section 515 unit and the tenant paid rent for such
3 unit: *Provided further*, That funds made available for such
4 vouchers shall be subject to the availability of annual ap-
5 propriations: *Provided further*, That the Secretary shall,
6 to the maximum extent practicable, administer such
7 vouchers with current regulations and administrative guid-
8 ance applicable to section 8 housing vouchers administered
9 by the Secretary of the Department of Housing and Urban
10 Development: *Provided further*, That if the Secretary de-
11 termines that the amount made available for vouchers in
12 this or any other Act is not needed for vouchers, the Sec-
13 retary may use such funds for the demonstration program
14 for the preservation and revitalization of multi-family
15 rental housing properties described in this paragraph: *Pro-*
16 *vided further*, That of the funds made available under this
17 heading, \$22,000,000 shall be available for a demonstra-
18 tion program for the preservation and revitalization of the
19 sections 514, 515, and 516 multi-family rental housing
20 properties to restructure existing USDA multi-family
21 housing loans, as the Secretary deems appropriate, ex-
22 pressly for the purposes of ensuring the project has suffi-
23 cient resources to preserve the project for the purpose of
24 providing safe and affordable housing for low-income resi-
25 dents and farm laborers including reducing or eliminating

1 interest; deferring loan payments, subordinating, reducing
2 or reamortizing loan debt; and other financial assistance
3 including advances, payments and incentives (including
4 the ability of owners to obtain reasonable returns on in-
5 vestment) required by the Secretary: *Provided further,*
6 That the Secretary shall as part of the preservation and
7 revitalization agreement obtain a restrictive use agreement
8 consistent with the terms of the restructuring: *Provided*
9 *further,* That if the Secretary determines that additional
10 funds for vouchers described in this paragraph are needed,
11 funds for the preservation and revitalization demonstra-
12 tion program may be used for such vouchers: *Provided fur-*
13 *ther,* That if Congress enacts legislation to permanently
14 authorize a multi-family rental housing loan restructuring
15 program similar to the demonstration program described
16 herein, the Secretary may use funds made available for
17 the demonstration program under this heading to carry
18 out such legislation with the prior approval of the Commit-
19 tees on Appropriations of both Houses of Congress: *Pro-*
20 *vided further,* That in addition to any other available
21 funds, the Secretary may expend not more than
22 \$1,000,000 total, from the program funds made available
23 under this heading, for administrative expenses for activi-
24 ties funded under this heading.

1 MUTUAL AND SELF-HELP HOUSING GRANTS

2 For grants and contracts pursuant to section
3 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
4 1490c), \$30,000,000, to remain available until expended.

5 RURAL HOUSING ASSISTANCE GRANTS

6 For grants for very low-income housing repair and
7 rural housing preservation made by the Rural Housing
8 Service, as authorized by 42 U.S.C. 1474, and 1490m,
9 \$40,000,000, to remain available until expended.

10 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

11 (INCLUDING TRANSFERS OF FUNDS)

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

17 For the cost of guaranteed loans, including the cost
18 of modifying loans, as defined in section 502 of the Con-
19 gressional Budget Act of 1974, \$4,849,000, to remain
20 available until expended.

21 For the cost of grants for rural community facilities
22 programs as authorized by section 306 and described in
23 section 381E(d)(1) of the Consolidated Farm and Rural
24 Development Act, \$43,778,000, to remain available until
25 expended: *Provided*, That \$4,000,000 of the amount ap-

1 appropriated under this heading shall be available for a
2 Rural Community Development Initiative: *Provided fur-*
3 *ther*, That such funds shall be used solely to develop the
4 capacity and ability of private, nonprofit community-based
5 housing and community development organizations, low-
6 income rural communities, and Federally Recognized Na-
7 tive American Tribes to undertake projects to improve
8 housing, community facilities, community and economic
9 development projects in rural areas: *Provided further*,
10 That such funds shall be made available to qualified pri-
11 vate, nonprofit and public intermediary organizations pro-
12 posing to carry out a program of financial and technical
13 assistance: *Provided further*, That such intermediary orga-
14 nizations shall provide matching funds from other sources,
15 including Federal funds for related activities, in an
16 amount not less than funds provided: *Provided further*,
17 That \$5,778,000 of the amount appropriated under this
18 heading shall be to provide grants for facilities in rural
19 communities with extreme unemployment and severe eco-
20 nomic depression (Public Law 106–387), with up to 5 per-
21 cent for administration and capacity building in the State
22 rural development offices: *Provided further*, That
23 \$4,000,000 of the amount appropriated under this head-
24 ing shall be available for community facilities grants to
25 tribal colleges, as authorized by section 306(a)(19) of such

1 Act: *Provided further*, That sections 381E–H and 381N
2 of the Consolidated Farm and Rural Development Act are
3 not applicable to the funds made available under this
4 heading.

5 RURAL BUSINESS—COOPERATIVE SERVICE

6 RURAL BUSINESS PROGRAM ACCOUNT

7 (INCLUDING TRANSFERS OF FUNDS)

8 For the cost of loan guarantees and grants, for the
9 rural business development programs authorized by sec-
10 tion 310B and described in subsections (a), (c), (f) and
11 (g) of section 310B of the Consolidated Farm and Rural
12 Development Act, \$77,342,000, to remain available until
13 expended: *Provided*, That of the amount appropriated
14 under this heading, not to exceed \$500,000 shall be made
15 available for one grant to a qualified national organization
16 to provide technical assistance for rural transportation in
17 order to promote economic development and \$6,000,000
18 shall be for grants to the Delta Regional Authority (7
19 U.S.C. 2009aa et seq.) and the Appalachian Regional
20 Commission (40 U.S.C. 14101 et seq.) for any Rural Com-
21 munity Advancement Program purpose as described in
22 section 381E(d) of the Consolidated Farm and Rural De-
23 velopment Act, of which not more than 5 percent may be
24 used for administrative expenses: *Provided further*, That
25 \$4,000,000 of the amount appropriated under this head-

1 ing shall be for business grants to benefit Federally Recog-
2 nized Native American Tribes, including \$250,000 for a
3 grant to a qualified national organization to provide tech-
4 nical assistance for rural transportation in order to pro-
5 mote economic development: *Provided further*, That sec-
6 tions 381E–H and 381N of the Consolidated Farm and
7 Rural Development Act are not applicable to funds made
8 available under this heading.

9 INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

10 (INCLUDING TRANSFER OF FUNDS)

11 For the principal amount of direct loans, as author-
12 ized by the Intermediary Relending Program Fund Ac-
13 count (7 U.S.C. 1936b), \$18,889,000.

14 For the cost of direct loans, \$4,361,000, as author-
15 ized by the Intermediary Relending Program Fund Ac-
16 count (7 U.S.C. 1936b), of which \$557,000 shall be avail-
17 able through June 30, 2018, for Federally Recognized Na-
18 tive American Tribes; and of which \$1,072,000 shall be
19 available through June 30, 2018, for Mississippi Delta Re-
20 gion counties (as determined in accordance with Public
21 Law 100–460): *Provided*, That such costs, including the
22 cost of modifying such loans, shall be as defined in section
23 502 of the Congressional Budget Act of 1974.

24 In addition, for administrative expenses to carry out
25 the direct loan programs, \$4,468,000 shall be transferred

1 to and merged with the appropriation for “Rural Develop-
2 ment, Salaries and Expenses”.

3 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM

4 ACCOUNT

5 For the principal amount of direct loans, as author-
6 ized under section 313 of the Rural Electrification Act,
7 for the purpose of promoting rural economic development
8 and job creation projects, \$45,000,000.

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

13 RURAL COOPERATIVE DEVELOPMENT GRANTS

14 For rural cooperative development grants authorized
15 under section 310B(e) of the Consolidated Farm and
16 Rural Development Act (7 U.S.C. 1932), \$27,550,000, of
17 which \$2,750,000 shall be for cooperative agreements for
18 the appropriate technology transfer for rural areas pro-
19 gram: *Provided*, That not to exceed \$3,000,000 shall be
20 for grants for cooperative development centers, individual
21 cooperatives, or groups of cooperatives that serve socially
22 disadvantaged groups and a majority of the boards of di-
23 rectors or governing boards of which are comprised of in-
24 dividuals who are members of socially disadvantaged
25 groups; and of which \$16,000,000, to remain available

1 until expended, shall be for value-added agricultural prod-
2 uct market development grants, as authorized by section
3 231 of the Agricultural Risk Protection Act of 2000 (7
4 U.S.C. 1632a), of which \$1,000,000 shall be for Agri-
5 culture Innovation Centers authorized pursuant to section
6 6402 of Public Law 107–171.

7 RURAL ENERGY FOR AMERICA PROGRAM

8 For the cost of a program of loan guarantees, under
9 the same terms and conditions as authorized by section
10 9007 of the Farm Security and Rural Investment Act of
11 2002 (7 U.S.C. 8107), \$293,000: *Provided*, That the cost
12 of loan guarantees, including the cost of modifying such
13 loans, shall be as defined in section 502 of the Congres-
14 sional Budget Act of 1974.

15 RURAL UTILITIES SERVICE

16 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT
17 (INCLUDING TRANSFERS OF FUNDS)

18 For the cost of direct loans, loan guarantees, and
19 grants for the rural water, waste water, waste disposal,
20 and solid waste management programs authorized by sec-
21 tions 306, 306A, 306C, 306D, 306E, and 310B and de-
22 scribed in sections 306C(a)(2), 306D, 306E, and
23 381E(d)(2) of the Consolidated Farm and Rural Develop-
24 ment Act, \$560,263,000, to remain available until ex-
25 pended, of which not to exceed \$1,000,000 shall be avail-

1 able for the rural utilities program described in section
2 306(a)(2)(B) of such Act, and of which not to exceed
3 \$993,000 shall be available for the rural utilities program
4 described in section 306E of such Act: *Provided*, That not
5 to exceed \$15,000,000 of the amount appropriated under
6 this heading shall be for grants authorized by section
7 306A(i)(2) of the Consolidated Farm and Rural Develop-
8 ment Act in addition to funding authorized by section
9 306A(i)(1) of such Act and such grants may not exceed
10 \$1,000,000 notwithstanding section 306A(f)(1) of such
11 Act: *Provided further*, That \$68,000,000 of the amount
12 appropriated under this heading shall be for loans and
13 grants including water and waste disposal systems grants
14 authorized by section 306C(a)(2)(B) and section 306D of
15 the Consolidated Farm and Rural Development Act, and
16 Federally Recognized Native American Tribes authorized
17 by 306C(a)(1) of such Act: *Provided further*, That funding
18 provided for section 306D of the Consolidated Farm and
19 Rural Development Act may be provided to a consortium
20 formed pursuant to section 325 of Public Law 105–83:
21 *Provided further*, That not more than 2 percent of the
22 funding provided for section 306D of the Consolidated
23 Farm and Rural Development Act may be used by the
24 State of Alaska for training and technical assistance pro-
25 grams and not more than 2 percent of the funding pro-

1 vided for section 306D of the Consolidated Farm and
2 Rural Development Act may be used by a consortium
3 formed pursuant to section 325 of Public Law 105–83 for
4 training and technical assistance programs: *Provided fur-*
5 *ther*, That not to exceed \$40,000,000 of the amount ap-
6 propriated under this heading shall be for technical assist-
7 ance grants for rural water and waste systems pursuant
8 to section 306(a)(14) of such Act, unless the Secretary
9 makes a determination of extreme need, of which
10 \$8,000,000 shall be made available for a grant to a quali-
11 fied nonprofit multi-State regional technical assistance or-
12 ganization, with experience in working with small commu-
13 nities on water and waste water problems, the principal
14 purpose of such grant shall be to assist rural communities
15 with populations of 3,300 or less, in improving the plan-
16 ning, financing, development, operation, and management
17 of water and waste water systems, and of which not less
18 than \$800,000 shall be for a qualified national Native
19 American organization to provide technical assistance for
20 rural water systems for tribal communities: *Provided fur-*
21 *ther*, That not to exceed \$19,000,000 of the amount ap-
22 propriated under this heading shall be for contracting with
23 qualified national organizations for a circuit rider program
24 to provide technical assistance for rural water systems:
25 *Provided further*, That not to exceed \$4,000,000 shall be

1 for solid waste management grants: *Provided further*, That
2 \$10,000,000 of the amount appropriated under this head-
3 ing shall be transferred to, and merged with, the Rural
4 Utilities Service, High Energy Cost Grants Account to
5 provide grants authorized under section 19 of the Rural
6 Electrification Act of 1936 (7 U.S.C. 918a): *Provided fur-*
7 *ther*, That any prior year balances for high-energy cost
8 grants authorized by section 19 of the Rural Electrifica-
9 tion Act of 1936 (7 U.S.C. 918a) shall be transferred to
10 and merged with the Rural Utilities Service, High Energy
11 Cost Grants Account: *Provided further*, That sections
12 381E–H and 381N of the Consolidated Farm and Rural
13 Development Act are not applicable to the funds made
14 available under this heading.

15 RURAL ELECTRIFICATION AND TELECOMMUNICATIONS

16 LOANS PROGRAM ACCOUNT

17 (INCLUDING TRANSFER OF FUNDS)

18 The principal amount of direct and guaranteed loans
19 as authorized by sections 305, 306, and 317 of the Rural
20 Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g)
21 shall be made as follows: loans made pursuant to sections
22 305, 306, and 317, notwithstanding 317(c), of that Act,
23 rural electric, \$5,500,000,000; guaranteed underwriting
24 loans pursuant to section 313A, \$750,000,000; 5 percent
25 rural telecommunications loans, cost of money rural tele-

1 communications loans, and for loans made pursuant to
2 section 306 of that Act, rural telecommunications loans,
3 \$690,000,000: *Provided*, That up to \$2,000,000,000 shall
4 be used for the construction, acquisition, or improvement
5 of fossil-fueled electric generating plants (whether new or
6 existing) that utilize carbon sequestration systems.

7 For the cost of direct loans as authorized by section
8 305 of the Rural Electrification Act of 1936 (7 U.S.C.
9 935), including the cost of modifying loans, as defined in
10 section 502 of the Congressional Budget Act of 1974, cost
11 of money rural telecommunications loans, \$863,000.

12 In addition, for administrative expenses necessary to
13 carry out the direct and guaranteed loan programs,
14 \$33,270,000, which shall be transferred to and merged
15 with the appropriation for “Rural Development, Salaries
16 and Expenses”.

17 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
18 PROGRAM

19 For the principal amount of broadband telecommuni-
20 cation loans, \$29,851,000.

21 For grants for telemedicine and distance learning
22 services in rural areas, as authorized by 7 U.S.C. 950aaa
23 et seq., \$32,000,000, to remain available until expended:
24 *Provided*, That \$3,000,000 shall be made available for
25 grants authorized by 379G of the Consolidated Farm and

1 Rural Development Act: *Provided further*, That funding
2 provided under this heading for grants under 379G of the
3 Consolidated Farm and Rural Development Act may only
4 be provided to entities that meet all of the eligibility cri-
5 teria for a consortium as established by this section.

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

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

1 TITLE IV
2 DOMESTIC FOOD PROGRAMS
3 OFFICE OF THE UNDER SECRETARY FOR FOOD,
4 NUTRITION, AND CONSUMER SERVICES

5 For necessary expenses of the Office of the Under
6 Secretary for Food, Nutrition, and Consumer Services,
7 \$800,000: *Provided*, That funds made available by this
8 Act to an agency in the Food, Nutrition and Consumer
9 Services mission area for salaries and expenses are avail-
10 able to fund up to one administrative support staff for
11 the Office.

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

15 For necessary expenses to carry out the Richard B.
16 Russell National School Lunch Act (42 U.S.C. 1751 et
17 seq.), except section 21, and the Child Nutrition Act of
18 1966 (42 U.S.C. 1771 et seq.), except sections 17 and
19 21; \$24,254,139,000 to remain available through Sep-
20 tember 30, 2019, of which such sums as are made avail-
21 able under section 14222(b)(1) of the Food, Conservation,
22 and Energy Act of 2008 (Public Law 110–246), as
23 amended by this Act, shall be merged with and available
24 for the same time period and purposes as provided herein:
25 *Provided*, That of the total amount available, \$17,004,000

1 shall be available to carry out section 19 of the Child Nu-
2 trition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided*
3 *further*, That of the total amount available, \$30,000,000
4 shall be available to provide competitive grants to State
5 agencies for subgrants to local educational agencies and
6 schools to purchase the equipment, with a value of greater
7 than \$1,000, needed to serve healthier meals, improve food
8 safety, and to help support the establishment, mainte-
9 nance, or expansion of the school breakfast program: *Pro-*
10 *vided further*, That of the total amount available,
11 \$28,000,000 shall remain available until expended to carry
12 out section 749(g) of the Agriculture Appropriations Act
13 of 2010 (Public Law 111–80): *Provided further*, That sec-
14 tion 26(d) of the Richard B. Russell National School
15 Lunch Act (42 U.S.C. 1769g(d)) is amended in the first
16 sentence by striking “2010 through 2017” and inserting
17 “2010 through 2018”: *Provided further*, That section
18 9(h)(3) of the Richard B. Russell National School Lunch
19 Act (42 U.S.C. 1758(h)(3)) is amended in the first sen-
20 tence by striking “for fiscal year 2017” and inserting “for
21 fiscal year 2018”: *Provided further*, That section 9(h)(4)
22 of the Richard B. Russell National School Lunch Act (42
23 U.S.C. 1758(h)(4)) is amended in the first sentence by
24 striking “for fiscal year 2017” and inserting “for fiscal
25 year 2018”.

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

3 For necessary expenses to carry out the special sup-
4 plemental nutrition program as authorized by section 17
5 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),
6 \$6,175,000,000, to remain available through September
7 30, 2019, of which \$25,000,000 shall be placed in reserve,
8 to remain available until expended, to be allocated as the
9 Secretary deemed necessary, notwithstanding section 17(i)
10 of such Act, to support participation should cost or partici-
11 pation exceed budget estimates: *Provided*, That notwith-
12 standing section 17(h)(10) of the Child Nutrition Act of
13 1966 (42 U.S.C. 1786(h)(10)), not less than \$60,000,000
14 shall be used for breastfeeding peer counselors and other
15 related activities, and \$14,000,000 shall be used for infra-
16 structure: *Provided further*, That none of the funds pro-
17 vided in this account shall be available for the purchase
18 of infant formula except in accordance with the cost con-
19 tainment and competitive bidding requirements specified
20 in section 17 of such Act: *Provided further*, That none of
21 the funds provided shall be available for activities that are
22 not fully reimbursed by other Federal Government depart-
23 ments or agencies unless authorized by section 17 of such
24 Act: *Provided further*, That upon termination of a feder-
25 ally mandated vendor moratorium and subject to terms

1 and conditions established by the Secretary, the Secretary
2 may waive the requirement at 7 CFR 246.12(g)(6) at the
3 request of a State agency.

4 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

5 For necessary expenses to carry out the Food and
6 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
7 \$74,013,499,000, of which \$3,000,000,000, to remain
8 available through December 31, 2019, shall be placed in
9 reserve for use only in such amounts and at such times
10 as may become necessary to carry out program operations:
11 *Provided*, That funds provided herein shall be expended
12 in accordance with section 16 of the Food and Nutrition
13 Act of 2008: *Provided further*, That of the funds made
14 available under this heading, \$998,000 may be used to
15 provide nutrition education services to State agencies and
16 Federally Recognized Tribes participating in the Food
17 Distribution Program on Indian Reservations: *Provided*
18 *further*, That this appropriation shall be subject to any
19 work registration or workfare requirements as may be re-
20 quired by law: *Provided further*, That funds made available
21 for Employment and Training under this heading shall re-
22 main available through September 30, 2019: *Provided fur-*
23 *ther*, That funds made available under this heading for
24 section 28(d)(1), section 4(b), and section 27(a) of the
25 Food and Nutrition Act of 2008 shall remain available

1 through September 30, 2019: *Provided further*, That none
2 of the funds made available under this heading may be
3 obligated or expended in contravention of section 213A of
4 the Immigration and Nationality Act (8 U.S.C. 1183A):
5 *Provided further*, That funds made available under this
6 heading may be used to enter into contracts and employ
7 staff to conduct studies, evaluations, or to conduct activi-
8 ties related to program integrity provided that such activi-
9 ties are authorized by the Food and Nutrition Act of 2008.

10 COMMODITY ASSISTANCE PROGRAM

11 For necessary expenses to carry out disaster assist-
12 ance and the Commodity Supplemental Food Program as
13 authorized by section 4(a) of the Agriculture and Con-
14 sumer Protection Act of 1973 (7 U.S.C. 612c note); the
15 Emergency Food Assistance Act of 1983; special assist-
16 ance for the nuclear affected islands, as authorized by sec-
17 tion 103(f)(2) of the Compact of Free Association Amend-
18 ments Act of 2003 (Public Law 108–188); and the Farm-
19 ers’ Market Nutrition Program, as authorized by section
20 17(m) of the Child Nutrition Act of 1966, \$322,139,000,
21 to remain available through September 30, 2019: *Pro-*
22 *vided*, That none of these funds shall be available to reim-
23 burse the Commodity Credit Corporation for commodities
24 donated to the program: *Provided further*, That notwith-
25 standing any other provision of law, effective with funds

1 made available in fiscal year 2018 to support the Seniors
2 Farmers' Market Nutrition Program, as authorized by
3 section 4402 of the Farm Security and Rural Investment
4 Act of 2002, such funds shall remain available through
5 September 30, 2019: *Provided further*, That of the funds
6 made available under section 27(a) of the Food and Nutri-
7 tion Act of 2008 (7 U.S.C. 2036(a)), the Secretary may
8 use up to 15 percent for costs associated with the distribu-
9 tion of commodities.

10 NUTRITION PROGRAMS ADMINISTRATION

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

1 TITLE V
2 FOREIGN ASSISTANCE AND RELATED
3 PROGRAMS

4 OFFICE OF THE UNDER SECRETARY FOR TRADE AND
5 FOREIGN AGRICULTURAL AFFAIRS

6 For necessary expenses of the Office of the Under
7 Secretary for Trade and Foreign Agricultural Affairs,
8 \$875,000: *Provided*, That funds made available by this
9 Act to any agency in the Trade and Foreign Agricultural
10 Affairs mission area for salaries and expenses are avail-
11 able to fund up to one administrative support staff for
12 the Office.

13 OFFICE OF CODEX ALIMENTARIUS

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

16 FOREIGN AGRICULTURAL SERVICE

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Foreign Agricultural
20 Service, including not to exceed \$250,000 for representa-
21 tion allowances and for expenses pursuant to section 8 of
22 the Act approved August 3, 1956 (7 U.S.C. 1766),
23 \$199,666,000, of which no more than 6 percent shall re-
24 main available until September 30, 2019, for overseas op-
25 erations to include the payment of locally employed staff:

1 *Provided*, That the Service may utilize advances of funds,
2 or reimburse this appropriation for expenditures made on
3 behalf of Federal agencies, public and private organiza-
4 tions and institutions under agreements executed pursu-
5 ant to the agricultural food production assistance pro-
6 grams (7 U.S.C. 1737) and the foreign assistance pro-
7 grams of the United States Agency for International De-
8 velopment: *Provided further*, That funds made available
9 for middle-income country training programs, funds made
10 available for the Borlaug International Agricultural
11 Science and Technology Fellowship program, and up to
12 \$2,000,000 of the Foreign Agricultural Service appropria-
13 tion solely for the purpose of offsetting fluctuations in
14 international currency exchange rates, subject to docu-
15 mentation by the Foreign Agricultural Service, shall re-
16 main available until expended.

17 FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD

18 FOR PROGRESS PROGRAM ACCOUNT

19 (INCLUDING TRANSFER OF FUNDS)

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

1 FOOD FOR PEACE TITLE II GRANTS

2 For expenses during the current fiscal year, not oth-
3 erwise recoverable, and unrecovered prior years' costs, in-
4 cluding interest thereon, under the Food for Peace Act
5 (Public Law 83–480), for commodities supplied in connec-
6 tion with dispositions abroad under title II of said Act,
7 \$1,600,000,000, to remain available until expended: *Pro-*
8 *vided*, That the Administrator of the United States Agen-
9 cy for International Development shall in each instance
10 notify in writing the Committees on Appropriations of
11 both Houses of Congress, the Committee on Agriculture
12 of the House, the Committee on Foreign Relations of the
13 Senate, the Committee on Foreign Affairs of the House,
14 and the Committee on Agriculture, Nutrition, and For-
15 estry of the Senate and make publicly available online the
16 amount and use of authority in section 202(a) of the Food
17 for Peace Act (7 U.S.C. 1722(a)) to notwithstanding the min-
18 imum level of nonemergency assistance required by section
19 412(e)(2) of the Food for Peace Act (7 U.S.C.
20 1736f(e)(2)) not later than 15 days after the date of such
21 action.

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

24 For necessary expenses to carry out the provisions
25 of section 3107 of the Farm Security and Rural Invest-

1 ment Act of 2002 (7 U.S.C. 1736o–1), \$207,626,000, to
2 remain available until expended, of which \$1,000,000 is
3 for the use of recently developed potable water tech-
4 nologies in school feeding projects: *Provided*, That the
5 Commodity Credit Corporation is authorized to provide
6 the services, facilities, and authorities for the purpose of
7 implementing such section, subject to reimbursement from
8 amounts provided herein: *Provided further*, That of the
9 amount made available under this heading, \$10,000,000,
10 shall remain available until expended for necessary ex-
11 penses to carry out the provisions of section 3207 of the
12 Agricultural Act of 2014 (7 U.S.C. 1726e).

13 COMMODITY CREDIT CORPORATION EXPORT (LOANS)

14 CREDIT GUARANTEE PROGRAM ACCOUNT

15 (INCLUDING TRANSFERS OF FUNDS)

16 For administrative expenses to carry out the Com-
17 modity Credit Corporation’s Export Guarantee Program,
18 GSM 102 and GSM 103, \$8,845,000; to cover common
19 overhead expenses as permitted by section 11 of the Com-
20 modity Credit Corporation Charter Act and in conformity
21 with the Federal Credit Reform Act of 1990, of which
22 \$6,382,000 shall be transferred to and merged with the
23 appropriation for “Foreign Agricultural Service, Salaries
24 and Expenses”, and of which \$2,463,000 shall be trans-

- 1 ferred to and merged with the appropriation for “Farm
- 2 Service Agency, Salaries and Expenses”.

1 TITLE VI
2 RELATED AGENCIES AND FOOD AND DRUG
3 ADMINISTRATION
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES
5 FOOD AND DRUG ADMINISTRATION
6 SALARIES AND EXPENSES
7 For necessary expenses of the Food and Drug Ad-
8 ministration, including hire and purchase of passenger
9 motor vehicles; for payment of space rental and related
10 costs pursuant to Public Law 92–313 for programs and
11 activities of the Food and Drug Administration which are
12 included in this Act; for rental of special purpose space
13 in the District of Columbia or elsewhere; in addition to
14 amounts appropriated to the FDA Innovation Account, for
15 carrying out the activities described in section 1002(b)(4)
16 of the 21st Century Cures Act (Public Law 114–255); for
17 miscellaneous and emergency expenses of enforcement ac-
18 tivities, authorized and approved by the Secretary and to
19 be accounted for solely on the Secretary’s certificate, not
20 to exceed \$25,000; and notwithstanding section 521 of
21 Public Law 107–188; \$5,138,041,000: *Provided*, That of
22 the amount provided under this heading, \$911,346,000
23 shall be derived from prescription drug user fees author-
24 ized by 21 U.S.C. 379h, and shall be credited to this ac-
25 count and remain available until expended; \$193,291,000

1 shall be derived from medical device user fees authorized
2 by 21 U.S.C. 379j, and shall be credited to this account
3 and remain available until expended; \$493,600,000 shall
4 be derived from human generic drug user fees authorized
5 by 21 U.S.C. 379j–42, and shall be credited to this ac-
6 count and remain available until expended; \$40,214,000
7 shall be derived from biosimilar biological product user
8 fees authorized by 21 U.S.C. 379j–52, and shall be cred-
9 ited to this account and remain available until expended;
10 \$18,093,000 shall be derived from animal drug user fees
11 authorized by 21 U.S.C. 379j–12, and shall be credited
12 to this account and remain available until expended;
13 \$9,419,000 shall be derived from generic new animal drug
14 user fees authorized by 21 U.S.C. 379j–21, and shall be
15 credited to this account and remain available until ex-
16 pended; \$672,000,000 shall be derived from tobacco prod-
17 uct user fees authorized by 21 U.S.C. 387s, and shall be
18 credited to this account and remain available until ex-
19 pended: *Provided further*, That in addition to and notwith-
20 standing any other provision under this heading, amounts
21 collected for prescription drug user fees, medical device
22 user fees, human generic drug user fees, biosimilar biologi-
23 cal product user fees, animal drug user fees, and generic
24 new animal drug user fees that exceed the respective fiscal
25 year 2018 limitations are appropriated and shall be cred-

1 ited to this account and remain available until expended:
2 *Provided further*, That fees derived from prescription drug,
3 medical device, human generic drug, biosimilar biological
4 product, animal drug, and generic new animal drug as-
5 sessments for fiscal year 2018, including any such fees
6 collected prior to fiscal year 2018 but credited for fiscal
7 year 2018, shall be subject to the fiscal year 2018 limita-
8 tions: *Provided further*, That the Secretary may accept
9 payment during fiscal year 2018 of user fees specified
10 under this heading and authorized for fiscal year 2019,
11 prior to the due date for such fees, and that amounts of
12 such fees assessed for fiscal year 2019 for which the Sec-
13 retary accepts payment in fiscal year 2018 shall not be
14 included in amounts under this heading: *Provided further*,
15 That none of these funds shall be used to develop, estab-
16 lish, or operate any program of user fees authorized by
17 31 U.S.C. 9701: *Provided further*, That of the total
18 amount appropriated: (1) \$1,041,615,000 shall be for the
19 Center for Food Safety and Applied Nutrition and related
20 field activities in the Office of Regulatory Affairs; (2)
21 \$1,617,881,000 shall be for the Center for Drug Evalua-
22 tion and Research and related field activities in the Office
23 of Regulatory Affairs; (3) \$359,614,000 shall be for the
24 Center for Biologics Evaluation and Research and for re-
25 lated field activities in the Office of Regulatory Affairs;

1 (4) \$197,252,000 shall be for the Center for Veterinary
2 Medicine and for related field activities in the Office of
3 Regulatory Affairs; (5) \$487,197,000 shall be for the Cen-
4 ter for Devices and Radiological Health and for related
5 field activities in the Office of Regulatory Affairs; (6)
6 \$63,331,000 shall be for the National Center for Toxi-
7 cological Research; (7) \$625,646,000 shall be for the Cen-
8 ter for Tobacco Products and for related field activities
9 in the Office of Regulatory Affairs; (8) not to exceed
10 \$172,003,000 shall be for Rent and Related activities, of
11 which \$50,559,000 is for White Oak Consolidation, other
12 than the amounts paid to the General Services Adminis-
13 tration for rent; (9) not to exceed \$237,671,000 shall be
14 for payments to the General Services Administration for
15 rent; and (10) \$335,831,000 shall be for other activities,
16 including the Office of the Commissioner of Food and
17 Drugs, the Office of Foods and Veterinary Medicine, the
18 Office of Medical and Tobacco Products, the Office of
19 Global and Regulatory Policy, the Office of Operations,
20 the Office of the Chief Scientist, and central services for
21 these offices: *Provided further*, That not to exceed \$25,000
22 of this amount shall be for official reception and represen-
23 tation expenses, not otherwise provided for, as determined
24 by the Commissioner: *Provided further*, That any transfer
25 of funds pursuant to section 770(n) of the Federal Food,

1 Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only
2 be from amounts made available under this heading for
3 other activities: *Provided further*, That of the amounts
4 that are made available under this heading for “other ac-
5 tivities”, and that are not derived from user fees,
6 \$1,500,000 shall be transferred to and merged with the
7 appropriation for “Department of Health and Human
8 Services—Office of Inspector General” for oversight of the
9 programs and operations of the Food and Drug Adminis-
10 tration and shall be in addition to funds otherwise made
11 available for oversight of the Food and Drug Administra-
12 tion: *Provided further*, That of the total amount made
13 available under this heading, \$1,500,000 shall be used by
14 the Commissioner of Food and Drugs, in coordination
15 with the Secretary of Agriculture, for consumer outreach
16 and education regarding agricultural biotechnology and
17 biotechnology-derived food products and animal feed, in-
18 cluding through publication and distribution of science-
19 based educational information on the environmental, nu-
20 tritional, food safety, economic, and humanitarian impacts
21 of such biotechnology, food products, and feed: *Provided*
22 *further*, That funds may be transferred from one specified
23 activity to another with the prior approval of the Commit-
24 tees on Appropriations of both Houses of Congress.

1 In addition, mammography user fees authorized by
2 42 U.S.C. 263b, export certification user fees authorized
3 by 21 U.S.C. 381, priority review user fees authorized by
4 21 U.S.C. 360n and 360ff, food and feed recall fees, food
5 reinspection fees, and voluntary qualified importer pro-
6 gram fees authorized by 21 U.S.C. 379j–31, outsourcing
7 facility fees authorized by 21 U.S.C. 379j–62, prescription
8 drug wholesale distributor licensing and inspection fees
9 authorized by 21 U.S.C. 353(e)(3), third-party logistics
10 provider licensing and inspection fees authorized by 21
11 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized
12 by 21 U.S.C. 384d(c)(8), and medical countermeasure pri-
13 ority review voucher user fees authorized by 21 U.S.C.
14 360bbb–4a, shall be credited to this account, to remain
15 available until expended.

16 BUILDINGS AND FACILITIES

17 For plans, construction, repair, improvement, exten-
18 sion, alteration, demolition, and purchase of fixed equip-
19 ment or facilities of or used by the Food and Drug Admin-
20 istration, where not otherwise provided, \$11,788,000, to
21 remain available until expended.

22 FDA INNOVATION ACCOUNT, CURES ACT

23 For necessary expenses to carry out the purposes de-
24 scribed under section 1002(b)(4) of the 21st Century
25 Cures Act, in addition to amounts available for such pur-

1 poses under the heading “Salaries and Expenses”,
2 \$60,000,000, to remain available until expended: *Pro-*
3 *vided*, That amounts appropriated in this paragraph are
4 appropriated pursuant to section 1002(b)(3) of the 21st
5 Century Cures Act, are to be derived from amounts trans-
6 ferred under section 1002(b)(2)(A) of such Act, and may
7 be transferred by the Commissioner of Food and Drugs
8 to the appropriation for “Department of Health and
9 Human Services—Food and Drug Administration—Sala-
10 ries and Expenses” solely for the purposes provided in
11 such Act: *Provided further*, That upon a determination by
12 the Commissioner that funds transferred pursuant to the
13 previous proviso are not necessary for the purposes pro-
14 vided, such amounts may be transferred back to the ac-
15 count: *Provided further*, That such transfer authority is
16 in addition to any other transfer authority provided by
17 law.

18 INDEPENDENT AGENCIES

19 COMMODITY FUTURES TRADING COMMISSION

20 For necessary expenses to carry out the provisions
21 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
22 cluding the purchase and hire of passenger motor vehicles,
23 and the rental of space (to include multiple year leases),
24 in the District of Columbia and elsewhere, \$249,000,000,
25 including not to exceed \$3,000 for official reception and

1 representation expenses, and not to exceed \$25,000 for the
2 expenses for consultations and meetings hosted by the
3 Commission with foreign governmental and other regu-
4 latory officials, of which not less than \$48,000,000, to re-
5 main available until September 30, 2019, shall be for the
6 purchase of information technology and of which not less
7 than \$2,700,000 shall be for expenses of the Office of the
8 Inspector General: *Provided*, That notwithstanding the
9 limitations in 31 U.S.C. 1553, amounts provided under
10 this heading are available for the liquidation of obligations
11 equal to current year payments on leases entered into
12 prior to the date of enactment of this Act: *Provided fur-*
13 *ther*, That for the purpose of recording and liquidating any
14 lease obligations that should have been recorded and liq-
15 uidated against accounts closed pursuant to 31 U.S.C.
16 1552, and consistent with the preceding proviso, such
17 amounts shall be transferred to and recorded in a new
18 no-year account in the Treasury, which may be established
19 for the sole purpose of recording adjustments for and liq-
20 uidating such unpaid obligations: *Provided further*, That
21 if any furlough or reduction-in-force of personnel at the
22 Commission occurs as a result of an action under 5 U.S.C.
23 7119, the Commission shall submit a report to the Com-
24 mittees on Appropriations of the House of Representatives
25 and the Senate no later than 30 days after the furlough

1 or reduction-in-force occurs detailing the agency's rea-
2 soning for conducting a furlough or reduction-in-force:
3 *Provided further*, That in the report the Commission shall
4 explain why the furlough or reduction-in-force was the
5 only reasonable course of action in response to an action
6 taken under 5 U.S.C. 7119: *Provided further*, That after
7 the conclusion of any furlough or reduction-in-force of the
8 Commission in response to an action taken under 5 U.S.C.
9 7119, the Comptroller General shall submit to the Com-
10 mittees on Appropriations of the Senate and the House
11 of Representatives a report that describes (1) the long-
12 term cost of any pay increases the Commission must make
13 in response to an action taken under 5 U.S.C. 7119; and
14 (2) the operational impact of the furlough or reduction-
15 in-force.

16 FARM CREDIT ADMINISTRATION

17 LIMITATION ON ADMINISTRATIVE EXPENSES

18 Not to exceed \$70,600,000 (from assessments col-
19 lected from farm credit institutions, including the Federal
20 Agricultural Mortgage Corporation) shall be obligated
21 during the current fiscal year for administrative expenses
22 as authorized under 12 U.S.C. 2249: *Provided*, That this
23 limitation shall not apply to expenses associated with re-
24 ceiverships: *Provided further*, That the agency may exceed
25 this limitation by up to 10 percent with notification to the

1 Committees on Appropriations of both Houses of Con-
2 gress.

1

TITLE VII

2

GENERAL PROVISIONS

3

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

4

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.

16

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 re-

1 main available until expended: *Provided*, That none of the
2 funds made available by this Act or any other Act shall
3 be transferred to the Working Capital Fund without the
4 prior approval of the agency administrator: *Provided fur-*
5 *ther*, That none of the funds transferred to the Working
6 Capital Fund pursuant to this section shall be available
7 for obligation without written notification to and the prior
8 approval of the Committees on Appropriations of both
9 Houses of Congress: *Provided further*, That none of the
10 funds appropriated by this Act or made available to the
11 Department's Working Capital Fund shall be available for
12 obligation or expenditure to make any changes to the De-
13 partment's National Finance Center without written noti-
14 fication to and prior approval of the Committees on Ap-
15 propriations of both Houses of Congress as required by
16 section 717 of this Act: *Provided further*, That none of
17 the funds appropriated by this Act or made available to
18 the Department's Working Capital Fund shall be available
19 for obligation or expenditure to initiate, plan, develop, im-
20 plement, or make any changes to remove or relocate any
21 systems, missions, or functions of the offices of the Chief
22 Financial Officer or any personnel from the National Fi-
23 nance Center prior to written notification to and prior ap-
24 proval of the Committee on Appropriations of both Houses
25 of Congress and in accordance with the requirements of

1 section 717 of this Act: *Provided further*, That the Sec-
2 retary of Agriculture and the offices of the Chief Financial
3 Officer shall actively market to existing and new Depart-
4 ments and other government agencies National Finance
5 Center shared services including, but not limited to, pay-
6 roll, financial management, and human capital shared
7 services and allow the National Finance Center to perform
8 technology upgrades: *Provided further*, That of annual in-
9 come amounts in the Working Capital Fund of the De-
10 partment of Agriculture attributable to the amounts in ex-
11 cess of the true costs of the shared services provided by
12 the National Finance Center and budgeted for the Na-
13 tional Finance Center, the Secretary shall reserve not
14 more than 4 percent for the replacement or acquisition
15 of capital equipment, including equipment for the improve-
16 ment, delivery, and implementation of financial, adminis-
17 trative, and information technology services, and other
18 systems of the National Finance Center or to pay any un-
19 foreseen, extraordinary cost of the National Finance Cen-
20 ter: *Provided further*, That none of the amounts reserved
21 shall be available for obligation unless the Secretary sub-
22 mits written notification of the obligation to the Commit-
23 tees on Appropriations of both Houses of Congress: *Pro-*
24 *vided further*, That the limitations on the obligation of
25 funds pending notification to Congressional Committees

1 shall not apply to any obligation that, as determined by
2 the Secretary, is necessary to respond to a declared state
3 of emergency that significantly impacts the operations of
4 the National Finance Center; or to evacuate employees of
5 the National Finance Center to a safe haven to continue
6 operations of the National Finance Center: *Provided fur-*
7 *ther*, That the Secretary of Agriculture shall conduct and
8 submit a detailed cost benefit analysis to the Committees
9 on Appropriations that includes a complete analysis of the
10 National Finance Center data center and two other oper-
11 ationally comparable data centers in both size and com-
12 plexity in supported applications that details and provides:
13 (1) the cost effectiveness of each center; (2) a security
14 analysis of each center; and (3) each center's Federal Risk
15 and Authorization Management Program (FedRAMP)
16 certifications status and the center's demonstrated history
17 record and ability for maintaining Continuity of Oper-
18 ations Plan (COOP) functions and not miss critical oper-
19 ations: *Provided further*, That the cost-benefit analysis
20 shall be submitted no later than 90 days after enactment
21 of this Act to the Committees on Appropriations: *Provided*
22 *further*, That not later than 90 days after submission of
23 the cost-benefit analysis, the Comptroller General of the
24 United States shall submit to the Committees on Appro-
25 priations a sufficiency review of the cost-benefit analysis,

1 including any findings and recommendations relating to
2 such review.

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

6 SEC. 704. No funds appropriated by this Act may be
7 used to pay negotiated indirect cost rates on cooperative
8 agreements or similar arrangements between the United
9 States Department of Agriculture and nonprofit institu-
10 tions in excess of 10 percent of the total direct cost of
11 the agreement when the purpose of such cooperative ar-
12 rangements is to carry out programs of mutual interest
13 between the two parties. This does not preclude appro-
14 priate payment of indirect costs on grants and contracts
15 with such institutions when such indirect costs are com-
16 puted on a similar basis for all agencies for which appro-
17 priations are provided in this Act.

18 SEC. 705. Appropriations to the Department of Agri-
19 culture for the cost of direct and guaranteed loans made
20 available in the current fiscal year shall remain available
21 until expended to disburse obligations made in the current
22 fiscal year for the following accounts: the Rural Develop-
23 ment Loan Fund program account, the Rural Electrifica-
24 tion and Telecommunication Loans program account, and
25 the Rural Housing Insurance Fund program account.

1 SEC. 706. None of the funds made available to the
2 Department of Agriculture by this Act may be used to ac-
3 quire new information technology systems or significant
4 upgrades, as determined by the Office of the Chief Infor-
5 mation Officer, without the approval of the Chief Informa-
6 tion Officer and the concurrence of the Executive Informa-
7 tion Technology Investment Review Board: *Provided*, That
8 notwithstanding any other provision of law, none of the
9 funds appropriated or otherwise made available by this
10 Act may be transferred to the Office of the Chief Informa-
11 tion Officer without written notification to and the prior
12 approval of the Committees on Appropriations of both
13 Houses of Congress: *Provided further*, That, notwith-
14 standing section 11319 of title 40, United States Code,
15 none of the funds available to the Department of Agri-
16 culture for information technology shall be obligated for
17 projects, contracts, or other agreements over \$25,000
18 prior to receipt of written approval by the Chief Informa-
19 tion Officer: *Provided further*, That the Chief Information
20 Officer may authorize an agency to obligate funds without
21 written approval from the Chief Information Officer for
22 projects, contracts, or other agreements up to \$250,000
23 based upon the performance of an agency measured
24 against the performance plan requirements described in

1 the explanatory statement accompanying Public Law 113–
2 235.

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

8 SEC. 708. Notwithstanding any other provision of
9 law, any former RUS borrower that has repaid or prepaid
10 an insured, direct or guaranteed loan under the Rural
11 Electrification Act of 1936, or any not-for-profit utility
12 that is eligible to receive an insured or direct loan under
13 such Act, shall be eligible for assistance under section
14 313(b)(2)(B) of such Act in the same manner as a bor-
15 rower under such Act.

16 SEC. 709. Except as otherwise specifically provided
17 by law, not more than \$20,000,000 in unobligated bal-
18 ances from appropriations made available for salaries and
19 expenses in this Act for the Farm Service Agency shall
20 remain available through September 30, 2019, for infor-
21 mation technology expenses: *Provided*, That except as oth-
22 erwise specifically provided by law, unobligated balances
23 from appropriations made available for salaries and ex-
24 penses in this Act for the Rural Development mission area

1 shall remain available through September 30, 2019, for
2 information technology expenses.

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

8 SEC. 711. In the case of each program established
9 or amended by the Agricultural Act of 2014 (Public Law
10 113–79), other than by title I or subtitle A of title III
11 of such Act, or programs for which indefinite amounts
12 were provided in that Act, that is authorized or required
13 to be carried out using funds of the Commodity Credit
14 Corporation—

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

22 (2) the use of such funds for such purpose shall
23 not be considered to be a fund transfer or allotment
24 for purposes of applying the limitation on the total

1 amount of allotments and fund transfers contained
2 in such section.

3 SEC. 712. Of the funds made available by this Act,
4 not more than \$2,000,000 shall be used to cover necessary
5 expenses of activities related to all advisory committees,
6 panels, commissions, and task forces of the Department
7 of Agriculture, except for panels used to comply with nego-
8 tiated rule makings and panels used to evaluate competi-
9 tively awarded grants.

10 SEC. 713. None of the funds in this Act shall be avail-
11 able to pay indirect costs charged against any agricultural
12 research, education, or extension grant awards issued by
13 the National Institute of Food and Agriculture that exceed
14 30 percent of total Federal funds provided under each
15 award: *Provided*, That notwithstanding section 1462 of
16 the National Agricultural Research, Extension, and
17 Teaching Policy Act of 1977 (7 U.S.C. 3310), funds pro-
18 vided by this Act for grants awarded competitively by the
19 National Institute of Food and Agriculture shall be avail-
20 able to pay full allowable indirect costs for each grant
21 awarded under section 9 of the Small Business Act (15
22 U.S.C. 638).

23 SEC. 714. (a) None of the funds made available in
24 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

7 SEC. 715. Notwithstanding subsection (b) of section
8 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this
9 section referred to as “section 14222”), none of the funds
10 appropriated or otherwise made available by this or any
11 other Act shall be used to pay the salaries and expenses
12 of personnel to carry out a program under section 32 of
13 the Act of August 24, 1935 (7 U.S.C. 612c; in this section
14 referred to as “section 32”) in excess of \$1,266,582,000
15 (exclusive of carryover appropriations from prior fiscal
16 years), as follows: Child Nutrition Programs Entitlement
17 Commodities—\$465,000,000; State Option Contracts—
18 \$5,000,000; Removal of Defective Commodities—
19 \$2,500,000; Administration of Section 32 Commodity
20 Purchases—\$35,853,000: *Provided*, That of the total
21 funds made available in the matter preceding this proviso
22 that remain unobligated on October 1, 2018, such unobli-
23 gated balances shall carryover into the next fiscal year and
24 shall remain available until expended for any of the three
25 stated purposes of section 32, except that any such carry-

1 over funds used in accordance with clause (3) of section
2 32 may not exceed \$350,000,000 and may not be obli-
3 gated until the Secretary of Agriculture provides written
4 notification of the expenditures to the Committees on Ap-
5 propriations of both Houses of Congress at least two
6 weeks in advance: *Provided further*, That, with the excep-
7 tion of any available carryover funds authorized in the
8 first proviso of this section to be used for the purposes
9 of clause (3) of section 32, none of the funds appropriated
10 or otherwise made available by this or any other Act shall
11 be used to pay the salaries or expenses of any employee
12 of the Department of Agriculture to carry out clause (3)
13 of section 32.

14 SEC. 716. None of the funds appropriated by this or
15 any other Act shall be used to pay the salaries and ex-
16 penses of personnel who prepare or submit appropriations
17 language as part of the President's budget submission to
18 the Congress for programs under the jurisdiction of the
19 Appropriations Subcommittees on Agriculture, Rural De-
20 velopment, Food and Drug Administration, and Related
21 Agencies that assumes revenues or reflects a reduction
22 from the previous year due to user fees proposals that
23 have not been enacted into law prior to the submission
24 of the budget unless such budget submission identifies
25 which additional spending reductions should occur in the

1 event the user fees proposals are not enacted prior to the
2 date of the convening of a committee of conference for
3 the fiscal year 2019 appropriations Act.

4 SEC. 717. (a) None of the funds provided by this Act,
5 or provided by previous appropriations Acts to the agen-
6 cies funded by this Act that remain available for obligation
7 or expenditure in the current fiscal year, or provided from
8 any accounts in the Treasury derived by the collection of
9 fees available to the agencies funded by this Act, shall be
10 available for obligation or expenditure through a re-
11 programming, transfer of funds, or reimbursements as au-
12 thorized by the Economy Act, or in the case of the Depart-
13 ment of Agriculture, through use of the authority provided
14 by section 702(b) of the Department of Agriculture Or-
15 ganic Act of 1944 (7 U.S.C. 2257) or section 8 of Public
16 Law 89–106 (7 U.S.C. 2263), that—

17 (1) creates new programs;

18 (2) eliminates a program, project, or activity;

19 (3) increases funds or personnel by any means
20 for any project or activity for which funds have been
21 denied or restricted;

22 (4) relocates an office or employees;

23 (5) reorganizes offices, programs, or activities;

24 or

1 (6) contracts out or privatizes any functions or
2 activities presently performed by Federal employees;
3 unless the Secretary of Agriculture, the Chairman of the
4 Commodity Futures Trading Commission, or the Sec-
5 retary of Health and Human Services (as the case may
6 be) notifies in writing and receives approval from the Com-
7 mittees on Appropriations of both Houses of Congress at
8 least 30 days in advance of the reprogramming of such
9 funds or the use of such authority.

10 (b) None of the funds provided by this Act, or pro-
11 vided by previous Appropriations Acts to the agencies
12 funded by this Act that remain available for obligation or
13 expenditure in the current fiscal year, or provided from
14 any accounts in the Treasury derived by the collection of
15 fees available to the agencies funded by this Act, shall be
16 available for obligation or expenditure for activities, pro-
17 grams, or projects through a reprogramming or use of the
18 authorities referred to in subsection (a) involving funds
19 in excess of \$500,000 or 10 percent, whichever is less,
20 that—

21 (1) augments existing programs, projects, or ac-
22 tivities;

23 (2) reduces by 10 percent funding for any exist-
24 ing program, project, or activity, or numbers of per-
25 sonnel by 10 percent as approved by Congress; or

1 (3) results from any general savings from a re-
2 duction in personnel which would result in a change
3 in existing programs, activities, or projects as ap-
4 proved by Congress; unless the Secretary of Agri-
5 culture, the Chairman of the Commodity Futures
6 Trading Commission, or the Secretary of Health and
7 Human Services (as the case may be) notifies in
8 writing and receives approval from the Committees
9 on Appropriations of both Houses of Congress at
10 least 30 days in advance of the reprogramming or
11 transfer of such funds or the use of such authority.

12 (c) The Secretary of Agriculture, the Chairman of the
13 Commodity Futures Trading Commission, or the Sec-
14 retary of Health and Human Services shall notify in writ-
15 ing and receive approval from the Committees on Appro-
16 priations of both Houses of Congress before implementing
17 any program or activity not carried out during the pre-
18 vious fiscal year unless the program or activity is funded
19 by this Act or specifically funded by any other Act.

20 (d) None of the funds provided by this Act, or pro-
21 vided by previous Appropriations Acts to the agencies
22 funded by this Act that remain available for obligation or
23 expenditure in the current fiscal year, or provided from
24 any accounts in the Treasury derived by the collection of

1 fees available to the agencies funded by this Act, shall be
2 available for—

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

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

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

19 (e) As described in this section, no funds may be used
20 for any activities unless the Secretary of Agriculture, the
21 Chairman of the Commodity Futures Trading Commis-
22 sion, or the Secretary of Health and Human Services re-
23 ceives from the Committee on Appropriations of both
24 Houses of Congress written or electronic mail confirma-

1 tion of receipt of the notification as required in this sec-
2 tion.

3 SEC. 718. Notwithstanding section 310B(g)(5) of the
4 Consolidated Farm and Rural Development Act (7 U.S.C.
5 1932(g)(5)), the Secretary may assess a one-time fee for
6 any guaranteed business and industry loan in an amount
7 that does not exceed 3 percent of the guaranteed principal
8 portion of the loan.

9 SEC. 719. None of the funds appropriated or other-
10 wise made available to the Department of Agriculture, the
11 Food and Drug Administration, the Commodity Futures
12 Trading Commission, or the Farm Credit Administration
13 shall be used to transmit or otherwise make available re-
14 ports, questions, or responses to questions that are a re-
15 sult of information requested for the appropriations hear-
16 ing process to any non-Department of Agriculture, non-
17 Department of Health and Human Services, non-Com-
18 modity Futures Trading Commission, or non-Farm Credit
19 Administration employee.

20 SEC. 720. Unless otherwise authorized by existing
21 law, none of the funds provided in this Act, may be used
22 by an executive branch agency to produce any pre-
23 packaged news story intended for broadcast or distribution
24 in the United States unless the story includes a clear noti-
25 fication within the text or audio of the prepackaged news

1 story that the prepackaged news story was prepared or
2 funded by that executive branch agency.

3 SEC. 721. No employee of the Department of Agri-
4 culture may be detailed or assigned from an agency or
5 office funded by this Act or any other Act to any other
6 agency or office of the Department for more than 60 days
7 in a fiscal year unless the individual's employing agency
8 or office is fully reimbursed by the receiving agency or
9 office for the salary and expenses of the employee for the
10 period of assignment.

11 SEC. 722. (a) There is hereby established in the
12 Treasury of the United States a Working Capital Fund
13 (the Fund) to be administered by the Food and Drug Ad-
14 ministration (FDA), without fiscal year limitation, for the
15 payment of salaries, travel, and other expenses necessary
16 to the maintenance and operation of (1) a supply service
17 for the purchase, storage, handling, issuance, packing, or
18 shipping of stationery, supplies, materials, equipment, and
19 blank forms, for which stocks may be maintained to meet,
20 in whole or in part, the needs of the FDA and requisitions
21 of other Government Offices, and (2) such other services
22 as the Commissioner of the FDA, subject to review by the
23 Secretary of Health and Human Services, determines may
24 be performed more advantageously as central services. The
25 Fund shall be reimbursed from applicable discretionary re-

1 sources, notwithstanding any otherwise applicable purpose
2 limitations, available when services are performed or stock
3 furnished, or in advance, on a basis of rates which shall
4 include estimated or actual charges for personal services,
5 materials, equipment, information technology, and other
6 expenses. Charges for equipment and information tech-
7 nology shall include costs associated with maintenance, re-
8 pair, and depreciation (including improvement and re-
9 placement).

10 (b) Of any discretionary resources appropriated in
11 this Act for fiscal year 2018 for “Department of Health
12 and Human Services, Food and Drug Administration, Sal-
13 aries and Expenses”, not to exceed \$5,000,000 of amounts
14 available as of September 30 may be transferred to and
15 merged with the Fund established under subsection (a),
16 notwithstanding any otherwise applicable purpose limita-
17 tions.

18 (c) No amounts may be transferred pursuant to this
19 section that are designated by the Congress as an emer-
20 gency requirement pursuant to a concurrent resolution on
21 the budget or the Balanced Budget and Emergency Def-
22 icit Control Act of 1985.

23 SEC. 723. Not later than 30 days after the date of
24 enactment of this Act, the Secretary of Agriculture, the
25 Commissioner of the Food and Drug Administration, the

1 Chairman of the Commodity Futures Trading Commis-
2 sion, and the Chairman of the Farm Credit Administra-
3 tion shall submit to the Committees on Appropriations of
4 both Houses of Congress a detailed spending plan by pro-
5 gram, project, and activity for all the funds made available
6 under this Act including appropriated user fees, as defined
7 in the explanatory statement described in section 4 (in the
8 matter preceding division A of this consolidated Act).

9 SEC. 724. Of the unobligated balances from amounts
10 made available for the supplemental nutrition program as
11 authorized by section 17 of the Child Nutrition Act of
12 1966 (42 U.S.C. 1786), \$800,000,000 are hereby re-
13 scinded.

14 SEC. 725. The Secretary shall continue an inter-
15 mediary loan packaging program based on the pilot pro-
16 gram in effect for fiscal year 2013 for packaging and re-
17 viewing section 502 single family direct loans. The Sec-
18 retary shall continue agreements with current inter-
19 mediary organizations and with additional qualified inter-
20 mediary organizations. The Secretary shall work with
21 these organizations to increase effectiveness of the section
22 502 single family direct loan program in rural commu-
23 nities and shall set aside and make available from the na-
24 tional reserve section 502 loans an amount necessary to

1 support the work of such intermediaries and provide a pri-
2 ority for review of such loans.

3 SEC. 726. For loans and loan guarantees that do not
4 require budget authority and the program level has been
5 established in this Act, the Secretary of Agriculture may
6 increase the program level for such loans and loan guaran-
7 tees by not more than 25 percent: *Provided*, That prior
8 to the Secretary implementing such an increase, the Sec-
9 retary notifies, in writing, the Committees on Appropria-
10 tions of both Houses of Congress at least 15 days in ad-
11 vance.

12 SEC. 727. None of the credit card refunds or rebates
13 transferred to the Working Capital Fund pursuant to sec-
14 tion 729 of the Agriculture, Rural Development, Food and
15 Drug Administration, and Related Agencies Appropria-
16 tions Act, 2002 (7 U.S.C. 2235a; Public Law 107–76)
17 shall be available for obligation without written notifica-
18 tion to, and the prior approval of, the Committees on Ap-
19 propriations of both Houses of Congress: *Provided*, That
20 the refunds or rebates so transferred shall be available for
21 obligation only for the acquisition of plant and capital
22 equipment necessary for the delivery of financial, adminis-
23 trative, and information technology services of primary
24 benefit to the agencies of the Department of Agriculture.

1 SEC. 728. None of the funds made available by this
2 Act may be used to implement, administer, or enforce the
3 “variety” requirements of the final rule entitled “Enhanc-
4 ing Retailer Standards in the Supplemental Nutrition As-
5 sistance Program (SNAP)” published by the Department
6 of Agriculture in the Federal Register on December 15,
7 2016 (81 Fed. Reg. 90675) until the Secretary of Agri-
8 culture amends the definition of the term “variety” as de-
9 fined in section 278.1(b)(1)(ii)(C) of title 7, Code of Fed-
10 eral Regulations, and “variety” as applied in the definition
11 of the term “staple food” as defined in section 271.2 of
12 title 7, Code of Federal Regulations, to increase the num-
13 ber of items that qualify as acceptable varieties in each
14 staple food category so that the total number of such items
15 in each staple food category exceeds the number of such
16 items in each staple food category included in the final
17 rule as published on December 15, 2016: *Provided*, That
18 until the Secretary promulgates such regulatory amend-
19 ments, the Secretary shall apply the requirements regard-
20 ing acceptable varieties and breadth of stock to Supple-
21 mental Nutrition Assistance Program retailers that were
22 in effect on the day before the date of the enactment of
23 the Agricultural Act of 2014 (Public Law 113–79).

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

1 (1) in contravention of section 7606 of the Ag-
2 ricultural Act of 2014 (7 U.S.C. 5940); or

3 (2) to prohibit the transportation, processing,
4 sale, or use of industrial hemp, or seeds of such
5 plant, that is grown or cultivated in accordance with
6 subsection section 7606 of the Agricultural Act of
7 2014, within or outside the State in which the indus-
8 trial hemp is grown or cultivated.

9 SEC. 730. Funds provided by this or any prior Appro-
10 priations Act for the Agriculture and Food Research Ini-
11 tiative under 7 U.S.C. 450i(b) shall be made available
12 without regard to section 7128 of the Agricultural Act of
13 2014 (7 U.S.C. 3371 note), under the matching require-
14 ments in laws in effect on the date before the date of en-
15 actment of such section: *Provided*, That the requirements
16 of 7 U.S.C. 450i(b)(9) shall continue to apply.

17 SEC. 731. For tree assistance payments under section
18 1501(e) of the Agricultural Act of 2014 (7 U.S.C.
19 9081(e)) to eligible orchardists or nursery tree growers (as
20 defined in such section) of pecan trees with a tree mor-
21 tality rate that exceeds 7.5 percent (adjusted for normal
22 mortality) and is less than 15 percent (adjusted for nor-
23 mal mortality), \$15,000,000, to be available until ex-
24 pended, for losses incurred during the period beginning
25 January 1, 2017 and ending December 31, 2017.

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

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

19 SEC. 734. None of the funds made available by this
20 Act may be used to notify a sponsor or otherwise acknowl-
21 edge receipt of a submission for an exemption for inves-
22 tigational use of a drug or biological product under section
23 505(i) of the Federal Food, Drug, and Cosmetic Act (21
24 U.S.C. 355(i)) or section 351(a)(3) of the Public Health
25 Service Act (42 U.S.C. 262(a)(3)) in research in which

1 a human embryo is intentionally created or modified to
2 include a heritable genetic modification. Any such submis-
3 sion shall be deemed to have not been received by the Sec-
4 retary, and the exemption may not go into effect.

5 SEC. 735. None of the funds made available by this
6 or any other Act may be used to carry out the final rule
7 promulgated by the Food and Drug Administration and
8 put into effect November 16, 2015, in regards to the haz-
9 ard analysis and risk-based preventive control require-
10 ments of the current good manufacturing practice, hazard
11 analysis, and risk-based preventive controls for food for
12 animals rule with respect to the regulation of the produc-
13 tion, distribution, sale, or receipt of dried spent grain by-
14 products of the alcoholic beverage production process.

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

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

1 SEC. 738. No partially hydrogenated oils as defined
2 in the order published by the Food and Drug Administra-
3 tion in the Federal Register on June 17, 2015 (80 Fed.
4 Reg. 34650 et seq.) shall be deemed unsafe within the
5 meaning of section 409(a) of the Federal Food, Drug, and
6 Cosmetic Act (21 U.S.C. 348(a)) and no food that is intro-
7 duced or delivered for introduction into interstate com-
8 merce that bears or contains a partially hydrogenated oil
9 shall be deemed adulterated under sections 402(a)(1) or
10 402(a)(2)(C)(i) of this Act by virtue of bearing or con-
11 taining a partially hydrogenated oil until the compliance
12 date as specified in such order (June 18, 2018).

13 SEC. 739. For the cost of refinancing a loan pursuant
14 to section 749 of division A of Public Law 115–31, and
15 in addition to amounts provided by that section, for any
16 borrower identified by the Federal Financing Bank for re-
17 financing a loan where the modification calculation meth-
18 odology used for such refinancing pursuant to section 185
19 of Office of Management and Budget Circular No. A–11
20 results in a cost to the pilot program, \$5,000,000, to re-
21 main available until expended: *Provided*, That these funds
22 shall also be available for refinancing a loan pursuant to
23 any extension or expansion of this pilot program that is
24 enacted subsequent to this Act for those same borrowers.

1 SEC. 740. None of the funds made available by this
2 Act may be used by the Secretary of Agriculture, acting
3 through the Food and Nutrition Service, to commence any
4 new research and evaluation projects until the Secretary
5 submits to the Committees on Appropriations of both
6 Houses of Congress a research and evaluation plan for fis-
7 cal year 2018, prepared in coordination with the Research,
8 Education, and Economics mission area of the Depart-
9 ment of Agriculture, and a period of 30 days beginning
10 on the date of the submission of the plan expires to permit
11 Congressional review of the plan.

12 SEC. 741. There is hereby appropriated \$8,000,000,
13 to remain available until expended, to carry out section
14 6407 of the Farm Security and Rural Investment Act of
15 2002 (7 U.S.C. 8107a): *Provided*, That the Secretary may
16 allow eligible entities to offer loans to customers in any
17 part of their service territory and to offer loans to replace
18 a manufactured housing unit with another manufactured
19 housing unit, if replacement would be more cost effective
20 in saving energy: *Provided further*, That funds provided
21 in section 769 of division A, Public Law 115–31, shall
22 remain available until September 30, 2019.

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

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

4 (A) veterinary control and oversight;

5 (B) disease history and vaccination prac-
6 tices;

7 (C) livestock demographics and
8 traceability;

9 (D) epidemiological separation from poten-
10 tial sources of infection;

11 (E) surveillance practices;

12 (F) diagnostic laboratory capabilities; and

13 (G) emergency preparedness and response;

14 and

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

18 (b) This section shall be applied in a manner con-
19 sistent with United States obligations under its inter-
20 national trade agreements.

21 SEC. 743. There is hereby appropriated \$1,000,000
22 for the Secretary to carry out a pilot program that pro-
23 vides forestry inventory analysis, forest management and
24 economic outcomes modelling for certain currently en-
25 rolled Conservation Reserve Program participants. The

1 Secretary shall allow the Commodity Credit Corporation
2 to enter into agreements with and provide grants to quali-
3 fied non-profit organizations dedicated to conservation,
4 forestry and wildlife habitats, that also have experience in
5 conducting accurate forest inventory analysis through the
6 use of advanced, cost-effective technology. The Secretary
7 shall focus the analysis on lands enrolled for at least eight
8 years and located in areas with a substantial concentration
9 of acres enrolled under conservation practices devoted to
10 multiple bottomland hardwood tree species including
11 CP03, CP03A, CP11, CP22, CP31 and CP40.

12 SEC. 744. None of the funds made available by this
13 Act may be used to carry out any activities or incur any
14 expense related to the issuance of licenses under section
15 3 of the Animal Welfare Act (7 U.S.C. 2133), or the re-
16 newal of such licenses, to class B dealers who sell dogs
17 and cats for use in research, experiments, teaching, or
18 testing.

19 SEC. 745. In addition to amounts otherwise made
20 available by this Act and notwithstanding the last sentence
21 of 16 U.S.C. 1310, there is appropriated \$4,000,000, to
22 remain available until expended, to implement non-renew-
23 able agreements on eligible lands, including flooded agri-
24 cultural lands, as determined by the Secretary, under the
25 Water Bank Act (16 U.S.C. 1301–1311).

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

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

17 (b) Subsection (a) shall not apply in any case or cat-
18 egory of cases in which the Secretary of Agriculture (in
19 this section referred to as the “Secretary”) or the designee
20 of the Secretary finds that—

21 (1) applying subsection (a) would be incon-
22 sistent with the public interest;

23 (2) iron and steel products are not produced in
24 the United States in sufficient and reasonably avail-
25 able quantities or of a satisfactory quality; or

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

4 (c) If the Secretary or the designee receives a request
5 for a waiver under this section, the Secretary or the des-
6 ignee shall make available to the public on an informal
7 basis a copy of the request and information available to
8 the Secretary or the designee concerning the request, and
9 shall allow for informal public input on the request for
10 at least 15 days prior to making a finding based on the
11 request. The Secretary or the designee shall make the re-
12 quest and accompanying information available by elec-
13 tronic means, including on the official public Internet Web
14 site of the Department.

15 (d) This section shall be applied in a manner con-
16 sistent with United States obligations under international
17 agreements.

18 (e) The Secretary may retain up to 0.25 percent of
19 the funds appropriated in this Act for “Rural Utilities
20 Service—Rural Water and Waste Disposal Program Ac-
21 count” for carrying out the provisions described in sub-
22 section (a)(1) for management and oversight of the re-
23 quirements of this section.

24 (f) Subsection (a) shall not apply with respect to a
25 project for which the engineering plans and specifications

1 include use of iron and steel products otherwise prohibited
2 by such subsection if the plans and specifications have re-
3 ceived required approvals from State agencies prior to the
4 date of enactment of this Act.

5 (g) For purposes of this section, the terms “United
6 States” and “State” shall include each of the several
7 States, the District of Columbia, and each federally recog-
8 nized Indian tribe.

9 SEC. 747. The Secretary shall set aside for Rural
10 Economic Area Partnership (REAP) Zones, until August
11 15, 2018, an amount of funds made available in title III
12 under the headings of Rural Housing Insurance Fund
13 Program Account, Mutual and Self-Help Housing Grants,
14 Rural Housing Assistance Grants, Rural Community Fa-
15 cilities Program Account, Rural Business Program Ac-
16 count, Rural Development Loan Fund Program Account,
17 and Rural Water and Waste Disposal Program Account,
18 equal to the amount obligated in REAP Zones with re-
19 spect to funds provided under such headings in the most
20 recent fiscal year any such funds were obligated under
21 such headings for REAP Zones.

22 SEC. 748. For the purposes of determining eligibility
23 or level of program assistance for Rural Development pro-
24 grams the Secretary shall not include incarcerated prison
25 populations.

1 SEC. 749. There is hereby appropriated \$1,000,000,
2 to remain available until expended, for a pilot program
3 for the Secretary to provide grants to qualified non-profit
4 organizations and public housing authorities to provide
5 technical assistance, including financial and legal services,
6 to RHS multi-family housing borrowers to facilitate the
7 acquisition of RHS multi-family housing properties in
8 areas where the Secretary determines a risk of loss of af-
9 fordable housing, by non-profit housing organizations and
10 public housing authorities as authorized by law that com-
11 mit to keep such properties in the RHS multi-family hous-
12 ing program for a period of time as determined by the
13 Secretary.

14 SEC. 750. Beginning on the date of enactment of this
15 Act through fiscal year 2019, notwithstanding any other
16 provision of law, any fee issued by the State's Electronic
17 Benefit Transfer contractor and subcontractors, including
18 Affiliates of the contractor or subcontractor, related to the
19 switching or routing of benefits for Department of Agri-
20 culture domestic food assistance programs shall be prohib-
21 ited: *Provided*, That for purposes of this provision, the
22 term "switching" means the routing of an intrastate or
23 interstate transaction that consists of transmitting the de-
24 tails of a transaction electronically recorded through the
25 use of an electronic benefit transfer card in one State to

1 the issuer of the card that may be in the same or different
2 State.

3 SEC. 751. None of the funds appropriated by this Act
4 may be used in any way, directly or indirectly, to influence
5 congressional action on any legislation or appropriation
6 matters pending before Congress, other than to commu-
7 nicate to Members of Congress as described in 18 U.S.C.
8 1913.

9 SEC. 752. (a) The Secretary of Agriculture (referred
10 to in this section as the “Secretary”) shall carry out a
11 pilot program during fiscal year 2018 with respect to the
12 2017 crop year for county-level agriculture risk coverage
13 payments under section 1117(b)(1) of the Agricultural Act
14 of 2014 (7 U.S.C. 9017(b)(1)), that provides all or some
15 of the State Farm Service Agency offices in each State
16 the opportunity to provide agricultural producers in the
17 State a supplemental payment described in subsection (c)
18 based on the alternate calculation method described in
19 subsection (b) for 1 or more counties in a State if the
20 office for that State determines that the alternate calcula-
21 tion method is necessary to ensure that, to the maximum
22 extent practicable, there are not significant yield calcula-
23 tion disparities between comparable counties in the State.

24 (b) The alternate calculation method referred to in
25 subsection (a) is a method of calculating the actual yield

1 for the 2017 crop year for county-level agriculture risk
2 coverage payments under section 1117(b)(1) of the Agri-
3 cultural Act of 2014 (7 U.S.C. 9017(b)(1)), under
4 which—

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

8 (2) if there is insufficient NASS data for a
9 county (as determined under standards of the Sec-
10 retary in effect as of the date of enactment of this
11 Act) or the available NASS data produces a sub-
12 stantially disparate result, the calculation of the
13 county yield is determined using comparable contig-
14 uous county NASS data as determined by the Farm
15 Service Agency office in the applicable State; and

16 (3) if there is insufficient NASS data for a
17 comparable contiguous county (as determined under
18 standards of the Secretary in effect as of the date
19 of enactment of this Act), the calculation of the
20 county yield is determined using reliable yield data
21 from other sources, such as Risk Management Agen-
22 cy data, National Agricultural Statistics Service dis-
23 trict data, National Agricultural Statistics Service
24 State yield data, or other data as determined by the
25 Farm Service Agency office in the applicable State.

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

10 (2) The amount of a supplemental payment to an ag-
11 ricultural producer under this section may not exceed the
12 difference between—

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

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

18 (d)(1) There is appropriated to the Secretary, out of
19 funds of the Treasury not otherwise appropriated,
20 \$5,000,000, to remain available until September 30, 2019,
21 to carry out the pilot program described in this section.

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

1 (e)(1) To the maximum extent practicable, the Sec-
2 retary shall select States to participate in the pilot pro-
3 gram under this section so the cost of the pilot program
4 equals the amount provided under subsection (d).

5 (2) To the extent that the cost of the pilot program
6 exceeds the amount made available, the Secretary shall re-
7 duce all payments under the pilot program on a pro rata
8 basis.

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

15 (g) A calculation of actual yield made using the alter-
16 nate calculation method described in subsection (b) shall
17 not be used as a basis for any agriculture risk coverage
18 payment determinations under section 1117 of the Agri-
19 cultural Act of 2014 (7 U.S.C. 9017) other than for pur-
20 poses of the pilot program under this section.

21 SEC. 753. For an additional amount for “National
22 Institute of Food and Agriculture—Research and Edu-
23 cation Activities”, \$6,000,000, to be available until ex-
24 pended, for relocation expenses and for the alteration and
25 repair of leased buildings and improvements pursuant to

1 7 U.S.C. 2250: *Provided*, That not later than 60 days
2 after enactment of this Act, the Secretary of Agriculture
3 shall submit a report to the Committees on Appropriations
4 of the House of Representatives and the Senate detailing
5 the planned uses of this funding.

6 SEC. 754. The Secretary of Agriculture and the Sec-
7 retary's designees are hereby granted the same access to
8 information and subject to the same requirements applica-
9 ble to the Secretary of Housing and Urban Development
10 as provided in section 453 of the Social Security Act (42
11 U.S.C. 653) and section 6103(1)(7)(D)(ix) of the Internal
12 Revenue Code of 1986 (26 U.S.C. 1603(1)(7)(D)(ix)) to
13 verify the income for individuals participating in sections
14 502, 504, 521, and 524 of the Housing Act of 1949 (42
15 U.S.C. 1472, 1474, 1490a, and 1490r), notwithstanding
16 section 453(l)(1) of the Social Security Act.

17 SEC. 755. In addition to amounts otherwise made
18 available by this Act under the heading “Domestic Food
19 Programs—Food and Nutrition Services—Child Nutrition
20 Programs”, there is appropriated \$2,000,000, to remain
21 available until September 30, 2019, to allow allied profes-
22 sional associations to develop a training program for
23 school nutrition personnel that focuses on school food serv-
24 ice meal preparation and workforce development.

1 SEC. 756. None of the funds made available by this
2 Act may be used to procure raw or processed poultry prod-
3 ucts imported into the United States from the People’s
4 Republic of China for use in the school lunch program
5 under the Richard B. Russell National School Lunch Act
6 (42 U.S.C. 1751 et seq.), the Child and Adult Care Food
7 Program under section 17 of such Act (42 U.S.C. 1766),
8 the Summer Food Service Program for Children under
9 section 13 of such Act (42 U.S.C. 1761), or the school
10 breakfast program under the Child Nutrition Act of 1966
11 (42 U.S.C. 1771 et seq.).

12 SEC. 757. In response to an eligible community where
13 the drinking water supplies are inadequate due to a nat-
14 ural disaster, as determined by the Secretary, including
15 drought or severe weather, the Secretary may provide po-
16 table water through the Emergency Community Water As-
17 sistance Grant Program for an additional period of time
18 not to exceed 120 days beyond the established period pro-
19 vided under the Program in order to protect public health.

20 SEC. 758. Section 502(i) of the Housing Act of 1949
21 (42 U.S.C. 1472(i)), is amended by striking paragraph (1)
22 and inserting the following:

23 “(1) AUTHORITY; MAXIMUM AMOUNT.—To the
24 extent provided in advance in appropriations Acts,
25 the Secretary may assess and collect a fee for a

1 lender to access the automated underwriting systems
2 of the Department in connection with such lender’s
3 participation in the single family loan program
4 under this section and only in an amount necessary
5 to cover the costs of information technology en-
6 hancements, improvements, maintenance, and devel-
7 opment for automated underwriting systems used in
8 connection with the single family loan program
9 under this section, except that such fee shall not ex-
10 ceed \$50 per loan.”.

11 SEC. 759. Of the total amounts made available by
12 this Act for direct loans and grants in the following head-
13 ings: “Rural Housing Service—Rural Housing Insurance
14 Fund Program Account”; “Rural Housing Service—Mu-
15 tual and Self-Help Housing Grants”; “Rural Economic
16 Infrastructure Grants”; “Rural Housing Service—Rural
17 Community Facilities Program Account”; “Rural Busi-
18 ness-Cooperative Service—Rural Business Program Ac-
19 count”; “Rural Business-Cooperative Service—Rural Eco-
20 nomic Development Loans Program Account”; “Rural
21 Business-Cooperative Service—Rural Cooperative Devel-
22 opment Grants”; “Rural Utilities Service—Rural Water
23 and Waste Disposal Program Account”; and “Rural Utili-
24 ties Service—Rural Electrification and Telecommuni-
25 cations Loans Program Account”, at least 10 percent of

1 the funds shall be allocated for assistance in persistent
2 poverty counties under this section, including, notwith-
3 standing any other provision regarding population limits,
4 any county seat of such a persistent poverty county that
5 has a population that does not exceed the authorized popu-
6 lation limit by more than 10 percent: *Provided*, That for
7 purposes of this section, the term “persistent poverty
8 counties” means any county that has had 20 percent or
9 more of its population living in poverty over the past 30
10 years, as measured by the 1980, 1990, and 2000 decennial
11 censuses, and 2007–2011 American Community Survey 5-
12 year average: *Provided further*, That with respect to spe-
13 cific activities for which program levels have been made
14 available by this Act that are not supported by budget au-
15 thority, the requirements of this section shall be applied
16 to such program level.

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

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

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

9 (3) conduct periodic verification reviews and au-
10 dits of any such plants in the PRC intending to ex-
11 port into the United States processed poultry prod-
12 ucts;

13 (4) conduct re-inspection of such poultry prod-
14 ucts at United States ports-of-entry to check the
15 general condition of such products, for the proper
16 certification and labeling of such products, and for
17 any damage to such products that may have oc-
18 curred during transportation; and

19 (5) ensure that shipments of any such poultry
20 products selected to enter the United States are sub-
21 ject to additional re-inspection procedures at appro-
22 priate levels to verify that the products comply with
23 relevant Federal regulations or standards, including
24 examinations for product defects and laboratory
25 analyses to detect harmful chemical residues or

1 pathogen testing appropriate for the products in-
2 volved.

3 (b) This section shall be applied in a manner con-
4 sistent with obligations of the United States under any
5 trade agreement to which the United States is a party.

6 SEC. 761. (a) Section 2 of the Watershed Protection
7 and Flood Prevention Act (16 U.S.C. 1002) is amended
8 in the matter following paragraph (3) by striking
9 “\$5,000,000” and inserting “\$25,000,000”.

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

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

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

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

23 SEC. 763. In addition to any other funds made avail-
24 able in this Act or any other Act, there is appropriated
25 \$5,000,000 to carry out section 18(g)(8) of the Richard

1 B. Russell National School Lunch Act (42 U.S.C.
2 1769(g)), to remain available until expended.

3 SEC. 764. None of the funds made available by this
4 Act may be used by the Food and Drug Administration
5 to develop, issue, promote, or advance any regulations ap-
6 plicable to food manufacturers for population-wide sodium
7 reduction actions or to develop, issue, promote or advance
8 final guidance applicable to food manufacturers for long
9 term population-wide sodium reduction actions until the
10 date on which a dietary reference intake report with re-
11 spect to sodium is completed.

12 SEC. 765. Pursuant to section 185 of Public Law
13 114–223 (as added by Public Law 114–254 (130 Stat.
14 1018)), the Secretary of Agriculture may provide financial
15 and technical assistance to remove and dispose of debris
16 and sediment that could adversely affect health and safety
17 on non-Federal land in a flood-affected county or parish:
18 *Provided*, That such assistance may be used to restore pre-
19 disaster hydraulic capacity of the watershed: *Provided fur-*
20 *ther*, That such assistance may not be used to correct an
21 operation and maintenance issue that existed prior to the
22 disaster.

23 SEC. 766. Section 1244 of the Food Security Act of
24 1985 (16 U.S.C. 3844) is amended by adding at the end
25 the following:

1 “(m) EXEMPTION FROM CERTAIN REPORTING RE-
2 QUIREMENTS.—

3 “(1) DEFINITION OF EXEMPTED PRODUCER.—

4 In this subsection, the term ‘exempted producer’
5 means a producer or landowner eligible to partici-
6 pate in any conservation program administered by
7 the Secretary.

8 “(2) EXEMPTION.—Notwithstanding the Fed-
9 eral Funding Accountability and Transparency Act
10 of 2006 (Public Law 109–282; 31 U.S.C. 6101
11 note), the requirements of parts 25 and 170 of title
12 2, Code of Federal Regulations (and any successor
13 regulations), shall not apply with respect to assist-
14 ance received by an exempted producer from the
15 Secretary, acting through the Natural Resources
16 Conservation Service.”.

17 SEC. 767. There is hereby appropriated \$600,000 for
18 the purposes of section 727 of division A of Public Law
19 112–55.

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

22 (1) section 9(b)(10) of the Richard B. Russell
23 National School Lunch Act (42 U.S.C.
24 1758(b)(10)); or

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

3 SEC. 769. There is hereby appropriated \$1,000,000,
4 to remain available until September 30, 2019, for the cost
5 of loans and grants that is consistent with section 4206
6 of the Agricultural Act of 2014, for necessary expenses
7 of the Secretary to support projects that provide access
8 to healthy food in underserved areas, to create and pre-
9 serve quality jobs, and to revitalize low-income commu-
10 nities.

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

17 SEC. 771. For an additional amount for “Animal and
18 Plant Health Inspection Service—Salaries and Expenses”,
19 \$7,500,000, to remain available until September 30, 2019,
20 for one-time control and management and associated ac-
21 tivities directly related to the multiple-agency response to
22 citrus greening.

23 SEC. 772. (a) The Department of Agriculture Reor-
24 ganization Act of 1994 (7 U.S.C. 6931) is amended—

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

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

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

7 “(a) AUTHORIZATION.—The Secretary is authorized
8 to establish in the Department the position of Under Sec-
9 retary of Agriculture for Farm Production and Conserva-
10 tion.

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

17 “(c) FUNCTIONS OF UNDERSECRETARY.—The Under
18 Secretary of Agriculture for Farm Production and Con-
19 servation shall perform such functions and duties as the
20 Secretary shall prescribe.

21 “(d) SUCCESSION.—Any official who is serving as
22 Under Secretary of Agriculture for Farm and Foreign Ag-
23 ricultural Services on the date of the enactment of this
24 Act and who was appointed by the President, by and with
25 the advice and consent of the Senate, shall not be required

1 to be reappointed under subsection (b) to the successor
2 position authorized under subsection (a).”.

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

9 SEC. 773. None of the funds made available by this
10 or any other Act may be used to enforce the final rule
11 promulgated by the Food and Drug Administration enti-
12 tled “Standards for the Growing, Harvesting, Packing,
13 and Holding of Produce for Human Consumption,” and
14 published on November 27, 2015, with respect to the regu-
15 lation of the production, distribution, sale, or receipt of
16 grape varieties that are grown, harvested and used solely
17 for wine and receive commercial processing that ade-
18 quately reduces the presence of microorganisms of public
19 health significance.

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

22 (1) pursuant to the rule entitled “Exceptions to
23 Geographic Areas for Official Agencies Under the
24 USGSA” published by the Department of Agri-

1 culture in the Federal Register on April 18, 2003
2 (68 Fed. Reg. 19137, 19139); and

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

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

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

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

21 SEC. 778. For an additional amount for “Department
22 of Health and Human Services—Food and Drug Adminis-
23 tration—Salaries and Expenses”, \$94,000,000, to remain
24 available until expended, in addition to amounts otherwise
25 made available for necessary expenses of processing opioid

1 and other articles imported or offered for import through
2 international mail facilities of the U.S. Postal Service:
3 *Provided*, That such additional amounts shall also be
4 available for expanding and enhancing inspection capacity
5 related to such processing activity (including but not lim-
6 ited to increasing staffing, obtaining necessary equipment
7 and supplies, and expanding and upgrading infrastruc-
8 ture, laboratory facilities, and data libraries): *Provided*
9 *further*, That amounts appropriated under this section
10 shall be in addition to amounts otherwise made available
11 for research and criminal investigations related to such
12 import articles, and be available for enhancing such re-
13 search and investigations: *Provided further*, That the Sec-
14 retary of Health and Human Services shall provide quar-
15 terly reports to the Committees on Appropriations of the
16 House and Senate on the obligation of amounts appro-
17 priated under this section.

18 SEC. 779. For an additional amount for “Rural Utili-
19 ties Service—Distance Learning, Telemedicine, and
20 Broadband Program”, \$600,000,000, to remain available
21 until expended, for the Secretary of Agriculture to conduct
22 a new broadband loan and grant pilot program under the
23 Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.):
24 *Provided*, That for the purpose of the new pilot program,
25 the authorities provided in such Act shall include the au-

1 thority to make grants for such purposes, as described in
2 section 601(a) of such Act: *Provided further*, That the cost
3 of direct loans shall be as defined in section 502 of the
4 Congressional Budget Act of 1974: *Provided further*, That
5 at least 90 percent of the households to be served by a
6 project receiving a loan or grant under the pilot program
7 shall be in a rural area without sufficient access to
8 broadband, defined for this pilot program as 10 Mbps
9 downstream, and 1 Mbps upstream, which shall be re-
10 evaluated and redetermined, as necessary, on an annual
11 basis by the Secretary of Agriculture: *Provided further*,
12 That an entity to which a loan or grant is made under
13 the pilot program shall not use the loan or grant to over-
14 build or duplicate broadband expansion efforts made by
15 any entity that has received a broadband loan from the
16 Rural Utilities Service: *Provided further*, That in addition
17 to other available funds, not more than four percent of
18 the funds can be used for administrative costs to carry
19 out this pilot program and up to three percent may be
20 utilized for technical assistance and pre-development plan-
21 ning activities to support the most rural communities,
22 which shall be transferred to and merged with the appro-
23 priation for “Rural Development, Salaries and Expenses”:
24 *Provided further*, That the Rural Utility Service is directed
25 to expedite program delivery methods that would imple-

1 ment this section: *Provided further*, That for purposes of
2 this section, the Secretary shall adhere to the notice, re-
3 porting and service area assessment requirements set
4 forth in sections 6104(a)(2)(D) and 6104(a)(2)(E) of the
5 Agricultural Act of 2014 (7 U.S.C. 950bb(d)(5), and
6 950bb(d)(8) and 950bb(d)(10)).

7 SEC. 780. For an additional amount for the cost of
8 direct loans and grants made under the “Rural Water and
9 Waste Disposal Program Account”, \$500,000,000, to re-
10 main available until expended, of which not to exceed
11 \$495,000,000 shall be for grants.

12 SEC. 781. The Secretary of Agriculture and the Com-
13 missioner of Food and Drugs shall—

14 (1) post on a public Website in a searchable
15 format information on competitive grant awards
16 made using funds made available under an appro-
17 priations Act (other than funds appropriated to the
18 Commodity Credit Corporation, the Forest Service,
19 or funds provided under the heading “Food for
20 Peace Title II Grants”) that includes, with respect
21 to each such award, the Congressional District cor-
22 responding to the State, District, Tribal jurisdiction,
23 or territory of the United States in which the recipi-
24 ent of the funds is geographically located; and

1 (2) not provide advance notification of such
2 grant awards to any person outside of the Depart-
3 ment of Agriculture or the Food and Drug Adminis-
4 tration except potential awardees, until such infor-
5 mation is posted, as described in paragraph (1).

6 SEC. 782. None of the funds made available by this
7 Act may be used to pay the salaries or expenses of per-
8 sonnel—

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

11 (2) to inspect horses under section 903 of the
12 Federal Agriculture Improvement and Reform Act of
13 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

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

17 SEC. 783. None of the funds appropriated or other-
18 wise made available by this or any other Act shall be used
19 to pay the salaries and expenses of personnel to carry out
20 the Biomass Crop Assistance Program authorized by sec-
21 tion 9011 of the Farm Security and Rural Investment Act
22 of 2002 (7 U.S.C. 8111).

23 This division may be cited as the “Agriculture, Rural
24 Development, Food and Drug Administration, and Re-
25 lated Agencies Appropriations Act, 2018”.

1 **DIVISION B—COMMERCE, JUSTICE,**
2 **SCIENCE, AND RELATED AGENCIES**
3 **APPROPRIATIONS ACT, 2018**

4 TITLE I

5 DEPARTMENT OF COMMERCE

6 INTERNATIONAL TRADE ADMINISTRATION

7 OPERATIONS AND ADMINISTRATION

8 For necessary expenses for international trade activi-
9 ties of the Department of Commerce provided for by law,
10 and for engaging in trade promotional activities abroad,
11 including expenses of grants and cooperative agreements
12 for the purpose of promoting exports of United States
13 firms, without regard to sections 3702 and 3703 of title
14 44, United States Code; full medical coverage for depend-
15 ent members of immediate families of employees stationed
16 overseas and employees temporarily posted overseas; travel
17 and transportation of employees of the International
18 Trade Administration between two points abroad, without
19 regard to section 40118 of title 49, United States Code;
20 employment of citizens of the United States and aliens by
21 contract for services; rental of space abroad for periods
22 not exceeding 10 years, and expenses of alteration, repair,
23 or improvement; purchase or construction of temporary
24 demountable exhibition structures for use abroad; pay-
25 ment of tort claims, in the manner authorized in the first

1 paragraph of section 2672 of title 28, United States Code,
2 when such claims arise in foreign countries; not to exceed
3 \$294,300 for official representation expenses abroad; pur-
4 chase of passenger motor vehicles for official use abroad,
5 not to exceed \$45,000 per vehicle; obtaining insurance on
6 official motor vehicles; and rental of tie lines,
7 \$495,000,000, to remain available until September 30,
8 2019, of which \$13,000,000 is to be derived from fees to
9 be retained and used by the International Trade Adminis-
10 tration, notwithstanding section 3302 of title 31, United
11 States Code: *Provided*, That, of amounts provided under
12 this heading, not less than \$16,400,000 shall be for China
13 antidumping and countervailing duty enforcement and
14 compliance activities: *Provided further*, That the provisions
15 of the first sentence of section 105(f) and all of section
16 108(c) of the Mutual Educational and Cultural Exchange
17 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
18 in carrying out these activities; and that for the purpose
19 of this Act, contributions under the provisions of the Mu-
20 tual Educational and Cultural Exchange Act of 1961 shall
21 include payment for assessments for services provided as
22 part of these activities.

1 BUREAU OF INDUSTRY AND SECURITY
2 OPERATIONS AND ADMINISTRATION

3 For necessary expenses for export administration and
4 national security activities of the Department of Com-
5 merce, including costs associated with the performance of
6 export administration field activities both domestically and
7 abroad; full medical coverage for dependent members of
8 immediate families of employees stationed overseas; em-
9 ployment of citizens of the United States and aliens by
10 contract for services abroad; payment of tort claims, in
11 the manner authorized in the first paragraph of section
12 2672 of title 28, United States Code, when such claims
13 arise in foreign countries; not to exceed \$13,500 for offi-
14 cial representation expenses abroad; awards of compensa-
15 tion to informers under the Export Administration Act of
16 1979, and as authorized by section 1(b) of the Act of June
17 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase
18 of passenger motor vehicles for official use and motor vehi-
19 cles for law enforcement use with special requirement vehi-
20 cles eligible for purchase without regard to any price limi-
21 tation otherwise established by law, \$113,500,000, to re-
22 main available until expended: *Provided*, That the provi-
23 sions of the first sentence of section 105(f) and all of sec-
24 tion 108(c) of the Mutual Educational and Cultural Ex-
25 change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall

1 apply in carrying out these activities: *Provided further*,
2 That payments and contributions collected and accepted
3 for materials or services provided as part of such activities
4 may be retained for use in covering the cost of such activi-
5 ties, and for providing information to the public with re-
6 spect to the export administration and national security
7 activities of the Department of Commerce and other ex-
8 port control programs of the United States and other gov-
9 ernments.

10 ECONOMIC DEVELOPMENT ADMINISTRATION

11 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

12 For grants for economic development assistance as
13 provided by the Public Works and Economic Development
14 Act of 1965, for trade adjustment assistance, and for
15 grants authorized by section 27 of the Stevenson-Wydler
16 Technology Innovation Act of 1980 (15 U.S.C. 3722),
17 \$262,500,000, to remain available until expended, of
18 which \$21,000,000 shall be for grants under such section
19 27.

20 SALARIES AND EXPENSES

21 For necessary expenses of administering the eco-
22 nomic development assistance programs as provided for by
23 law, \$39,000,000: *Provided*, That these funds may be used
24 to monitor projects approved pursuant to title I of the
25 Public Works Employment Act of 1976, title II of the

1 Trade Act of 1974, section 27 of the Stevenson-Wydler
2 Technology Innovation Act of 1980 (15 U.S.C. 3722), and
3 the Community Emergency Drought Relief Act of 1977.

4 MINORITY BUSINESS DEVELOPMENT AGENCY

5 MINORITY BUSINESS DEVELOPMENT

6 For necessary expenses of the Department of Com-
7 merce in fostering, promoting, and developing minority
8 business enterprise, including expenses of grants, con-
9 tracts, and other agreements with public or private organi-
10 zations, \$39,000,000.

11 ECONOMIC AND STATISTICAL ANALYSIS

12 SALARIES AND EXPENSES

13 For necessary expenses, as authorized by law, of eco-
14 nomic and statistical analysis programs of the Department
15 of Commerce, \$99,000,000, to remain available until Sep-
16 tember 30, 2019.

17 BUREAU OF THE CENSUS

18 CURRENT SURVEYS AND PROGRAMS

19 For necessary expenses for collecting, compiling, ana-
20 lyzing, preparing and publishing statistics, provided for by
21 law, \$270,000,000: *Provided*, That, from amounts pro-
22 vided herein, funds may be used for promotion, outreach,
23 and marketing activities: *Provided further*, That the Bu-
24 reau of the Census shall collect and analyze data for the
25 Annual Social and Economic Supplement to the Current

1 Population Survey using the same health insurance ques-
2 tions included in previous years, in addition to the revised
3 questions implemented in the Current Population Survey
4 beginning in February 2014.

5 PERIODIC CENSUSES AND PROGRAMS
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses for collecting, compiling, ana-
8 lyzing, preparing and publishing statistics for periodic cen-
9 suses and programs provided for by law, \$2,544,000,000,
10 to remain available until September 30, 2020: *Provided*,
11 That, from amounts provided herein, funds may be used
12 for promotion, outreach, and marketing activities: *Pro-*
13 *vided further*, That within the amounts appropriated,
14 \$2,580,000 shall be transferred to the “Office of Inspector
15 General” account for activities associated with carrying
16 out investigations and audits related to the Bureau of the
17 Census: *Provided further*, That not more than 50 percent
18 of the amounts made available under this heading for in-
19 formation technology related to 2020 census delivery, in-
20 cluding the Census Enterprise Data Collection and Proc-
21 essing (CEDCaP) program, may be obligated until the
22 Secretary updates the previous expenditure plan and re-
23 submits to the Committees on Appropriations of the
24 House of Representatives and the Senate a plan for ex-
25 penditure that: (1) identifies for each CEDCaP project/

1 investment over \$25,000: (A) the functional and perform-
2 ance capabilities to be delivered and the mission benefits
3 to be realized; (B) an updated estimated lifecycle cost, in-
4 cluding cumulative expenditures to date by fiscal year, and
5 all revised estimates for development, maintenance, and
6 operations; (C) key milestones to be met; and (D) impacts
7 of cost variances on other Census programs; (2) details
8 for each project/investment: (A) reasons for any cost and
9 schedule variances; and (B) top risks and mitigation strat-
10 egies; and (3) has been submitted to the Government Ac-
11 countability Office.

12 NATIONAL TELECOMMUNICATIONS AND INFORMATION

13 ADMINISTRATION

14 SALARIES AND EXPENSES

15 For necessary expenses, as provided for by law, of
16 the National Telecommunications and Information Ad-
17 ministration (NTIA), \$39,500,000, to remain available
18 until September 30, 2019: *Provided*, That, notwith-
19 standing 31 U.S.C. 1535(d), the Secretary of Commerce
20 shall charge Federal agencies for costs incurred in spec-
21 trum management, analysis, operations, and related serv-
22 ices, and such fees shall be retained and used as offsetting
23 collections for costs of such spectrum services, to remain
24 available until expended: *Provided further*, That the Sec-
25 retary of Commerce is authorized to retain and use as off-

1 setting collections all funds transferred, or previously
2 transferred, from other Government agencies for all costs
3 incurred in telecommunications research, engineering, and
4 related activities by the Institute for Telecommunication
5 Sciences of NTLA, in furtherance of its assigned functions
6 under this paragraph, and such funds received from other
7 Government agencies shall remain available until ex-
8 pended: *Provided further*, That \$7,500,000 shall be to up-
9 date the national broadband availability map in coordina-
10 tion with the Federal Communications Commission and
11 using partnerships previously developed with the States.

12 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
13 AND CONSTRUCTION

14 For the administration of prior-year grants, recov-
15 eries and unobligated balances of funds previously appro-
16 priated are available for the administration of all open
17 grants until their expiration.

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

21 For necessary expenses of the United States Patent
22 and Trademark Office (USPTO) provided for by law, in-
23 cluding defense of suits instituted against the Under Sec-
24 retary of Commerce for Intellectual Property and Director
25 of the USPTO, \$3,500,000,000, to remain available until

1 expended: *Provided*, That the sum herein appropriated
2 from the general fund shall be reduced as offsetting collec-
3 tions of fees and surcharges assessed and collected by the
4 USPTO under any law are received during fiscal year
5 2018, so as to result in a fiscal year 2018 appropriation
6 from the general fund estimated at \$0: *Provided further*,
7 That during fiscal year 2018, should the total amount of
8 such offsetting collections be less than \$3,500,000,000
9 this amount shall be reduced accordingly: *Provided fur-*
10 *ther*, That any amount received in excess of
11 \$3,500,000,000 in fiscal year 2018 and deposited in the
12 Patent and Trademark Fee Reserve Fund shall remain
13 available until expended: *Provided further*, That the Direc-
14 tor of USPTO shall submit a spending plan to the Com-
15 mittees on Appropriations of the House of Representatives
16 and the Senate for any amounts made available by the
17 preceding proviso and such spending plan shall be treated
18 as a reprogramming under section 505 of this Act and
19 shall not be available for obligation or expenditure except
20 in compliance with the procedures set forth in that section:
21 *Provided further*, That any amounts reprogrammed in ac-
22 cordance with the preceding proviso shall be transferred
23 to the United States Patent and Trademark Office “Sala-
24 ries and Expenses” account: *Provided further*, That from
25 amounts provided herein, not to exceed \$900 shall be

1 made available in fiscal year 2018 for official reception
2 and representation expenses: *Provided further*, That in fis-
3 cal year 2018 from the amounts made available for “Sala-
4 ries and Expenses” for the USPTO, the amounts nec-
5 essary to pay (1) the difference between the percentage
6 of basic pay contributed by the USPTO and employees
7 under section 8334(a) of title 5, United States Code, and
8 the normal cost percentage (as defined by section
9 8331(17) of that title) as provided by the Office of Per-
10 sonnel Management (OPM) for USPTO’s specific use, of
11 basic pay, of employees subject to subchapter III of chap-
12 ter 83 of that title, and (2) the present value of the other-
13 wise unfunded accruing costs, as determined by OPM for
14 USPTO’s specific use of post-retirement life insurance
15 and post-retirement health benefits coverage for all
16 USPTO employees who are enrolled in Federal Employees
17 Health Benefits (FEHB) and Federal Employees Group
18 Life Insurance (FEGLI), shall be transferred to the Civil
19 Service Retirement and Disability Fund, the FEGLI
20 Fund, and the FEHB Fund, as appropriate, and shall be
21 available for the authorized purposes of those accounts:
22 *Provided further*, That any differences between the present
23 value factors published in OPM’s yearly 300 series benefit
24 letters and the factors that OPM provides for USPTO’s
25 specific use shall be recognized as an imputed cost on

1 USPTO’s financial statements, where applicable: *Provided*
2 *further*, That, notwithstanding any other provision of law,
3 all fees and surcharges assessed and collected by USPTO
4 are available for USPTO only pursuant to section 42(c)
5 of title 35, United States Code, as amended by section
6 22 of the Leahy-Smith America Invents Act (Public Law
7 112–29): *Provided further*, That within the amounts ap-
8 propriated, \$1,000,000 shall be transferred to the “Office
9 of Inspector General” account for activities associated
10 with carrying out investigations and audits related to the
11 USPTO.

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

15 For necessary expenses of the National Institute of
16 Standards and Technology (NIST), \$724,500,000, to re-
17 main available until expended, of which not to exceed
18 \$9,000,000 may be transferred to the “Working Capital
19 Fund”: *Provided*, That not to exceed \$20,000 shall be for
20 official reception and representation expenses: *Provided*
21 *further*, That NIST may provide local transportation for
22 summer undergraduate research fellowship program par-
23 ticipants.

1 INDUSTRIAL TECHNOLOGY SERVICES

2 For necessary expenses for industrial technology
3 services, \$155,000,000, to remain available until ex-
4 pended, of which \$140,000,000 shall be for the Hollings
5 Manufacturing Extension Partnership, and of which
6 \$15,000,000 shall be for the National Network for Manu-
7 facturing Innovation (also known as “Manufacturing
8 USA”).

9 CONSTRUCTION OF RESEARCH FACILITIES

10 For construction of new research facilities, including
11 architectural and engineering design, and for renovation
12 and maintenance of existing facilities, not otherwise pro-
13 vided for the National Institute of Standards and Tech-
14 nology, as authorized by sections 13 through 15 of the
15 National Institute of Standards and Technology Act (15
16 U.S.C. 278c–278e), \$319,000,000, to remain available
17 until expended: *Provided*, That the Secretary of Commerce
18 shall include in the budget justification materials that the
19 Secretary submits to Congress in support of the Depart-
20 ment of Commerce budget (as submitted with the budget
21 of the President under section 1105(a) of title 31, United
22 States Code) an estimate for each National Institute of
23 Standards and Technology construction project having a
24 total multi-year program cost of more than \$5,000,000,
25 and simultaneously the budget justification materials shall

1 include an estimate of the budgetary requirements for
2 each such project for each of the 5 subsequent fiscal years.

3 NATIONAL OCEANIC AND ATMOSPHERIC
4 ADMINISTRATION
5 OPERATIONS, RESEARCH, AND FACILITIES
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of activities authorized by law
8 for the National Oceanic and Atmospheric Administration,
9 including maintenance, operation, and hire of aircraft and
10 vessels; pilot programs for state-led fisheries management,
11 notwithstanding any other provision of law; grants, con-
12 tracts, or other payments to nonprofit organizations for
13 the purposes of conducting activities pursuant to coopera-
14 tive agreements; and relocation of facilities,
15 \$3,536,331,000, to remain available until September 30,
16 2019, except that funds provided for cooperative enforce-
17 ment shall remain available until September 30, 2020:
18 *Provided*, That fees and donations received by the Na-
19 tional Ocean Service for the management of national ma-
20 rine sanctuaries may be retained and used for the salaries
21 and expenses associated with those activities, notwith-
22 standing section 3302 of title 31, United States Code: *Pro-*
23 *vided further*, That in addition, \$144,000,000 shall be de-
24 rived by transfer from the fund entitled “Promote and De-
25 velop Fishery Products and Research Pertaining to Amer-

1 ican Fisheries”, which shall only be used for fishery activi-
2 ties related to the Saltonstall-Kennedy Grant Program,
3 Cooperative Research, Annual Stock Assessments, Survey
4 and Monitoring Projects, Interjurisdictional Fisheries
5 Grants, and Fish Information Networks: *Provided further*,
6 That of the \$3,697,831,000 provided for in direct obliga-
7 tions under this heading, \$3,536,331,000 is appropriated
8 from the general fund, \$144,000,000 is provided by trans-
9 fer, and \$17,500,000 is derived from recoveries of prior
10 year obligations: *Provided further*, That any deviation
11 from the amounts designated for specific activities in the
12 explanatory statement described in section 4 (in the mat-
13 ter preceding division A of this consolidated Act), or any
14 use of deobligated balances of funds provided under this
15 heading in previous years, shall be subject to the proce-
16 dures set forth in section 505 of this Act: *Provided further*,
17 That in addition, for necessary retired pay expenses under
18 the Retired Serviceman’s Family Protection and Survivor
19 Benefits Plan, and for payments for the medical care of
20 retired personnel and their dependents under the Depend-
21 ents’ Medical Care Act (10 U.S.C. ch. 55), such sums as
22 may be necessary.

1 ministration procurement, acquisition or construction
2 project having a total of more than \$5,000,000 and simul-
3 taneously the budget justification shall include an estimate
4 of the budgetary requirements for each such project for
5 each of the 5 subsequent fiscal years: *Provided further,*
6 That, within the amounts appropriated, \$1,302,000 shall
7 be transferred to the “Office of Inspector General” ac-
8 count for activities associated with carrying out investiga-
9 tions and audits related to satellite procurement, acquisi-
10 tion and construction.

11 PACIFIC COASTAL SALMON RECOVERY

12 For necessary expenses associated with the restora-
13 tion of Pacific salmon populations, \$65,000,000, to re-
14 main available until September 30, 2019: *Provided,* That,
15 of the funds provided herein, the Secretary of Commerce
16 may issue grants to the States of Washington, Oregon,
17 Idaho, Nevada, California, and Alaska, and to the Feder-
18 ally recognized tribes of the Columbia River and Pacific
19 Coast (including Alaska), for projects necessary for con-
20 servation of salmon and steelhead populations that are
21 listed as threatened or endangered, or that are identified
22 by a State as at-risk to be so listed, for maintaining popu-
23 lations necessary for exercise of tribal treaty fishing rights
24 or native subsistence fishing, or for conservation of Pacific
25 coastal salmon and steelhead habitat, based on guidelines

1 to be developed by the Secretary of Commerce: *Provided*
2 *further*, That all funds shall be allocated based on sci-
3 entific and other merit principles and shall not be available
4 for marketing activities: *Provided further*, That funds dis-
5 bursed to States shall be subject to a matching require-
6 ment of funds or documented in-kind contributions of at
7 least 33 percent of the Federal funds.

8 FISHERMEN’S CONTINGENCY FUND

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

13 FISHERY DISASTER ASSISTANCE

14 For the necessary expenses associated with the miti-
15 gation of fishery disasters, \$20,000,000 to remain avail-
16 able until expended: *Provided*, That funds shall be used
17 for mitigating the effects of commercial fishery failures
18 and fishery resource disasters as declared by the Secretary
19 of Commerce.

20 FISHERIES FINANCE PROGRAM ACCOUNT

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

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

3 DEPARTMENTAL MANAGEMENT

4 SALARIES AND EXPENSES

5 For necessary expenses for the management of the
6 Department of Commerce provided for by law, including
7 not to exceed \$4,500 for official reception and representa-
8 tion, \$63,000,000.

9 RENOVATION AND MODERNIZATION

10 For necessary expenses for the renovation and mod-
11 ernization of the Herbert C. Hoover Building,
12 \$45,130,000, to remain available until expended.

13 OFFICE OF INSPECTOR GENERAL

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

17 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 101. During the current fiscal year, applicable
20 appropriations and funds made available to the Depart-
21 ment of Commerce by this Act shall be available for the
22 activities specified in the Act of October 26, 1949 (15
23 U.S.C. 1514), to the extent and in the manner prescribed
24 by the Act, and, notwithstanding 31 U.S.C. 3324, may
25 be used for advanced payments not otherwise authorized

1 only upon the certification of officials designated by the
2 Secretary of Commerce that such payments are in the
3 public interest.

4 SEC. 102. During the current fiscal year, appropria-
5 tions made available to the Department of Commerce by
6 this Act for salaries and expenses shall be available for
7 hire of passenger motor vehicles as authorized by 31
8 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
9 3109; and uniforms or allowances therefor, as authorized
10 by law (5 U.S.C. 5901–5902).

11 SEC. 103. Not to exceed 5 percent of any appropria-
12 tion made available for the current fiscal year for the De-
13 partment of Commerce in this Act may be transferred be-
14 tween such appropriations, but no such appropriation shall
15 be increased by more than 10 percent by any such trans-
16 fers: *Provided*, That any transfer pursuant to this section
17 shall be treated as a reprogramming of funds under sec-
18 tion 505 of this Act and shall not be available for obliga-
19 tion or expenditure except in compliance with the proce-
20 dures set forth in that section: *Provided further*, That the
21 Secretary of Commerce shall notify the Committees on Ap-
22 propriations at least 15 days in advance of the acquisition
23 or disposal of any capital asset (including land, structures,
24 and equipment) not specifically provided for in this Act

1 or any other law appropriating funds for the Department
2 of Commerce.

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

13 SEC. 105. Notwithstanding any other provision of
14 law, the Secretary may furnish services (including but not
15 limited to utilities, telecommunications, and security serv-
16 ices) necessary to support the operation, maintenance, and
17 improvement of space that persons, firms, or organizations
18 are authorized, pursuant to the Public Buildings Coopera-
19 tive Use Act of 1976 or other authority, to use or occupy
20 in the Herbert C. Hoover Building, Washington, DC, or
21 other buildings, the maintenance, operation, and protec-
22 tion of which has been delegated to the Secretary from
23 the Administrator of General Services pursuant to the
24 Federal Property and Administrative Services Act of 1949
25 on a reimbursable or non-reimbursable basis. Amounts re-

1 ceived as reimbursement for services provided under this
2 section or the authority under which the use or occupancy
3 of the space is authorized, up to \$200,000, shall be cred-
4 ited to the appropriation or fund which initially bears the
5 costs of such services.

6 SEC. 106. Nothing in this title shall be construed to
7 prevent a grant recipient from deterring child pornog-
8 raphy, copyright infringement, or any other unlawful ac-
9 tivity over its networks.

10 SEC. 107. The Administrator of the National Oceanic
11 and Atmospheric Administration is authorized to use, with
12 their consent, with reimbursement and subject to the lim-
13 its of available appropriations, the land, services, equip-
14 ment, personnel, and facilities of any department, agency,
15 or instrumentality of the United States, or of any State,
16 local government, Indian tribal government, Territory, or
17 possession, or of any political subdivision thereof, or of
18 any foreign government or international organization, for
19 purposes related to carrying out the responsibilities of any
20 statute administered by the National Oceanic and Atmos-
21 pheric Administration.

22 SEC. 108. The National Technical Information Serv-
23 ice shall not charge any customer for a copy of any report
24 or document generated by the Legislative Branch unless
25 the Service has provided information to the customer on

1 how an electronic copy of such report or document may
2 be accessed and downloaded for free online. Should a cus-
3 tomer still require the Service to provide a printed or dig-
4 ital copy of the report or document, the charge shall be
5 limited to recovering the Service’s cost of processing, re-
6 producing, and delivering such report or document.

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

13 SEC. 110. To carry out the responsibilities of the Na-
14 tional Oceanic and Atmospheric Administration (NOAA),
15 the Administrator of NOAA is authorized to: (1) enter
16 into grants and cooperative agreements with; (2) use on
17 a non-reimbursable basis land, services, equipment, per-
18 sonnel, and facilities provided by; and (3) receive and ex-
19 pend funds made available on a consensual basis from: a
20 Federal agency, State or subdivision thereof, local govern-
21 ment, tribal government, territory, or possession or any
22 subdivisions thereof: *Provided*, That funds received for
23 permitting and related regulatory activities pursuant to
24 this section shall be deposited under the heading “Na-
25 tional Oceanic and Atmospheric Administration—Oper-

1 ations, Research, and Facilities” and shall remain avail-
2 able until September 30, 2020, for such purposes: *Pro-*
3 *vided further*, That all funds within this section and their
4 corresponding uses are subject to section 505 of this Act.

5 SEC. 111. Amounts provided by this Act or by any
6 prior appropriations Act that remain available for obliga-
7 tion, for necessary expenses of the programs of the Eco-
8 nomics and Statistics Administration of the Department
9 of Commerce, including amounts provided for programs
10 of the Bureau of Economic Analysis and the Bureau of
11 the Census, shall be available for expenses of cooperative
12 agreements with appropriate entities, including any Fed-
13 eral, State, or local governmental unit, or institution of
14 higher education, to aid and promote statistical, research,
15 and methodology activities which further the purposes for
16 which such amounts have been made available.

17 This title may be cited as the “Department of Com-
18 merce Appropriations Act, 2018”.

1 TITLE II
2 DEPARTMENT OF JUSTICE
3 GENERAL ADMINISTRATION
4 SALARIES AND EXPENSES

5 For expenses necessary for the administration of the
6 Department of Justice, \$114,000,000, of which not to ex-
7 ceed \$4,000,000 for security and construction of Depart-
8 ment of Justice facilities shall remain available until ex-
9 pended.

10 JUSTICE INFORMATION SHARING TECHNOLOGY
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses for information sharing tech-
13 nology, including planning, development, deployment and
14 departmental direction, \$35,000,000, to remain available
15 until expended: *Provided*, That the Attorney General may
16 transfer up to \$35,400,000 to this account, from funds
17 available to the Department of Justice for information
18 technology, to remain available until expended, for enter-
19 prise-wide information technology initiatives: *Provided fur-*
20 *ther*, That the transfer authority in the preceding proviso
21 is in addition to any other transfer authority contained
22 in this Act: *Provided further*, That any transfer pursuant
23 to the first proviso shall be treated as a reprogramming
24 under section 505 of this Act and shall not be available

1 for obligation or expenditure except in compliance with the
2 procedures set forth in that section.

3 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary for the administration of im-
6 migration-related activities of the Executive Office for Im-
7 migration Review, \$504,500,000, of which \$4,000,000
8 shall be derived by transfer from the Executive Office for
9 Immigration Review fees deposited in the “Immigration
10 Examinations Fee” account: *Provided*, That not to exceed
11 \$35,000,000 of the total amount made available under
12 this heading shall remain available until expended.

13 OFFICE OF INSPECTOR GENERAL

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

17 UNITED STATES PAROLE COMMISSION

18 SALARIES AND EXPENSES

19 For necessary expenses of the United States Parole
20 Commission as authorized, \$13,308,000: *Provided*, That,
21 notwithstanding any other provision of law, upon the expi-
22 ration of a term of office of a Commissioner, the Commis-
23 sioner may continue to act until a successor has been ap-
24 pointed.

1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

3 For expenses necessary for the legal activities of the
4 Department of Justice, not otherwise provided for, includ-
5 ing not to exceed \$20,000 for expenses of collecting evi-
6 dence, to be expended under the direction of, and to be
7 accounted for solely under the certificate of, the Attorney
8 General; the administration of pardon and clemency peti-
9 tions; and rent of private or Government-owned space in
10 the District of Columbia, \$897,500,000, of which not to
11 exceed \$20,000,000 for litigation support contracts shall
12 remain available until expended: *Provided*, That of the
13 amount provided for INTERPOL Washington dues pay-
14 ments, not to exceed \$685,000 shall remain available until
15 expended: *Provided further*, That of the total amount ap-
16 propriated, not to exceed \$9,000 shall be available to
17 INTERPOL Washington for official reception and rep-
18 resentation expenses: *Provided further*, That notwith-
19 standing section 205 of this Act, upon a determination
20 by the Attorney General that emergent circumstances re-
21 quire additional funding for litigation activities of the Civil
22 Division, the Attorney General may transfer such amounts
23 to “Salaries and Expenses, General Legal Activities” from
24 available appropriations for the current fiscal year for the
25 Department of Justice, as may be necessary to respond

1 to such circumstances: *Provided further*, That any transfer
2 pursuant to the preceding proviso shall be treated as a
3 reprogramming under section 505 of this Act and shall
4 not be available for obligation or expenditure except in
5 compliance with the procedures set forth in that section:
6 *Provided further*, That of the amount appropriated, such
7 sums as may be necessary shall be available to the Civil
8 Rights Division for salaries and expenses associated with
9 the election monitoring program under section 8 of the
10 Voting Rights Act of 1965 (52 U.S.C. 10305) and to reim-
11 burse the Office of Personnel Management for such sala-
12 ries and expenses: *Provided further*, That of the amounts
13 provided under this heading for the election monitoring
14 program, \$3,390,000 shall remain available until ex-
15 pended.

16 In addition, for reimbursement of expenses of the De-
17 partment of Justice associated with processing cases
18 under the National Childhood Vaccine Injury Act of 1986,
19 not to exceed \$10,000,000, to be appropriated from the
20 Vaccine Injury Compensation Trust Fund.

21 SALARIES AND EXPENSES, ANTITRUST DIVISION

22 For expenses necessary for the enforcement of anti-
23 trust and kindred laws, \$164,977,000, to remain available
24 until expended: *Provided*, That notwithstanding any other
25 provision of law, fees collected for premerger notification

1 filings under the Hart-Scott-Rodino Antitrust Improve-
2 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
3 of collection (and estimated to be \$126,000,000 in fiscal
4 year 2018), shall be retained and used for necessary ex-
5 penses in this appropriation, and shall remain available
6 until expended: *Provided further*, That the sum herein ap-
7 propriated from the general fund shall be reduced as such
8 offsetting collections are received during fiscal year 2018,
9 so as to result in a final fiscal year 2018 appropriation
10 from the general fund estimated at \$38,977,000.

11 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

12 For necessary expenses of the Offices of the United
13 States Attorneys, including inter-governmental and coop-
14 erative agreements, \$2,136,750,000: *Provided*, That of the
15 total amount appropriated, not to exceed \$7,200 shall be
16 available for official reception and representation ex-
17 penses: *Provided further*, That not to exceed \$25,000,000
18 shall remain available until expended: *Provided further*,
19 That each United States Attorney shall establish or par-
20 ticipate in a task force on human trafficking.

21 UNITED STATES TRUSTEE SYSTEM FUND

22 For necessary expenses of the United States Trustee
23 Program, as authorized, \$225,908,000, to remain avail-
24 able until expended: *Provided*, That, notwithstanding any
25 other provision of law, deposits to the United States

1 Trustee System Fund and amounts herein appropriated
2 shall be available in such amounts as may be necessary
3 to pay refunds due depositors: *Provided further*, That, not-
4 withstanding any other provision of law, fees collected pur-
5 suant to section 589a(b) of title 28, United States Code,
6 shall be retained and used for necessary expenses in this
7 appropriation and shall remain available until expended:
8 *Provided further*, That to the extent that fees collected in
9 fiscal year 2018, net of amounts necessary to pay refunds
10 due depositors, exceed \$225,908,000, those excess
11 amounts shall be available in future fiscal years only to
12 the extent provided in advance in appropriations Acts:
13 *Provided further*, That the sum herein appropriated from
14 the general fund shall be reduced (1) as such fees are re-
15 ceived during fiscal year 2018, net of amounts necessary
16 to pay refunds due depositors, (estimated at
17 \$231,000,000) and (2) to the extent that any remaining
18 general fund appropriations can be derived from amounts
19 deposited in the Fund in previous fiscal years that are not
20 otherwise appropriated, so as to result in a final fiscal year
21 2018 appropriation from the general fund estimated at \$0.

22 SALARIES AND EXPENSES, FOREIGN CLAIMS

23 SETTLEMENT COMMISSION

24 For expenses necessary to carry out the activities of
25 the Foreign Claims Settlement Commission, including

1 services as authorized by section 3109 of title 5, United
2 States Code, \$2,409,000.

3 FEES AND EXPENSES OF WITNESSES

4 For fees and expenses of witnesses, for expenses of
5 contracts for the procurement and supervision of expert
6 witnesses, for private counsel expenses, including ad-
7 vances, and for expenses of foreign counsel, \$270,000,000,
8 to remain available until expended, of which not to exceed
9 \$16,000,000 is for construction of buildings for protected
10 witness safesites; not to exceed \$3,000,000 is for the pur-
11 chase and maintenance of armored and other vehicles for
12 witness security caravans; and not to exceed \$15,000,000
13 is for the purchase, installation, maintenance, and up-
14 grade of secure telecommunications equipment and a se-
15 cure automated information network to store and retrieve
16 the identities and locations of protected witnesses: *Pro-*
17 *vided*, That amounts made available under this heading
18 may not be transferred pursuant to section 205 of this
19 Act.

20 SALARIES AND EXPENSES, COMMUNITY RELATIONS

21 SERVICE

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Community Relations
24 Service, \$15,500,000: *Provided*, That notwithstanding sec-
25 tion 205 of this Act, upon a determination by the Attorney

1 General that emergent circumstances require additional
2 funding for conflict resolution and violence prevention ac-
3 tivities of the Community Relations Service, the Attorney
4 General may transfer such amounts to the Community Re-
5 lations Service, from available appropriations for the cur-
6 rent fiscal year for the Department of Justice, as may be
7 necessary to respond to such circumstances: *Provided fur-*
8 *ther*, That any transfer pursuant to the preceding proviso
9 shall be treated as a reprogramming under section 505
10 of this Act and shall not be available for obligation or ex-
11 penditure except in compliance with the procedures set
12 forth in that section.

13 ASSETS FORFEITURE FUND

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

18 UNITED STATES MARSHALS SERVICE

19 SALARIES AND EXPENSES

20 For necessary expenses of the United States Mar-
21 shals Service, \$1,311,492,000, of which not to exceed
22 \$6,000 shall be available for official reception and rep-
23 resentation expenses, and not to exceed \$15,000,000 shall
24 remain available until expended.

1 CONSTRUCTION

2 For construction in space controlled, occupied or uti-
3 lized by the United States Marshals Service for prisoner
4 holding and related support, \$53,400,000, to remain avail-
5 able until expended.

6 FEDERAL PRISONER DETENTION

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses related to United States pris-
9 oners in the custody of the United States Marshals Service
10 as authorized by section 4013 of title 18, United States
11 Code, \$1,536,000,000, to remain available until expended:
12 *Provided*, That not to exceed \$20,000,000 shall be consid-
13 ered “funds appropriated for State and local law enforce-
14 ment assistance” pursuant to section 4013(b) of title 18,
15 United States Code: *Provided further*, That the United
16 States Marshals Service shall be responsible for managing
17 the Justice Prisoner and Alien Transportation System:
18 *Provided further*, That any unobligated balances available
19 from funds appropriated under the heading “General Ad-
20 ministration, Detention Trustee” shall be transferred to
21 and merged with the appropriation under this heading.

1 NATIONAL SECURITY DIVISION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For expenses necessary to carry out the activities of
5 the National Security Division, \$101,031,000, of which
6 not to exceed \$5,000,000 for information technology sys-
7 tems shall remain available until expended: *Provided*, That
8 notwithstanding section 205 of this Act, upon a deter-
9 mination by the Attorney General that emergent cir-
10 cumstances require additional funding for the activities of
11 the National Security Division, the Attorney General may
12 transfer such amounts to this heading from available ap-
13 propriations for the current fiscal year for the Department
14 of Justice, as may be necessary to respond to such cir-
15 cumstances: *Provided further*, That any transfer pursuant
16 to the preceding proviso shall be treated as a reprogram-
17 ming under section 505 of this Act and shall not be avail-
18 able for obligation or expenditure except in compliance
19 with the procedures set forth in that section.

20 INTERAGENCY LAW ENFORCEMENT

21 INTERAGENCY CRIME AND DRUG ENFORCEMENT

22 For necessary expenses for the identification, inves-
23 tigation, and prosecution of individuals associated with the
24 most significant drug trafficking organizations,
25 transnational organized crime, and money laundering or-

1 ganizations not otherwise provided for, to include inter-
2 governmental agreements with State and local law en-
3 forcement agencies engaged in the investigation and pros-
4 ecution of individuals involved in transnational organized
5 crime and drug trafficking, \$542,850,000, of which
6 \$50,000,000 shall remain available until expended: *Pro-*
7 *vided*, That any amounts obligated from appropriations
8 under this heading may be used under authorities avail-
9 able to the organizations reimbursed from this appropria-
10 tion.

11 FEDERAL BUREAU OF INVESTIGATION

12 SALARIES AND EXPENSES

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

20 CONSTRUCTION

21 For necessary expenses, to include the cost of equip-
22 ment, furniture, and information technology requirements,
23 related to construction or acquisition of buildings, facili-
24 ties and sites by purchase, or as otherwise authorized by
25 law; conversion, modification and extension of federally

1 owned buildings; preliminary planning and design of
2 projects; and operation and maintenance of secure work
3 environment facilities and secure networking capabilities;
4 \$370,000,000, to remain available until expended.

5 DRUG ENFORCEMENT ADMINISTRATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Drug Enforcement Ad-
8 ministration, including not to exceed \$70,000 to meet un-
9 foreseen emergencies of a confidential character pursuant
10 to section 530C of title 28, United States Code; and ex-
11 penses for conducting drug education and training pro-
12 grams, including travel and related expenses for partici-
13 pants in such programs and the distribution of items of
14 token value that promote the goals of such programs,
15 \$2,190,326,000, of which not to exceed \$75,000,000 shall
16 remain available until expended and not to exceed \$90,000
17 shall be available for official reception and representation
18 expenses.

19 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

20 EXPLOSIVES

21 SALARIES AND EXPENSES

22 For necessary expenses of the Bureau of Alcohol, To-
23 bacco, Firearms and Explosives, for training of State and
24 local law enforcement agencies with or without reimburse-
25 ment, including training in connection with the training

1 and acquisition of canines for explosives and fire
2 accelerants detection; and for provision of laboratory as-
3 sistance to State and local law enforcement agencies, with
4 or without reimbursement, \$1,293,776,000, of which not
5 to exceed \$36,000 shall be for official reception and rep-
6 resentation expenses, not to exceed \$1,000,000 shall be
7 available for the payment of attorneys' fees as provided
8 by section 924(d)(2) of title 18, United States Code, and
9 not to exceed \$20,000,000 shall remain available until ex-
10 pended: *Provided*, That none of the funds appropriated
11 herein shall be available to investigate or act upon applica-
12 tions for relief from Federal firearms disabilities under
13 section 925(c) of title 18, United States Code: *Provided*
14 *further*, That such funds shall be available to investigate
15 and act upon applications filed by corporations for relief
16 from Federal firearms disabilities under section 925(c) of
17 title 18, United States Code: *Provided further*, That no
18 funds made available by this or any other Act may be used
19 to transfer the functions, missions, or activities of the Bu-
20 reau of Alcohol, Tobacco, Firearms and Explosives to
21 other agencies or Departments.

1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Federal Prison System
5 for the administration, operation, and maintenance of
6 Federal penal and correctional institutions, and for the
7 provision of technical assistance and advice on corrections
8 related issues to foreign governments, \$7,114,000,000:
9 *Provided*, That the Attorney General may transfer to the
10 Department of Health and Human Services such amounts
11 as may be necessary for direct expenditures by that De-
12 partment for medical relief for inmates of Federal penal
13 and correctional institutions: *Provided further*, That the
14 Director of the Federal Prison System, where necessary,
15 may enter into contracts with a fiscal agent or fiscal inter-
16 mediary claims processor to determine the amounts pay-
17 able to persons who, on behalf of the Federal Prison Sys-
18 tem, furnish health services to individuals committed to
19 the custody of the Federal Prison System: *Provided fur-*
20 *ther*, That not to exceed \$5,400 shall be available for offi-
21 cial reception and representation expenses: *Provided fur-*
22 *ther*, That not to exceed \$50,000,000 shall remain avail-
23 able for necessary operations until September 30, 2019:
24 *Provided further*, That, of the amounts provided for con-
25 tract confinement, not to exceed \$20,000,000 shall remain

1 available until expended to make payments in advance for
2 grants, contracts and reimbursable agreements, and other
3 expenses: *Provided further*, That the Director of the Fed-
4 eral Prison System may accept donated property and serv-
5 ices relating to the operation of the prison card program
6 from a not-for-profit entity which has operated such pro-
7 gram in the past, notwithstanding the fact that such not-
8 for-profit entity furnishes services under contracts to the
9 Federal Prison System relating to the operation of pre-
10 release services, halfway houses, or other custodial facili-
11 ties.

12 BUILDINGS AND FACILITIES

13 For planning, acquisition of sites and construction of
14 new facilities; purchase and acquisition of facilities and re-
15 modeling, and equipping of such facilities for penal and
16 correctional use, including all necessary expenses incident
17 thereto, by contract or force account; and constructing,
18 remodeling, and equipping necessary buildings and facili-
19 ties at existing penal and correctional institutions, includ-
20 ing all necessary expenses incident thereto, by contract or
21 force account, \$161,571,000, to remain available until ex-
22 pended: *Provided*, That labor of United States prisoners
23 may be used for work performed under this appropriation.

1 FEDERAL PRISON INDUSTRIES, INCORPORATED

2 The Federal Prison Industries, Incorporated, is here-
3 by authorized to make such expenditures within the limits
4 of funds and borrowing authority available, and in accord
5 with the law, and to make such contracts and commit-
6 ments without regard to fiscal year limitations as provided
7 by section 9104 of title 31, United States Code, as may
8 be necessary in carrying out the program set forth in the
9 budget for the current fiscal year for such corporation.

10 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
11 PRISON INDUSTRIES, INCORPORATED

12 Not to exceed \$2,700,000 of the funds of the Federal
13 Prison Industries, Incorporated, shall be available for its
14 administrative expenses, and for services as authorized by
15 section 3109 of title 5, United States Code, to be com-
16 puted on an accrual basis to be determined in accordance
17 with the corporation's current prescribed accounting sys-
18 tem, and such amounts shall be exclusive of depreciation,
19 payment of claims, and expenditures which such account-
20 ing system requires to be capitalized or charged to cost
21 of commodities acquired or produced, including selling and
22 shipping expenses, and expenses in connection with acqui-
23 sition, construction, operation, maintenance, improvement,
24 protection, or disposition of facilities and other property
25 belonging to the corporation or in which it has an interest.

1 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES
2 OFFICE ON VIOLENCE AGAINST WOMEN
3 VIOLENCE AGAINST WOMEN PREVENTION AND
4 PROSECUTION PROGRAMS
5 (INCLUDING TRANSFER OF FUNDS)

6 For grants, contracts, cooperative agreements, and
7 other assistance for the prevention and prosecution of vio-
8 lence against women, as authorized by the Omnibus Crime
9 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
10 et seq.) (“the 1968 Act”); the Violent Crime Control and
11 Law Enforcement Act of 1994 (Public Law 103–322)
12 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
13 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
14 torial Remedies and Other Tools to end the Exploitation
15 of Children Today Act of 2003 (Public Law 108–21); the
16 Juvenile Justice and Delinquency Prevention Act of 1974
17 (34 U.S.C. 11101 et seq.) (“the 1974 Act”); the Victims
18 of Trafficking and Violence Protection Act of 2000 (Public
19 Law 106–386) (“the 2000 Act”); the Violence Against
20 Women and Department of Justice Reauthorization Act
21 of 2005 (Public Law 109–162) (“the 2005 Act”); the Vio-
22 lence Against Women Reauthorization Act of 2013 (Public
23 Law 113–4) (“the 2013 Act”); and the Rape Survivor
24 Child Custody Act of 2015 (Public Law 114–22) (“the
25 2015 Act”); and for related victims services,

1 \$492,000,000, to remain available until expended, which
2 shall be derived by transfer from amounts available for
3 obligation in this Act from the Fund established by section
4 1402 of chapter XIV of title II of Public Law 98–473
5 (34 U.S.C. 20101), notwithstanding section 1402(d) of
6 such Act of 1984, and merged with the amounts otherwise
7 made available under this heading: *Provided*, That except
8 as otherwise provided by law, not to exceed 5 percent of
9 funds made available under this heading may be used for
10 expenses related to evaluation, training, and technical as-
11 sistance: *Provided further*, That of the amount provided—

12 (1) \$215,000,000 is for grants to combat vio-
13 lence against women, as authorized by part T of the
14 1968 Act;

15 (2) \$35,000,000 is for transitional housing as-
16 sistance grants for victims of domestic violence, dat-
17 ing violence, stalking, or sexual assault as authorized
18 by section 40299 of the 1994 Act;

19 (3) \$3,500,000 is for the National Institute of
20 Justice for research and evaluation of violence
21 against women and related issues addressed by
22 grant programs of the Office on Violence Against
23 Women, which shall be transferred to “Research,
24 Evaluation and Statistics” for administration by the
25 Office of Justice Programs;

1 (4) \$11,000,000 is for a grant program to pro-
2 vide services to advocate for and respond to youth
3 victims of domestic violence, dating violence, sexual
4 assault, and stalking; assistance to children and
5 youth exposed to such violence; programs to engage
6 men and youth in preventing such violence; and as-
7 sistance to middle and high school students through
8 education and other services related to such violence:
9 *Provided*, That unobligated balances available for
10 the programs authorized by sections 41201, 41204,
11 41303, and 41305 of the 1994 Act, prior to its
12 amendment by the 2013 Act, shall be available for
13 this program: *Provided further*, That 10 percent of
14 the total amount available for this grant program
15 shall be available for grants under the program au-
16 thorized by section 2015 of the 1968 Act: *Provided*
17 *further*, That the definitions and grant conditions in
18 section 40002 of the 1994 Act shall apply to this
19 program;

20 (5) \$53,000,000 is for grants to encourage ar-
21 rest policies as authorized by part U of the 1968
22 Act, of which \$4,000,000 is for a homicide reduction
23 initiative;

1 (6) \$35,000,000 is for sexual assault victims
2 assistance, as authorized by section 41601 of the
3 1994 Act;

4 (7) \$40,000,000 is for rural domestic violence
5 and child abuse enforcement assistance grants, as
6 authorized by section 40295 of the 1994 Act;

7 (8) \$20,000,000 is for grants to reduce violent
8 crimes against women on campus, as authorized by
9 section 304 of the 2005 Act;

10 (9) \$45,000,000 is for legal assistance for vic-
11 tims, as authorized by section 1201 of the 2000 Act;

12 (10) \$5,000,000 is for enhanced training and
13 services to end violence against and abuse of women
14 in later life, as authorized by section 40802 of the
15 1994 Act;

16 (11) \$16,000,000 is for grants to support fami-
17 lies in the justice system, as authorized by section
18 1301 of the 2000 Act: *Provided*, That unobligated
19 balances available for the programs authorized by
20 section 1301 of the 2000 Act and section 41002 of
21 the 1994 Act, prior to their amendment by the 2013
22 Act, shall be available for this program;

23 (12) \$6,000,000 is for education and training
24 to end violence against and abuse of women with

1 disabilities, as authorized by section 1402 of the
2 2000 Act;

3 (13) \$500,000 is for the National Resource
4 Center on Workplace Responses to assist victims of
5 domestic violence, as authorized by section 41501 of
6 the 1994 Act;

7 (14) \$1,000,000 is for analysis and research on
8 violence against Indian women, including as author-
9 ized by section 904 of the 2005 Act: *Provided*, That
10 such funds may be transferred to “Research, Eval-
11 uation and Statistics” for administration by the Of-
12 fice of Justice Programs;

13 (15) \$500,000 is for a national clearinghouse
14 that provides training and technical assistance on
15 issues relating to sexual assault of American Indian
16 and Alaska Native women;

17 (16) \$4,000,000 is for grants to assist tribal
18 governments in exercising special domestic violence
19 criminal jurisdiction, as authorized by section 904 of
20 the 2013 Act: *Provided*, That the grant conditions in
21 section 40002(b) of the 1994 Act shall apply to this
22 program; and

23 (17) \$1,500,000 for the purposes authorized
24 under the 2015 Act.

1 OFFICE OF JUSTICE PROGRAMS
2 RESEARCH, EVALUATION AND STATISTICS

3 For grants, contracts, cooperative agreements, and
4 other assistance authorized by title I of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (“the 1968
6 Act”); the Juvenile Justice and Delinquency Prevention
7 Act of 1974 (“the 1974 Act”); the Missing Children’s As-
8 sistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial
9 Remedies and Other Tools to end the Exploitation of Chil-
10 dren Today Act of 2003 (Public Law 108–21); the Justice
11 for All Act of 2004 (Public Law 108–405); the Violence
12 Against Women and Department of Justice Reauthoriza-
13 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
14 the Victims of Child Abuse Act of 1990 (Public Law 101–
15 647); the Second Chance Act of 2007 (Public Law 110–
16 199); the Victims of Crime Act of 1984 (Public Law 98–
17 473); the Adam Walsh Child Protection and Safety Act
18 of 2006 (Public Law 109–248) (“the Adam Walsh Act”);
19 the PROTECT Our Children Act of 2008 (Public Law
20 110–401); subtitle D of title II of the Homeland Security
21 Act of 2002 (Public Law 107–296) (“the 2002 Act”); the
22 NICS Improvement Amendments Act of 2007 (Public
23 Law 110–180); the Violence Against Women Reauthoriza-
24 tion Act of 2013 (Public Law 113–4) (“the 2013 Act”);

1 and other programs, \$90,000,000, to remain available
2 until expended, of which—

3 (1) \$48,000,000 is for criminal justice statistics
4 programs, and other activities, as authorized by part
5 C of title I of the 1968 Act, of which \$5,000,000 is
6 for a nationwide incident-based crime statistics pro-
7 gram; and

8 (2) \$42,000,000 is for research, development,
9 and evaluation programs, and other activities as au-
10 thorized by part B of title I of the 1968 Act and
11 subtitle D of title II of the 2002 Act, of which
12 \$4,000,000 is for research targeted toward devel-
13 oping a better understanding of the domestic
14 radicalization phenomenon, and advancing evidence-
15 based strategies for effective intervention and pre-
16 vention.

17 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

18 (INCLUDING TRANSFER OF FUNDS)

19 For grants, contracts, cooperative agreements, and
20 other assistance authorized by the Violent Crime Control
21 and Law Enforcement Act of 1994 (Public Law 103–322)
22 (“the 1994 Act”); the Omnibus Crime Control and Safe
23 Streets Act of 1968 (“the 1968 Act”); the Justice for All
24 Act of 2004 (Public Law 108–405); the Victims of Child
25 Abuse Act of 1990 (Public Law 101–647) (“the 1990

1 Act”); the Trafficking Victims Protection Reauthorization
2 Act of 2005 (Public Law 109–164); the Violence Against
3 Women and Department of Justice Reauthorization Act
4 of 2005 (Public Law 109–162) (“the 2005 Act”); the
5 Adam Walsh Child Protection and Safety Act of 2006
6 (Public Law 109–248) (“the Adam Walsh Act”); the Vic-
7 tims of Trafficking and Violence Protection Act of 2000
8 (Public Law 106–386); the NICS Improvement Amend-
9 ments Act of 2007 (Public Law 110–180); subtitle D of
10 title II of the Homeland Security Act of 2002 (Public Law
11 107–296) (“the 2002 Act”); the Second Chance Act of
12 2007 (Public Law 110–199); the Prioritizing Resources
13 and Organization for Intellectual Property Act of 2008
14 (Public Law 110–403); the Victims of Crime Act of 1984
15 (Public Law 98–473); the Mentally Ill Offender Treat-
16 ment and Crime Reduction Reauthorization and Improve-
17 ment Act of 2008 (Public Law 110–416); the Violence
18 Against Women Reauthorization Act of 2013 (Public Law
19 113–4) (“the 2013 Act”); the Comprehensive Addiction
20 and Recovery Act of 2016 (Public Law 114–198)
21 (“CARA”); the Justice for All Reauthorization Act of
22 2016 (Public Law 114–324); and other programs,
23 \$1,677,500,000, to remain available until expended as fol-
24 lows—

1 (1) \$415,500,000 for the Edward Byrne Memo-
2 rial Justice Assistance Grant program as authorized
3 by subpart 1 of part E of title I of the 1968 Act
4 (except that section 1001(c), and the special rules
5 for Puerto Rico under section 505(g) of title I of the
6 1968 Act shall not apply for purposes of this Act),
7 of which, notwithstanding such subpart 1,
8 \$10,000,000 is for the Officer Robert Wilson III
9 Memorial Initiative on Preventing Violence Against
10 Law Enforcement Officer Resilience and Surviv-
11 ability (VALOR), \$5,000,000 is for an initiative to
12 support evidence-based policing, \$2,500,000 is for
13 an initiative to enhance prosecutorial decision-mak-
14 ing, \$2,400,000 is for the operationalization, mainte-
15 nance and expansion of the National Missing and
16 Unidentified Persons System, \$2,500,000 is for a
17 national training initiative to improve police-based
18 responses to people with mental illness or develop-
19 mental disabilities, \$20,000,000 is for competitive
20 and evidence-based programs to reduce gun crime
21 and gang violence, \$2,000,000 is for a student loan
22 repayment assistance program pursuant to section
23 952 of Public Law 110–315, \$15,500,000 is for
24 prison rape prevention and prosecution grants to
25 states and units of local government, and other pro-

1 grams, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), and
2 \$16,000,000 is for emergency law enforcement assistance for events occurring during or after fiscal
3 year 2018, as authorized by section 609M of the Justice Assistance Act of 1984 (34 U.S.C. 50101);

4 (2) \$240,000,000 for the State Criminal Alien Assistance Program, as authorized by section
5 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction
6 shall request compensation for any cost greater than the actual cost for Federal immigration and other
7 detainees housed in State and local detention facilities;

8 (3) \$77,000,000 for victim services programs for victims of trafficking, as authorized by section
9 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs
10 authorized under Public Law 113–4;

11 (4) \$3,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section
12 426 of Public Law 108–405, and for grants for wrongful conviction review;

13 (5) \$14,000,000 for economic, high technology, white collar and Internet crime prevention grants,

1 including as authorized by section 401 of Public
2 Law 110–403;

3 (6) \$20,000,000 for sex offender management
4 assistance, as authorized by the Adam Walsh Act,
5 and related activities;

6 (7) \$22,500,000 for the matching grant pro-
7 gram for law enforcement armor vests, as authorized
8 by section 2501 of title I of the 1968 Act: *Provided*,
9 That \$1,500,000 is transferred directly to the Na-
10 tional Institute of Standards and Technology’s Of-
11 fice of Law Enforcement Standards for research,
12 testing and evaluation programs;

13 (8) \$1,000,000 for the National Sex Offender
14 Public Website;

15 (9) \$75,000,000 for grants to States to up-
16 grade criminal and mental health records for the
17 National Instant Criminal Background Check Sys-
18 tem, of which no less than \$25,000,000 shall be for
19 grants made under the authorities of the NICS Im-
20 provement Amendments Act of 2007 (Public Law
21 110–180);

22 (10) \$30,000,000 for Paul Coverdell Forensic
23 Sciences Improvement Grants under part BB of title
24 I of the 1968 Act;

1 (11) \$130,000,000 for DNA-related and foren-
2 sic programs and activities, of which—

3 (A) \$120,000,000 is for a DNA analysis
4 and capacity enhancement program and for
5 other local, State, and Federal forensic activi-
6 ties, including the purposes authorized under
7 section 2 of the DNA Analysis Backlog Elimini-
8 nation Act of 2000 (Public Law 106–546) (the
9 Debbie Smith DNA Backlog Grant Program):
10 *Provided*, That up to 4 percent of funds made
11 available under this paragraph may be used for
12 the purposes described in the DNA Training
13 and Education for Law Enforcement, Correc-
14 tional Personnel, and Court Officers program
15 (Public Law 108–405, section 303);

16 (B) \$6,000,000 is for the purposes de-
17 scribed in the Kirk Bloodsworth Post-Convic-
18 tion DNA Testing Grant Program (Public Law
19 108–405, section 412); and

20 (C) \$4,000,000 is for Sexual Assault Fo-
21 rensic Exam Program grants, including as au-
22 thorized by section 304 of Public Law 108–405;

23 (12) \$47,500,000 for a grant program for com-
24 munity-based sexual assault response reform;

1 (13) \$12,000,000 for the court-appointed spe-
2 cial advocate program, as authorized by section 217
3 of the 1990 Act;

4 (14) \$35,000,000 for assistance to Indian
5 tribes;

6 (15) \$85,000,000 for offender reentry programs
7 and research, as authorized by the Second Chance
8 Act of 2007 (Public Law 110–199), without regard
9 to the time limitations specified at section 6(1) of
10 such Act, of which not to exceed \$6,000,000 is for
11 a program to improve State, local, and tribal proba-
12 tion or parole supervision efforts and strategies,
13 \$5,000,000 is for Children of Incarcerated Parents
14 Demonstrations to enhance and maintain parental
15 and family relationships for incarcerated parents as
16 a reentry or recidivism reduction strategy, and
17 \$4,000,000 is for additional replication sites employ-
18 ing the Project HOPE Opportunity Probation with
19 Enforcement model implementing swift and certain
20 sanctions in probation, and for a research project on
21 the effectiveness of the model: *Provided*, That up to
22 \$7,500,000 of funds made available in this para-
23 graph may be used for performance-based awards
24 for Pay for Success projects, of which up to
25 \$5,000,000 shall be for Pay for Success programs

1 implementing the Permanent Supportive Housing
2 Model;

3 (16) \$75,000,000 for the Comprehensive School
4 Safety Initiative;

5 (17) \$65,000,000 for initiatives to improve po-
6 lice-community relations, of which \$22,500,000 is
7 for a competitive matching grant program for pur-
8 chases of body-worn cameras for State, local and
9 tribal law enforcement, \$25,000,000 is for a justice
10 reinvestment initiative, for activities related to crimi-
11 nal justice reform and recidivism reduction, and
12 \$17,500,000 is for an Edward Byrne Memorial
13 criminal justice innovation program; and

14 (18) \$330,000,000 for comprehensive opioid
15 abuse reduction activities, including as authorized by
16 CARA, and for the following programs, which shall
17 address opioid abuse reduction consistent with un-
18 derlying program authorities—

19 (A) \$75,000,000 for Drug Courts, as au-
20 thorized by section 1001(a)(25)(A) of title I of
21 the 1968 Act;

22 (B) \$30,000,000 for mental health courts
23 and adult and juvenile collaboration program
24 grants, as authorized by parts V and HH of
25 title I of the 1968 Act, and the Mentally Ill Of-

1 fender Treatment and Crime Reduction Reau-
2 thorization and Improvement Act of 2008 (Pub-
3 lic Law 110–416);

4 (C) \$30,000,000 for grants for Residential
5 Substance Abuse Treatment for State Pris-
6 oners, as authorized by part S of title I of the
7 1968 Act;

8 (D) \$20,000,000 for a veterans treatment
9 courts program;

10 (E) \$30,000,000 for a program to monitor
11 prescription drugs and scheduled listed chemical
12 products; and

13 (F) \$145,000,000 for a comprehensive
14 opioid abuse program:

15 *Provided*, That, if a unit of local government uses any of
16 the funds made available under this heading to increase
17 the number of law enforcement officers, the unit of local
18 government will achieve a net gain in the number of law
19 enforcement officers who perform non-administrative pub-
20 lic sector safety service.

21 JUVENILE JUSTICE PROGRAMS

22 For grants, contracts, cooperative agreements, and
23 other assistance authorized by the Juvenile Justice and
24 Delinquency Prevention Act of 1974 (“the 1974 Act”); the
25 Omnibus Crime Control and Safe Streets Act of 1968

1 (“the 1968 Act”); the Violence Against Women and De-
2 partment of Justice Reauthorization Act of 2005 (Public
3 Law 109–162) (“the 2005 Act”); the Missing Children’s
4 Assistance Act (34 U.S.C. 11291 et seq.); the Prosecu-
5 torial Remedies and Other Tools to end the Exploitation
6 of Children Today Act of 2003 (Public Law 108–21); the
7 Victims of Child Abuse Act of 1990 (Public Law 101–
8 647) (“the 1990 Act”); the Adam Walsh Child Protection
9 and Safety Act of 2006 (Public Law 109–248) (“the
10 Adam Walsh Act”); the PROTECT Our Children Act of
11 2008 (Public Law 110–401); the Violence Against Women
12 Reauthorization Act of 2013 (Public Law 113–4) (“the
13 2013 Act”); the Justice for All Reauthorization Act of
14 2016 (Public Law 114–324); and other juvenile justice
15 programs, \$282,500,000, to remain available until ex-
16 pended as follows—

17 (1) \$60,000,000 for programs authorized by
18 section 221 of the 1974 Act, and for training and
19 technical assistance to assist small, nonprofit organi-
20 zations with the Federal grants process: *Provided*,
21 That of the amounts provided under this paragraph,
22 \$500,000 shall be for a competitive demonstration
23 grant program to support emergency planning
24 among State, local and tribal juvenile justice resi-
25 dential facilities;

1 (2) \$94,000,000 for youth mentoring grants;

2 (3) \$27,500,000 for delinquency prevention, as
3 authorized by section 505 of the 1974 Act, of which,
4 pursuant to sections 261 and 262 thereof—

5 (A) \$5,000,000 shall be for the Tribal
6 Youth Program;

7 (B) \$4,000,000 shall be for gang and
8 youth violence education, prevention and inter-
9 vention, and related activities;

10 (C) \$500,000 shall be for an Internet site
11 providing information and resources on children
12 of incarcerated parents;

13 (D) \$2,000,000 shall be for competitive
14 grants focusing on girls in the juvenile justice
15 system;

16 (E) \$8,000,000 shall be for community-
17 based violence prevention initiatives, including
18 for public health approaches to reducing shoot-
19 ings and violence; and

20 (F) \$8,000,000 shall be for an opioid-af-
21 fected youth initiative;

22 (4) \$21,000,000 for programs authorized by
23 the Victims of Child Abuse Act of 1990;

24 (5) \$76,000,000 for missing and exploited chil-
25 dren programs, including as authorized by sections

1 404(b) and 405(a) of the 1974 Act (except that sec-
2 tion 102(b)(4)(B) of the PROTECT Our Children
3 Act of 2008 (Public Law 110–401) shall not apply
4 for purposes of this Act);

5 (6) \$2,000,000 for child abuse training pro-
6 grams for judicial personnel and practitioners, as
7 authorized by section 222 of the 1990 Act; and

8 (7) \$2,000,000 for a program to improve juve-
9 nile indigent defense:

10 *Provided*, That not more than 10 percent of each amount
11 may be used for research, evaluation, and statistics activi-
12 ties designed to benefit the programs or activities author-
13 ized: *Provided further*, That not more than 2 percent of
14 the amounts designated under paragraphs (1) through (3)
15 and (6) may be used for training and technical assistance:
16 *Provided further*, That the two preceding provisos shall not
17 apply to grants and projects administered pursuant to sec-
18 tions 261 and 262 of the 1974 Act and to missing and
19 exploited children programs.

20 PUBLIC SAFETY OFFICER BENEFITS

21 (INCLUDING TRANSFER OF FUNDS)

22 For payments and expenses authorized under section
23 1001(a)(4) of title I of the Omnibus Crime Control and
24 Safe Streets Act of 1968, such sums as are necessary (in-
25 cluding amounts for administrative costs), to remain avail-

1 able until expended; and \$24,800,000 for payments au-
2 thorized by section 1201(b) of such Act and for edu-
3 cational assistance authorized by section 1218 of such Act,
4 to remain available until expended: *Provided*, That not-
5 withstanding section 205 of this Act, upon a determina-
6 tion by the Attorney General that emergent circumstances
7 require additional funding for such disability and edu-
8 cation payments, the Attorney General may transfer such
9 amounts to “Public Safety Officer Benefits” from avail-
10 able appropriations for the Department of Justice as may
11 be necessary to respond to such circumstances: *Provided*
12 *further*, That any transfer pursuant to the preceding pro-
13 viso shall be treated as a reprogramming under section
14 505 of this Act and shall not be available for obligation
15 or expenditure except in compliance with the procedures
16 set forth in that section.

17 COMMUNITY ORIENTED POLICING SERVICES

18 COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

19 (INCLUDING TRANSFER OF FUNDS)

20 For activities authorized by the Violent Crime Con-
21 trol and Law Enforcement Act of 1994 (Public Law 103–
22 322); the Omnibus Crime Control and Safe Streets Act
23 of 1968 (“the 1968 Act”); and the Violence Against
24 Women and Department of Justice Reauthorization Act
25 of 2005 (Public Law 109–162) (“the 2005 Act”),

1 \$275,500,000, to remain available until expended: *Pro-*
2 *vided*, That any balances made available through prior
3 year deobligations shall only be available in accordance
4 with section 505 of this Act: *Provided further*, That of the
5 amount provided under this heading—

6 (1) \$225,500,000 is for grants under section
7 1701 of title I of the 1968 Act (34 U.S.C. 10381)
8 for the hiring and rehiring of additional career law
9 enforcement officers under part Q of such title not-
10 withstanding subsection (i) of such section: *Pro-*
11 *vided*, That, notwithstanding section 1704(c) of such
12 title (34 U.S.C. 10384(c)), funding for hiring or re-
13 hiring a career law enforcement officer may not ex-
14 ceed \$125,000 unless the Director of the Office of
15 Community Oriented Policing Services grants a
16 waiver from this limitation: *Provided further*, That
17 within the amounts appropriated under this para-
18 graph, \$30,000,000 is for improving tribal law en-
19 forcement, including hiring, equipment, training,
20 anti-methamphetamine activities, and anti-opioid ac-
21 tivities: *Provided further*, That of the amounts ap-
22 propriated under this paragraph, \$10,000,000 is for
23 community policing development activities in fur-
24 therance of the purposes in section 1701: *Provided*
25 *further*, That of the amounts appropriated under

1 this paragraph \$36,000,000 is for regional informa-
2 tion sharing activities, as authorized by part M of
3 title I of the 1968 Act, which shall be transferred
4 to and merged with “Research, Evaluation, and Sta-
5 tistics” for administration by the Office of Justice
6 Programs;

7 (2) \$10,000,000 is for activities authorized by
8 the POLICE Act of 2016 (Public Law 114–199);

9 (3) \$8,000,000 is for competitive grants to
10 State law enforcement agencies in States with high
11 seizures of precursor chemicals, finished meth-
12 amphetamine, laboratories, and laboratory dump sei-
13 zures: *Provided*, That funds appropriated under this
14 paragraph shall be utilized for investigative purposes
15 to locate or investigate illicit activities, including
16 precursor diversion, laboratories, or methamphet-
17 amine traffickers; and

18 (4) \$32,000,000 is for competitive grants to
19 statewide law enforcement agencies in States with
20 high rates of primary treatment admissions for her-
21 oin and other opioids: *Provided*, That these funds
22 shall be utilized for investigative purposes to locate
23 or investigate illicit activities, including activities re-
24 lated to the distribution of heroin or unlawful dis-
25 tribution of prescription opioids, or unlawful heroin

1 ishes the effect of section 203 intended to address the phil-
2 osophical beliefs of individual employees of the Bureau of
3 Prisons.

4 SEC. 205. Not to exceed 5 percent of any appropria-
5 tion made available for the current fiscal year for the De-
6 partment of Justice in this Act may be transferred be-
7 tween such appropriations, but no such appropriation, ex-
8 cept as otherwise specifically provided, shall be increased
9 by more than 10 percent by any such transfers: *Provided*,
10 That any transfer pursuant to this section shall be treated
11 as a reprogramming of funds under section 505 of this
12 Act and shall not be available for obligation except in com-
13 pliance with the procedures set forth in that section.

14 SEC. 206. None of the funds made available under
15 this title may be used by the Federal Bureau of Prisons
16 or the United States Marshals Service for the purpose of
17 transporting an individual who is a prisoner pursuant to
18 conviction for crime under State or Federal law and is
19 classified as a maximum or high security prisoner, other
20 than to a prison or other facility certified by the Federal
21 Bureau of Prisons as appropriately secure for housing
22 such a prisoner.

23 SEC. 207. (a) None of the funds appropriated by this
24 Act may be used by Federal prisons to purchase cable tele-
25 vision services, or to rent or purchase audiovisual or elec-

1 tronic media or equipment used primarily for recreational
2 purposes.

3 (b) Subsection (a) does not preclude the rental, main-
4 tenance, or purchase of audiovisual or electronic media or
5 equipment for inmate training, religious, or educational
6 programs.

7 SEC. 208. None of the funds made available under
8 this title shall be obligated or expended for any new or
9 enhanced information technology program having total es-
10 timated development costs in excess of \$100,000,000, un-
11 less the Deputy Attorney General and the investment re-
12 view board certify to the Committees on Appropriations
13 of the House of Representatives and the Senate that the
14 information technology program has appropriate program
15 management controls and contractor oversight mecha-
16 nisms in place, and that the program is compatible with
17 the enterprise architecture of the Department of Justice.

18 SEC. 209. The notification thresholds and procedures
19 set forth in section 505 of this Act shall apply to devi-
20 ations from the amounts designated for specific activities
21 in this Act and in the explanatory statement described in
22 section 4 (in the matter preceding division A of this con-
23 solidated Act), and to any use of deobligated balances of
24 funds provided under this title in previous years.

1 SEC. 210. None of the funds appropriated by this Act
2 may be used to plan for, begin, continue, finish, process,
3 or approve a public-private competition under the Office
4 of Management and Budget Circular A-76 or any suc-
5 cessor administrative regulation, directive, or policy for
6 work performed by employees of the Bureau of Prisons
7 or of Federal Prison Industries, Incorporated.

8 SEC. 211. Notwithstanding any other provision of
9 law, no funds shall be available for the salary, benefits,
10 or expenses of any United States Attorney assigned dual
11 or additional responsibilities by the Attorney General or
12 his designee that exempt that United States Attorney
13 from the residency requirements of section 545 of title 28,
14 United States Code.

15 SEC. 212. At the discretion of the Attorney General,
16 and in addition to any amounts that otherwise may be
17 available (or authorized to be made available) by law, with
18 respect to funds appropriated by this title under the head-
19 ings “Research, Evaluation and Statistics”, “State and
20 Local Law Enforcement Assistance”, and “Juvenile Jus-
21 tice Programs”—

22 (1) up to 3 percent of funds made available to
23 the Office of Justice Programs for grant or reim-
24 bursement programs may be used by such Office to
25 provide training and technical assistance; and

1 (2) up to 2 percent of funds made available for
2 grant or reimbursement programs under such head-
3 ings, except for amounts appropriated specifically for
4 research, evaluation, or statistical programs adminis-
5 tered by the National Institute of Justice and the
6 Bureau of Justice Statistics, shall be transferred to
7 and merged with funds provided to the National In-
8 stitute of Justice and the Bureau of Justice Statis-
9 tics, to be used by them for research, evaluation, or
10 statistical purposes, without regard to the authoriza-
11 tions for such grant or reimbursement programs.

12 SEC. 213. Upon request by a grantee for whom the
13 Attorney General has determined there is a fiscal hard-
14 ship, the Attorney General may, with respect to funds ap-
15 propriated in this or any other Act making appropriations
16 for fiscal years 2015 through 2018 for the following pro-
17 grams, waive the following requirements:

18 (1) For the adult and juvenile offender State
19 and local reentry demonstration projects under part
20 FF of title I of the Omnibus Crime Control and
21 Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.),
22 the requirements under section 2976(g)(1) of such
23 part (34 U.S.C. 10631(g)(1)).

24 (2) For State, Tribal, and local reentry courts
25 under part FF of title I of such Act of 1968 (34

1 U.S.C. 10631 et seq.), the requirements under sec-
2 tion 2978(e)(1) and (2) of such part (34 U.S.C.
3 10633(e)(1) and (2)).

4 (3) For the prosecution drug treatment alter-
5 natives to prison program under part CC of title I
6 of such Act of 1968 (34 U.S.C. 10581), the require-
7 ments under the second sentence of section 2901(f)
8 of such part (34 U.S.C. 10581(f)).

9 SEC. 214. Notwithstanding any other provision of
10 law, section 20109(a) of subtitle A of title II of the Violent
11 Crime Control and Law Enforcement Act of 1994 (34
12 U.S.C. 12109(a)) shall not apply to amounts made avail-
13 able by this or any other Act.

14 SEC. 215. None of the funds made available under
15 this Act, other than for the national instant criminal back-
16 ground check system established under section 103 of the
17 Brady Handgun Violence Prevention Act (34 U.S.C.
18 40901), may be used by a Federal law enforcement officer
19 to facilitate the transfer of an operable firearm to an indi-
20 vidual if the Federal law enforcement officer knows or sus-
21 pects that the individual is an agent of a drug cartel, un-
22 less law enforcement personnel of the United States con-
23 tinuously monitor or control the firearm at all times.

24 SEC. 216. (a) None of the income retained in the De-
25 partment of Justice Working Capital Fund pursuant to

1 title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C.
2 527 note) shall be available for obligation during fiscal
3 year 2018, except up to \$40,000,000 may be obligated for
4 implementation of a unified Department of Justice finan-
5 cial management system.

6 (b) Not to exceed \$30,000,000 of the unobligated bal-
7 ances transferred to the capital account of the Department
8 of Justice Working Capital Fund pursuant to title I of
9 Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note)
10 shall be available for obligation in fiscal year 2018, and
11 any use, obligation, transfer or allocation of such funds
12 shall be treated as a reprogramming of funds under sec-
13 tion 505 of this Act.

14 (c) Not to exceed \$10,000,000 of the excess unobli-
15 gated balances available under section 524(c)(8)(E) of
16 title 28, United States Code, shall be available for obliga-
17 tion during fiscal year 2018, and any use, obligation,
18 transfer or allocation of such funds shall be treated as a
19 reprogramming of funds under section 505 of this Act.

20 SEC. 217. Discretionary funds that are made avail-
21 able in this Act for the Office of Justice Programs may
22 be used to participate in Performance Partnership Pilots
23 authorized under section 526 of division H of Public Law
24 113–76, section 524 of division G of Public Law 113–235,
25 section 525 of division H of Public Law 114–113, and

1 such authorities as are enacted for Performance Partner-
2 ship Pilots in an appropriations Act for fiscal years 2017
3 and 2018.

4 This title may be cited as the “Department of Justice
5 Appropriations Act, 2018”.

1 TITLE III

2 SCIENCE

3 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

4 For necessary expenses of the Office of Science and
5 Technology Policy, in carrying out the purposes of the Na-
6 tional Science and Technology Policy, Organization, and
7 Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of
8 passenger motor vehicles, and services as authorized by
9 section 3109 of title 5, United States Code, not to exceed
10 \$2,250 for official reception and representation expenses,
11 and rental of conference rooms in the District of Colum-
12 bia, \$5,544,000.

13 NATIONAL SPACE COUNCIL

14 For necessary expenses of the National Space Coun-
15 cil, in carrying out the purposes of Title V of Public Law
16 100-685 and Executive Order 13803, hire of passenger
17 motor vehicles, and services as authorized by section 3109
18 of title 5, United States Code, not to exceed \$2,250 for
19 official reception and representation expenses,
20 \$1,965,000: *Provided*, That notwithstanding any other
21 provision of law, the National Space Council may accept
22 personnel support from Federal agencies, departments,
23 and offices, and such Federal agencies, departments, and
24 offices may detail staff without reimbursement to the Na-
25 tional Space Council for purposes provided herein.

1 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
2 SCIENCE

3 For necessary expenses, not otherwise provided for,
4 in the conduct and support of science research and devel-
5 opment activities, including research, development, oper-
6 ations, support, and services; maintenance and repair, fa-
7 cility planning and design; space flight, spacecraft control,
8 and communications activities; program management; per-
9 sonnel and related costs, including uniforms or allowances
10 therefor, as authorized by sections 5901 and 5902 of title
11 5, United States Code; travel expenses; purchase and hire
12 of passenger motor vehicles; and purchase, lease, charter,
13 maintenance, and operation of mission and administrative
14 aircraft, \$6,221,500,000, to remain available until Sep-
15 tember 30, 2019: *Provided*, That the formulation and de-
16 velopment costs (with development cost as defined under
17 section 30104 of title 51, United States Code) for the
18 James Webb Space Telescope shall not exceed
19 \$8,000,000,000: *Provided further*, That should the indi-
20 vidual identified under subsection (c)(2)(E) of section
21 30104 of title 51, United States Code, as responsible for
22 the James Webb Space Telescope determine that the de-
23 velopment cost of the program is likely to exceed that limi-
24 tation, the individual shall immediately notify the Admin-
25 istrator and the increase shall be treated as if it meets

1 the 30 percent threshold described in subsection (f) of sec-
2 tion 30104: *Provided further*, That, of the amounts pro-
3 vided, \$595,000,000 is for an orbiter and a lander to meet
4 the science goals for the Jupiter Europa mission as out-
5 lined in the most recent planetary science decadal survey:
6 *Provided further*, That the National Aeronautics and
7 Space Administration shall use the Space Launch System
8 as the launch vehicles for the Jupiter Europa mission,
9 plan for an orbiter launch no later than 2022 and a lander
10 launch no later than 2024, and include in the fiscal year
11 2020 budget the 5-year funding profile necessary to
12 achieve these goals.

13 AERONAUTICS

14 For necessary expenses, not otherwise provided for,
15 in the conduct and support of aeronautics research and
16 development activities, including research, development,
17 operations, support, and services; maintenance and repair,
18 facility planning and design; space flight, spacecraft con-
19 trol, and communications activities; program manage-
20 ment; personnel and related costs, including uniforms or
21 allowances therefor, as authorized by sections 5901 and
22 5902 of title 5, United States Code; travel expenses; pur-
23 chase and hire of passenger motor vehicles; and purchase,
24 lease, charter, maintenance, and operation of mission and

1 administrative aircraft, \$685,000,000, to remain available
2 until September 30, 2019.

3 SPACE TECHNOLOGY

4 For necessary expenses, not otherwise provided for,
5 in the conduct and support of space technology research
6 and development activities, including research, develop-
7 ment, operations, support, and services; maintenance and
8 repair, facility planning and design; space flight, space-
9 craft control, and communications activities; program
10 management; personnel and related costs, including uni-
11 forms or allowances therefor, as authorized by sections
12 5901 and 5902 of title 5, United States Code; travel ex-
13 penses; purchase and hire of passenger motor vehicles; and
14 purchase, lease, charter, maintenance, and operation of
15 mission and administrative aircraft, \$760,000,000, to re-
16 main available until September 30, 2019: *Provided*, That
17 \$130,000,000 shall be for RESTORE.

18 EXPLORATION

19 For necessary expenses, not otherwise provided for,
20 in the conduct and support of exploration research and
21 development activities, including research, development,
22 operations, support, and services; maintenance and repair,
23 facility planning and design; space flight, spacecraft con-
24 trol, and communications activities; program manage-
25 ment; personnel and related costs, including uniforms or

1 allowances therefor, as authorized by sections 5901 and
2 5902 of title 5, United States Code; travel expenses; pur-
3 chase and hire of passenger motor vehicles; and purchase,
4 lease, charter, maintenance, and operation of mission and
5 administrative aircraft, \$4,790,000,000, to remain avail-
6 able until September 30, 2019: *Provided*, That not less
7 than \$1,350,000,000 shall be for the Orion Multi-Purpose
8 Crew Vehicle: *Provided further*, That not less than
9 \$2,150,000,000 shall be for the Space Launch System
10 (SLS) launch vehicle, which shall have a lift capability not
11 less than 130 metric tons and which shall have core ele-
12 ments and an Exploration Upper Stage developed simulta-
13 neously: *Provided further*, That of the amounts provided
14 for SLS, not less than \$300,000,000 shall be for Explo-
15 ration Upper Stage development: *Provided further*, That
16 \$895,000,000 shall be for Exploration Ground Systems,
17 including \$350,000,000 for a second mobile launch plat-
18 form and associated SLS activities: *Provided further*, That
19 the National Aeronautics and Space Administration
20 (NASA) shall provide to the Committees on Appropria-
21 tions of the House of Representatives and the Senate, con-
22 current with the annual budget submission, a 5-year budg-
23 et profile for an integrated system that includes the Space
24 Launch System, the Orion Multi-Purpose Crew Vehicle,
25 and associated ground systems that will ensure an Explo-

1 ration Mission-2 crewed launch as early as possible, as
2 well as a system-based funding profile for a sustained
3 launch cadence beyond the initial crewed test launch: *Pro-*
4 *vided further*, That acquisition of Orion crew vehicles, SLS
5 launch vehicles, Exploration Ground Systems, mobile
6 launch platforms, and their associated components may be
7 funded incrementally in fiscal year 2018 and thereafter:
8 *Provided further*, That \$395,000,000 shall be for explo-
9 ration research and development.

10 SPACE OPERATIONS

11 For necessary expenses, not otherwise provided for,
12 in the conduct and support of space operations research
13 and development activities, including research, develop-
14 ment, operations, support and services; space flight, space-
15 craft control and communications activities, including op-
16 erations, production, and services; maintenance and re-
17 pair, facility planning and design; program management;
18 personnel and related costs, including uniforms or allow-
19 ances therefor, as authorized by sections 5901 and 5902
20 of title 5, United States Code; travel expenses; purchase
21 and hire of passenger motor vehicles; and purchase, lease,
22 charter, maintenance and operation of mission and admin-
23 istrative aircraft, \$4,751,500,000, to remain available
24 until September 30, 2019.

1 EDUCATION

2 For necessary expenses, not otherwise provided for,
3 in the conduct and support of aerospace and aeronautical
4 education research and development activities, including
5 research, development, operations, support, and services;
6 program management; personnel and related costs, includ-
7 ing uniforms or allowances therefor, as authorized by sec-
8 tions 5901 and 5902 of title 5, United States Code; travel
9 expenses; purchase and hire of passenger motor vehicles;
10 and purchase, lease, charter, maintenance, and operation
11 of mission and administrative aircraft, \$100,000,000, to
12 remain available until September 30, 2019, of which
13 \$18,000,000 shall be for the Established Program to
14 Stimulate Competitive Research and \$40,000,000 shall be
15 for the National Space Grant College and Fellowship Pro-
16 gram.

17 SAFETY, SECURITY AND MISSION SERVICES

18 For necessary expenses, not otherwise provided for,
19 in the conduct and support of science, aeronautics, space
20 technology, exploration, space operations and education
21 research and development activities, including research,
22 development, operations, support, and services; mainte-
23 nance and repair, facility planning and design; space
24 flight, spacecraft control, and communications activities;
25 program management; personnel and related costs, includ-

1 ing uniforms or allowances therefor, as authorized by sec-
2 tions 5901 and 5902 of title 5, United States Code; travel
3 expenses; purchase and hire of passenger motor vehicles;
4 not to exceed \$63,000 for official reception and represen-
5 tation expenses; and purchase, lease, charter, mainte-
6 nance, and operation of mission and administrative air-
7 craft, \$2,826,900,000, to remain available until Sep-
8 tember 30, 2019.

9 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
10 RESTORATION

11 For necessary expenses for construction of facilities
12 including repair, rehabilitation, revitalization, and modi-
13 fication of facilities, construction of new facilities and ad-
14 ditions to existing facilities, facility planning and design,
15 and restoration, and acquisition or condemnation of real
16 property, as authorized by law, and environmental compli-
17 ance and restoration, \$562,240,000, to remain available
18 until September 30, 2023: *Provided*, That proceeds from
19 leases deposited into this account shall be available for a
20 period of 5 years to the extent and in amounts as provided
21 in annual appropriations Acts: *Provided further*, That such
22 proceeds referred to in the preceding proviso shall be avail-
23 able for obligation for fiscal year 2018 in an amount not
24 to exceed \$9,470,300: *Provided further*, That each annual
25 budget request shall include an annual estimate of gross

1 receipts and collections and proposed use of all funds col-
2 lected pursuant to section 20145 of title 51, United States
3 Code.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the Inspector General Act of 1978,
7 \$39,000,000, of which \$500,000 shall remain available
8 until September 30, 2019.

9 ADMINISTRATIVE PROVISIONS

10 (INCLUDING TRANSFER OF FUNDS)

11 Funds for any announced prize otherwise authorized
12 shall remain available, without fiscal year limitation, until
13 a prize is claimed or the offer is withdrawn.

14 Not to exceed 5 percent of any appropriation made
15 available for the current fiscal year for the National Aero-
16 nautics and Space Administration in this Act may be
17 transferred between such appropriations, but no such ap-
18 propriation, except as otherwise specifically provided, shall
19 be increased by more than 10 percent by any such trans-
20 fers. Balances so transferred shall be merged with and
21 available for the same purposes and the same time period
22 as the appropriations to which transferred. Any transfer
23 pursuant to this provision shall be treated as a reprogram-
24 ming of funds under section 505 of this Act and shall not

1 be available for obligation except in compliance with the
2 procedures set forth in that section.

3 The spending plan required by this Act shall be pro-
4 vided by NASA at the theme, program, project and activ-
5 ity level. The spending plan, as well as any subsequent
6 change of an amount established in that spending plan
7 that meets the notification requirements of section 505 of
8 this Act, shall be treated as a reprogramming under sec-
9 tion 505 of this Act and shall not be available for obliga-
10 tion or expenditure except in compliance with the proce-
11 dures set forth in that section.

12 NATIONAL SCIENCE FOUNDATION

13 RESEARCH AND RELATED ACTIVITIES

14 For necessary expenses in carrying out the National
15 Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.),
16 and Public Law 86–209 (42 U.S.C. 1880 et seq.); services
17 as authorized by section 3109 of title 5, United States
18 Code; maintenance and operation of aircraft and purchase
19 of flight services for research support; acquisition of air-
20 craft; and authorized travel; \$6,334,476,000, to remain
21 available until September 30, 2019, of which not to exceed
22 \$544,000,000 shall remain available until expended for
23 polar research and operations support, and for reimburse-
24 ment to other Federal agencies for operational and science
25 support and logistical and other related activities for the

1 United States Antarctic program: *Provided*, That receipts
2 for scientific support services and materials furnished by
3 the National Research Centers and other National Science
4 Foundation supported research facilities may be credited
5 to this appropriation.

6 MAJOR RESEARCH EQUIPMENT AND FACILITIES

7 CONSTRUCTION

8 For necessary expenses for the acquisition, construc-
9 tion, commissioning, and upgrading of major research
10 equipment, facilities, and other such capital assets pursu-
11 ant to the National Science Foundation Act of 1950 (42
12 U.S.C. 1861 et seq.), including authorized travel,
13 \$182,800,000, to remain available until expended.

14 EDUCATION AND HUMAN RESOURCES

15 For necessary expenses in carrying out science, math-
16 ematics and engineering education and human resources
17 programs and activities pursuant to the National Science
18 Foundation Act of 1950 (42 U.S.C. 1861 et seq.), includ-
19 ing services as authorized by section 3109 of title 5,
20 United States Code, authorized travel, and rental of con-
21 ference rooms in the District of Columbia, \$902,000,000,
22 to remain available until September 30, 2019.

23 AGENCY OPERATIONS AND AWARD MANAGEMENT

24 For agency operations and award management nec-
25 essary in carrying out the National Science Foundation

1 Act of 1950 (42 U.S.C. 1861 et seq.); services authorized
2 by section 3109 of title 5, United States Code; hire of pas-
3 senger motor vehicles; uniforms or allowances therefor, as
4 authorized by sections 5901 and 5902 of title 5, United
5 States Code; rental of conference rooms in the District of
6 Columbia; and reimbursement of the Department of
7 Homeland Security for security guard services;
8 \$328,510,000: *Provided*, That not to exceed \$8,280 is for
9 official reception and representation expenses: *Provided*
10 *further*, That contracts may be entered into under this
11 heading in fiscal year 2018 for maintenance and operation
12 of facilities and for other services to be provided during
13 the next fiscal year.

14 OFFICE OF THE NATIONAL SCIENCE BOARD

15 For necessary expenses (including payment of sala-
16 ries, authorized travel, hire of passenger motor vehicles,
17 the rental of conference rooms in the District of Columbia,
18 and the employment of experts and consultants under sec-
19 tion 3109 of title 5, United States Code) involved in car-
20 rying out section 4 of the National Science Foundation
21 Act of 1950 (42 U.S.C. 1863) and Public Law 86–209
22 (42 U.S.C. 1880 et seq.), \$4,370,000: *Provided*, That not
23 to exceed \$2,500 shall be available for official reception
24 and representation expenses.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General as authorized by the Inspector General Act of
4 1978, \$15,200,000, of which \$400,000 shall remain avail-
5 able until September 30, 2019.

6 ADMINISTRATIVE PROVISIONS

7 (INCLUDING TRANSFER OF FUNDS)

8 Not to exceed 5 percent of any appropriation made
9 available for the current fiscal year for the National
10 Science Foundation in this Act may be transferred be-
11 tween such appropriations, but no such appropriation shall
12 be increased by more than 10 percent by any such trans-
13 fers. Any transfer pursuant to this paragraph shall be
14 treated as a reprogramming of funds under section 505
15 of this Act and shall not be available for obligation except
16 in compliance with the procedures set forth in that section.

17 The Director of the National Science Foundation
18 shall notify the Committees on Appropriations of the
19 House of Representatives and the Senate at least 30 days
20 in advance of the acquisition or disposal of any capital
21 asset (including land, structures, and equipment) not spe-
22 cifically provided for in this Act or any other law appro-
23 priating funds for the National Science Foundation.

24 This title may be cited as the “Science Appropria-
25 tions Act, 2018”.

1 TITLE IV
2 RELATED AGENCIES
3 COMMISSION ON CIVIL RIGHTS
4 SALARIES AND EXPENSES

5 For necessary expenses of the Commission on Civil
6 Rights, including hire of passenger motor vehicles,
7 \$9,700,000: *Provided*, That none of the funds appro-
8 priated in this paragraph may be used to employ any indi-
9 viduals under Schedule C of subpart C of part 213 of title
10 5 of the Code of Federal Regulations exclusive of one spe-
11 cial assistant for each Commissioner: *Provided further*,
12 That none of the funds appropriated in this paragraph
13 shall be used to reimburse Commissioners for more than
14 75 billable days, with the exception of the chairperson,
15 who is permitted 125 billable days: *Provided further*, That
16 none of the funds appropriated in this paragraph shall be
17 used for any activity or expense that is not explicitly au-
18 thorized by section 3 of the Civil Rights Commission Act
19 of 1983 (42 U.S.C. 1975a).

20 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
21 SALARIES AND EXPENSES

22 For necessary expenses of the Equal Employment
23 Opportunity Commission as authorized by title VII of the
24 Civil Rights Act of 1964, the Age Discrimination in Em-
25 ployment Act of 1967, the Equal Pay Act of 1963, the

1 Americans with Disabilities Act of 1990, section 501 of
2 the Rehabilitation Act of 1973, the Civil Rights Act of
3 1991, the Genetic Information Nondiscrimination Act
4 (GINA) of 2008 (Public Law 110–233), the ADA Amend-
5 ments Act of 2008 (Public Law 110–325), and the Lilly
6 Ledbetter Fair Pay Act of 2009 (Public Law 111–2), in-
7 cluding services as authorized by section 3109 of title 5,
8 United States Code; hire of passenger motor vehicles as
9 authorized by section 1343(b) of title 31, United States
10 Code; nonmonetary awards to private citizens; and up to
11 \$29,500,000 for payments to State and local enforcement
12 agencies for authorized services to the Commission,
13 \$379,500,000: *Provided*, That the Commission is author-
14 ized to make available for official reception and represen-
15 tation expenses not to exceed \$2,250 from available funds:
16 *Provided further*, That the Commission may take no action
17 to implement any workforce repositioning, restructuring,
18 or reorganization until such time as the Committees on
19 Appropriations of the House of Representatives and the
20 Senate have been notified of such proposals, in accordance
21 with the reprogramming requirements of section 505 of
22 this Act: *Provided further*, That the Chair is authorized
23 to accept and use any gift or donation to carry out the
24 work of the Commission.

1 INTERNATIONAL TRADE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the International Trade
4 Commission, including hire of passenger motor vehicles
5 and services as authorized by section 3109 of title 5,
6 United States Code, and not to exceed \$2,250 for official
7 reception and representation expenses, \$93,700,000, to re-
8 main available until expended.

9 LEGAL SERVICES CORPORATION

10 PAYMENT TO THE LEGAL SERVICES CORPORATION

11 For payment to the Legal Services Corporation to
12 carry out the purposes of the Legal Services Corporation
13 Act of 1974, \$410,000,000, of which \$376,000,000 is for
14 basic field programs and required independent audits;
15 \$5,100,000 is for the Office of Inspector General, of which
16 such amounts as may be necessary may be used to conduct
17 additional audits of recipients; \$19,400,000 is for manage-
18 ment and grants oversight; \$4,000,000 is for client self-
19 help and information technology; \$4,500,000 is for a Pro
20 Bono Innovation Fund; and \$1,000,000 is for loan repay-
21 ment assistance: *Provided*, That the Legal Services Cor-
22 poration may continue to provide locality pay to officers
23 and employees at a rate no greater than that provided by
24 the Federal Government to Washington, DC-based em-
25 ployees as authorized by section 5304 of title 5, United

1 States Code, notwithstanding section 1005(d) of the Legal
2 Services Corporation Act (42 U.S.C. 2996d(d)): *Provided*
3 *further*, That the authorities provided in section 205 of
4 this Act shall be applicable to the Legal Services Corpora-
5 tion: *Provided further*, That, for the purposes of section
6 505 of this Act, the Legal Services Corporation shall be
7 considered an agency of the United States Government.

8 ADMINISTRATIVE PROVISION—LEGAL SERVICES
9 CORPORATION

10 None of the funds appropriated in this Act to the
11 Legal Services Corporation shall be expended for any pur-
12 pose prohibited or limited by, or contrary to any of the
13 provisions of, sections 501, 502, 503, 504, 505, and 506
14 of Public Law 105–119, and all funds appropriated in this
15 Act to the Legal Services Corporation shall be subject to
16 the same terms and conditions set forth in such sections,
17 except that all references in sections 502 and 503 to 1997
18 and 1998 shall be deemed to refer instead to 2017 and
19 2018, respectively.

20 MARINE MAMMAL COMMISSION
21 SALARIES AND EXPENSES

22 For necessary expenses of the Marine Mammal Com-
23 mission as authorized by title II of the Marine Mammal
24 Protection Act of 1972 (16 U.S.C. 1361 et seq.),
25 \$3,431,000.

1 OFFICE OF THE UNITED STATES TRADE
2 REPRESENTATIVE
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of the United
5 States Trade Representative, including the hire of pas-
6 senger motor vehicles and the employment of experts and
7 consultants as authorized by section 3109 of title 5,
8 United States Code, \$57,600,000, of which \$1,000,000
9 shall remain available until expended: *Provided*, That of
10 the total amount made available under this heading, not
11 to exceed \$124,000 shall be available for official reception
12 and representation expenses.

13 TRADE ENFORCEMENT TRUST FUND
14 (INCLUDING TRANSFER OF FUNDS)

15 For activities of the United States Trade Representa-
16 tive authorized by section 611 of the Trade Facilitation
17 and Trade Enforcement Act of 2015 (19 U.S.C. 4405),
18 including transfers, \$15,000,000, to be derived from the
19 Trade Enforcement Trust Fund: *Provided*, That any
20 transfer pursuant to subsection (d)(1) of such section shall
21 be treated as a reprogramming under section 505 of this
22 Act.

1 STATE JUSTICE INSTITUTE

2 SALARIES AND EXPENSES

3 For necessary expenses of the State Justice Institute,
4 as authorized by the State Justice Institute Act of 1984
5 (42 U.S.C. 10701 et seq.) \$5,121,000, of which \$500,000
6 shall remain available until September 30, 2019: *Provided*,
7 That not to exceed \$2,250 shall be available for official
8 reception and representation expenses: *Provided further*,
9 That, for the purposes of section 505 of this Act, the State
10 Justice Institute shall be considered an agency of the
11 United States Government.

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TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

1 SEC. 505. None of the funds provided under this Act,
2 or provided under previous appropriations Acts to the
3 agencies funded by this Act that remain available for obli-
4 gation or expenditure in fiscal year 2018, or provided from
5 any accounts in the Treasury of the United States derived
6 by the collection of fees available to the agencies funded
7 by this Act, shall be available for obligation or expenditure
8 through a reprogramming of funds that: (1) creates or ini-
9 tiates a new program, project or activity; (2) eliminates
10 a program, project or activity; (3) increases funds or per-
11 sonnel by any means for any project or activity for which
12 funds have been denied or restricted; (4) relocates an of-
13 fice or employees; (5) reorganizes or renames offices, pro-
14 grams or activities; (6) contracts out or privatizes any
15 functions or activities presently performed by Federal em-
16 ployees; (7) augments existing programs, projects or ac-
17 tivities in excess of \$500,000 or 10 percent, whichever is
18 less, or reduces by 10 percent funding for any program,
19 project or activity, or numbers of personnel by 10 percent;
20 or (8) results from any general savings, including savings
21 from a reduction in personnel, which would result in a
22 change in existing programs, projects or activities as ap-
23 proved by Congress; unless the House and Senate Com-
24 mittees on Appropriations are notified 15 days in advance
25 of such reprogramming of funds.

1 SEC. 506. (a) If it has been finally determined by
2 a court or Federal agency that any person intentionally
3 affixed a label bearing a “Made in America” inscription,
4 or any inscription with the same meaning, to any product
5 sold in or shipped to the United States that is not made
6 in the United States, the person shall be ineligible to re-
7 ceive any contract or subcontract made with funds made
8 available in this Act, pursuant to the debarment, suspen-
9 sion, and ineligibility procedures described in sections
10 9.400 through 9.409 of title 48, Code of Federal Regula-
11 tions.

12 (b)(1) To the extent practicable, with respect to au-
13 thorized purchases of promotional items, funds made
14 available by this Act shall be used to purchase items that
15 are manufactured, produced, or assembled in the United
16 States, its territories or possessions.

17 (2) The term “promotional items” has the meaning
18 given the term in OMB Circular A–87, Attachment B,
19 Item (1)(f)(3).

20 SEC. 507. (a) The Departments of Commerce and
21 Justice, the National Science Foundation, and the Na-
22 tional Aeronautics and Space Administration shall provide
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate a quarterly report on the sta-
25 tus of balances of appropriations at the account level. For

1 unobligated, uncommitted balances and unobligated, com-
2 mitted balances the quarterly reports shall separately
3 identify the amounts attributable to each source year of
4 appropriation from which the balances were derived. For
5 balances that are obligated, but unexpended, the quarterly
6 reports shall separately identify amounts by the year of
7 obligation.

8 (b) The report described in subsection (a) shall be
9 submitted within 30 days of the end of each quarter.

10 (c) If a department or agency is unable to fulfill any
11 aspect of a reporting requirement described in subsection
12 (a) due to a limitation of a current accounting system,
13 the department or agency shall fulfill such aspect to the
14 maximum extent practicable under such accounting sys-
15 tem and shall identify and describe in each quarterly re-
16 port the extent to which such aspect is not fulfilled.

17 SEC. 508. Any costs incurred by a department or
18 agency funded under this Act resulting from, or to pre-
19 vent, personnel actions taken in response to funding re-
20 ductions included in this Act shall be absorbed within the
21 total budgetary resources available to such department or
22 agency: *Provided*, That the authority to transfer funds be-
23 tween appropriations accounts as may be necessary to
24 carry out this section is provided in addition to authorities
25 included elsewhere in this Act: *Provided further*, That use

1 of funds to carry out this section shall be treated as a
2 reprogramming of funds under section 505 of this Act and
3 shall not be available for obligation or expenditure except
4 in compliance with the procedures set forth in that section:
5 *Provided further*, That for the Department of Commerce,
6 this section shall also apply to actions taken for the care
7 and protection of loan collateral or grant property.

8 SEC. 509. None of the funds provided by this Act
9 shall be available to promote the sale or export of tobacco
10 or tobacco products, or to seek the reduction or removal
11 by any foreign country of restrictions on the marketing
12 of tobacco or tobacco products, except for restrictions
13 which are not applied equally to all tobacco or tobacco
14 products of the same type.

15 SEC. 510. Notwithstanding any other provision of
16 law, amounts deposited or available in the Fund estab-
17 lished by section 1402 of chapter XIV of title II of Public
18 Law 98–473 (34 U.S.C. 20101) in any fiscal year in ex-
19 cess of \$4,436,000,000 shall not be available for obligation
20 until the following fiscal year: *Provided*, That notwith-
21 standing section 1402(d) of such Act, of the amounts
22 available from the Fund for obligation: (1) \$10,000,000
23 shall remain available until expended to the Department
24 of Justice Office of Inspector General for oversight and
25 auditing purposes; and (2) 3 percent shall be available to

1 the Office for Victims of Crime for grants, consistent with
2 the requirements of the Victims of Crime Act, to Indian
3 tribes to improve services for victims of crime.

4 SEC. 511. None of the funds made available to the
5 Department of Justice in this Act may be used to discrimi-
6 nate against or denigrate the religious or moral beliefs of
7 students who participate in programs for which financial
8 assistance is provided from those funds, or of the parents
9 or legal guardians of such students.

10 SEC. 512. None of the funds made available in this
11 Act may be transferred to any department, agency, or in-
12 strumentality of the United States Government, except
13 pursuant to a transfer made by, or transfer authority pro-
14 vided in, this Act or any other appropriations Act.

15 SEC. 513. (a) The Inspectors General of the Depart-
16 ment of Commerce, the Department of Justice, the Na-
17 tional Aeronautics and Space Administration, the Na-
18 tional Science Foundation, and the Legal Services Cor-
19 poration shall conduct audits, pursuant to the Inspector
20 General Act (5 U.S.C. App.), of grants or contracts for
21 which funds are appropriated by this Act, and shall submit
22 reports to Congress on the progress of such audits, which
23 may include preliminary findings and a description of
24 areas of particular interest, within 180 days after initi-

1 ating such an audit and every 180 days thereafter until
2 any such audit is completed.

3 (b) Within 60 days after the date on which an audit
4 described in subsection (a) by an Inspector General is
5 completed, the Secretary, Attorney General, Adminis-
6 trator, Director, or President, as appropriate, shall make
7 the results of the audit available to the public on the Inter-
8 net website maintained by the Department, Administra-
9 tion, Foundation, or Corporation, respectively. The results
10 shall be made available in redacted form to exclude—

11 (1) any matter described in section 552(b) of
12 title 5, United States Code; and

13 (2) sensitive personal information for any indi-
14 vidual, the public access to which could be used to
15 commit identity theft or for other inappropriate or
16 unlawful purposes.

17 (c) Any person awarded a grant or contract funded
18 by amounts appropriated by this Act shall submit a state-
19 ment to the Secretary of Commerce, the Attorney General,
20 the Administrator, Director, or President, as appropriate,
21 certifying that no funds derived from the grant or contract
22 will be made available through a subcontract or in any
23 other manner to another person who has a financial inter-
24 est in the person awarded the grant or contract.

1 (d) The provisions of the preceding subsections of
2 this section shall take effect 30 days after the date on
3 which the Director of the Office of Management and
4 Budget, in consultation with the Director of the Office of
5 Government Ethics, determines that a uniform set of rules
6 and requirements, substantially similar to the require-
7 ments in such subsections, consistently apply under the
8 executive branch ethics program to all Federal depart-
9 ments, agencies, and entities.

10 SEC. 514. (a) None of the funds appropriated or oth-
11 erwise made available under this Act may be used by the
12 Departments of Commerce and Justice, the National Aer-
13 onautics and Space Administration, or the National
14 Science Foundation to acquire a high-impact or moderate-
15 impact information system, as defined for security cat-
16 egorization in the National Institute of Standards and
17 Technology's (NIST) Federal Information Processing
18 Standard Publication 199, "Standards for Security Cat-
19 egorization of Federal Information and Information Sys-
20 tems" unless the agency has—

21 (1) reviewed the supply chain risk for the infor-
22 mation systems against criteria developed by NIST
23 and the Federal Bureau of Investigation (FBI) to
24 inform acquisition decisions for high-impact and

1 moderate-impact information systems within the
2 Federal Government;

3 (2) reviewed the supply chain risk from the pre-
4 sumptive awardee against available and relevant
5 threat information provided by the FBI and other
6 appropriate agencies; and

7 (3) in consultation with the FBI or other ap-
8 propriate Federal entity, conducted an assessment of
9 any risk of cyber-espionage or sabotage associated
10 with the acquisition of such system, including any
11 risk associated with such system being produced,
12 manufactured, or assembled by one or more entities
13 identified by the United States Government as pos-
14 ing a cyber threat, including but not limited to,
15 those that may be owned, directed, or subsidized by
16 the People's Republic of China, the Islamic Republic
17 of Iran, the Democratic People's Republic of Korea,
18 or the Russian Federation.

19 (b) None of the funds appropriated or otherwise
20 made available under this Act may be used to acquire a
21 high-impact or moderate-impact information system re-
22 viewed and assessed under subsection (a) unless the head
23 of the assessing entity described in subsection (a) has—

1 (1) developed, in consultation with NIST, the
2 FBI, and supply chain risk management experts, a
3 mitigation strategy for any identified risks;

4 (2) determined, in consultation with NIST and
5 the FBI, that the acquisition of such system is in
6 the national interest of the United States; and

7 (3) reported that determination to the Commit-
8 tees on Appropriations of the House of Representa-
9 tives and the Senate and the agency Inspector Gen-
10 eral.

11 SEC. 515. None of the funds made available in this
12 Act shall be used in any way whatsoever to support or
13 justify the use of torture by any official or contract em-
14 ployee of the United States Government.

15 SEC. 516. (a) Notwithstanding any other provision
16 of law or treaty, none of the funds appropriated or other-
17 wise made available under this Act or any other Act may
18 be expended or obligated by a department, agency, or in-
19 strumentality of the United States to pay administrative
20 expenses or to compensate an officer or employee of the
21 United States in connection with requiring an export li-
22 cense for the export to Canada of components, parts, ac-
23 cessories or attachments for firearms listed in Category
24 I, section 121.1 of title 22, Code of Federal Regulations
25 (International Trafficking in Arms Regulations (ITAR)),

1 part 121, as it existed on April 1, 2005) with a total value
2 not exceeding \$500 wholesale in any transaction, provided
3 that the conditions of subsection (b) of this section are
4 met by the exporting party for such articles.

5 (b) The foregoing exemption from obtaining an ex-
6 port license—

7 (1) does not exempt an exporter from filing any
8 Shipper's Export Declaration or notification letter
9 required by law, or from being otherwise eligible
10 under the laws of the United States to possess, ship,
11 transport, or export the articles enumerated in sub-
12 section (a); and

13 (2) does not permit the export without a license
14 of—

15 (A) fully automatic firearms and compo-
16 nents and parts for such firearms, other than
17 for end use by the Federal Government, or a
18 Provincial or Municipal Government of Canada;

19 (B) barrels, cylinders, receivers (frames) or
20 complete breech mechanisms for any firearm
21 listed in Category I, other than for end use by
22 the Federal Government, or a Provincial or Mu-
23 nicipal Government of Canada; or

24 (C) articles for export from Canada to an-
25 other foreign destination.

1 (c) In accordance with this section, the District Di-
2 rectors of Customs and postmasters shall permit the per-
3 manent or temporary export without a license of any un-
4 classified articles specified in subsection (a) to Canada for
5 end use in Canada or return to the United States, or tem-
6 porary import of Canadian-origin items from Canada for
7 end use in the United States or return to Canada for a
8 Canadian citizen.

9 (d) The President may require export licenses under
10 this section on a temporary basis if the President deter-
11 mines, upon publication first in the Federal Register, that
12 the Government of Canada has implemented or main-
13 tained inadequate import controls for the articles specified
14 in subsection (a), such that a significant diversion of such
15 articles has and continues to take place for use in inter-
16 national terrorism or in the escalation of a conflict in an-
17 other nation. The President shall terminate the require-
18 ments of a license when reasons for the temporary require-
19 ments have ceased.

20 SEC. 517. Notwithstanding any other provision of
21 law, no department, agency, or instrumentality of the
22 United States receiving appropriated funds under this Act
23 or any other Act shall obligate or expend in any way such
24 funds to pay administrative expenses or the compensation
25 of any officer or employee of the United States to deny

1 any application submitted pursuant to 22 U.S.C.
2 2778(b)(1)(B) and qualified pursuant to 27 CFR section
3 478.112 or .113, for a permit to import United States ori-
4 gin “curios or relics” firearms, parts, or ammunition.

5 SEC. 518. None of the funds made available in this
6 Act may be used to include in any new bilateral or multi-
7 lateral trade agreement the text of—

8 (1) paragraph 2 of article 16.7 of the United
9 States–Singapore Free Trade Agreement;

10 (2) paragraph 4 of article 17.9 of the United
11 States–Australia Free Trade Agreement; or

12 (3) paragraph 4 of article 15.9 of the United
13 States–Morocco Free Trade Agreement.

14 SEC. 519. None of the funds made available in this
15 Act may be used to authorize or issue a national security
16 letter in contravention of any of the following laws author-
17 izing the Federal Bureau of Investigation to issue national
18 security letters: The Right to Financial Privacy Act of
19 1978; The Electronic Communications Privacy Act of
20 1986; The Fair Credit Reporting Act; The National Secu-
21 rity Act of 1947; USA PATRIOT Act; USA FREEDOM
22 Act of 2015; and the laws amended by these Acts.

23 SEC. 520. If at any time during any quarter, the pro-
24 gram manager of a project within the jurisdiction of the
25 Departments of Commerce or Justice, the National Aero-

1 nautics and Space Administration, or the National Science
2 Foundation totaling more than \$75,000,000 has reason-
3 able cause to believe that the total program cost has in-
4 creased by 10 percent or more, the program manager shall
5 immediately inform the respective Secretary, Adminis-
6 trator, or Director. The Secretary, Administrator, or Di-
7 rector shall notify the House and Senate Committees on
8 Appropriations within 30 days in writing of such increase,
9 and shall include in such notice: the date on which such
10 determination was made; a statement of the reasons for
11 such increases; the action taken and proposed to be taken
12 to control future cost growth of the project; changes made
13 in the performance or schedule milestones and the degree
14 to which such changes have contributed to the increase
15 in total program costs or procurement costs; new esti-
16 mates of the total project or procurement costs; and a
17 statement validating that the project's management struc-
18 ture is adequate to control total project or procurement
19 costs.

20 SEC. 521. Funds appropriated by this Act, or made
21 available by the transfer of funds in this Act, for intel-
22 ligence or intelligence related activities are deemed to be
23 specifically authorized by the Congress for purposes of sec-
24 tion 504 of the National Security Act of 1947 (50 U.S.C.

1 3094) during fiscal year 2018 until the enactment of the
2 Intelligence Authorization Act for fiscal year 2018.

3 SEC. 522. None of the funds appropriated or other-
4 wise made available by this Act may be used to enter into
5 a contract in an amount greater than \$5,000,000 or to
6 award a grant in excess of such amount unless the pro-
7 spective contractor or grantee certifies in writing to the
8 agency awarding the contract or grant that, to the best
9 of its knowledge and belief, the contractor or grantee has
10 filed all Federal tax returns required during the three
11 years preceding the certification, has not been convicted
12 of a criminal offense under the Internal Revenue Code of
13 1986, and has not, more than 90 days prior to certifi-
14 cation, been notified of any unpaid Federal tax assessment
15 for which the liability remains unsatisfied, unless the as-
16 sessment is the subject of an installment agreement or
17 offer in compromise that has been approved by the Inter-
18 nal Revenue Service and is not in default, or the assess-
19 ment is the subject of a non-frivolous administrative or
20 judicial proceeding.

21 (RESCISSIONS)

22 SEC. 523. (a) Of the unobligated balances from prior
23 year appropriations available to the Department of Com-
24 merce, Economic Development Administration, Economic

1 Development Assistance Programs, \$10,000,000 is re-
2 scinded not later than September 30, 2018.

3 (b) Of the unobligated balances available to the De-
4 partment of Justice, the following funds are hereby re-
5 scinded, not later than September 30, 2018, from the fol-
6 lowing accounts in the specified amounts—

7 (1) “Working Capital Fund”, \$154,768,000;

8 (2) “Federal Bureau of Investigation, Salaries
9 and Expenses”, \$127,291,000 including from, but
10 not limited to, fees collected to defray expenses for
11 the automation of fingerprint identification and
12 criminal justice information services and associated
13 costs;

14 (3) “State and Local Law Enforcement Activi-
15 ties, Office on Violence Against Women, Violence
16 Against Women Prevention and Prosecution Pro-
17 grams”, \$15,000,000;

18 (4) “State and Local Law Enforcement Activi-
19 ties, Office of Justice Programs”, \$40,000,000;

20 (5) “State and Local Law Enforcement Activi-
21 ties, Community Oriented Policing Services”,
22 \$10,000,000; and

23 (6) “Legal Activities, Assets Forfeiture Fund”,
24 \$304,000,000, is permanently rescinded.

1 (c) The Departments of Commerce and Justice shall
2 submit to the Committees on Appropriations of the House
3 of Representatives and the Senate a report no later than
4 September 1, 2018, specifying the amount of each rescis-
5 sion made pursuant to subsections (a) and (b).

6 SEC. 524. None of the funds made available in this
7 Act may be used to purchase first class or premium airline
8 travel in contravention of sections 301–10.122 through
9 301–10.124 of title 41 of the Code of Federal Regulations.

10 SEC. 525. None of the funds made available in this
11 Act may be used to send or otherwise pay for the attend-
12 ance of more than 50 employees from a Federal depart-
13 ment or agency, who are stationed in the United States,
14 at any single conference occurring outside the United
15 States unless such conference is a law enforcement train-
16 ing or operational conference for law enforcement per-
17 sonnel and the majority of Federal employees in attend-
18 ance are law enforcement personnel stationed outside the
19 United States.

20 SEC. 526. None of the funds appropriated or other-
21 wise made available in this or any other Act may be used
22 to transfer, release, or assist in the transfer or release to
23 or within the United States, its territories, or possessions
24 Khalid Sheikh Mohammed or any other detainee who—

1 (1) is not a United States citizen or a member
2 of the Armed Forces of the United States; and

3 (2) is or was held on or after June 24, 2009,
4 at the United States Naval Station, Guantanamo
5 Bay, Cuba, by the Department of Defense.

6 SEC. 527. (a) None of the funds appropriated or oth-
7 erwise made available in this or any other Act may be used
8 to construct, acquire, or modify any facility in the United
9 States, its territories, or possessions to house any indi-
10 vidual described in subsection (c) for the purposes of de-
11 tention or imprisonment in the custody or under the effec-
12 tive control of the Department of Defense.

13 (b) The prohibition in subsection (a) shall not apply
14 to any modification of facilities at United States Naval
15 Station, Guantanamo Bay, Cuba.

16 (c) An individual described in this subsection is any
17 individual who, as of June 24, 2009, is located at United
18 States Naval Station, Guantanamo Bay, Cuba, and who—

19 (1) is not a citizen of the United States or a
20 member of the Armed Forces of the United States;
21 and

22 (2) is—

23 (A) in the custody or under the effective
24 control of the Department of Defense; or

1 (B) otherwise under detention at United
2 States Naval Station, Guantanamo Bay, Cuba.

3 SEC. 528. The Director of the Office of Management
4 and Budget shall instruct any department, agency, or in-
5 strumentality of the United States receiving funds appro-
6 priated under this Act to track undisbursed balances in
7 expired grant accounts and include in its annual perform-
8 ance plan and performance and accountability reports the
9 following:

10 (1) Details on future action the department,
11 agency, or instrumentality will take to resolve
12 undisbursed balances in expired grant accounts.

13 (2) The method that the department, agency, or
14 instrumentality uses to track undisbursed balances
15 in expired grant accounts.

16 (3) Identification of undisbursed balances in ex-
17 pired grant accounts that may be returned to the
18 Treasury of the United States.

19 (4) In the preceding 3 fiscal years, details on
20 the total number of expired grant accounts with
21 undisbursed balances (on the first day of each fiscal
22 year) for the department, agency, or instrumentality
23 and the total finances that have not been obligated
24 to a specific project remaining in the accounts.

1 SEC. 529. (a) None of the funds made available by
2 this Act may be used for the National Aeronautics and
3 Space Administration (NASA) or the Office of Science
4 and Technology Policy (OSTP) to develop, design, plan,
5 promulgate, implement, or execute a bilateral policy, pro-
6 gram, order, or contract of any kind to participate, col-
7 laborate, or coordinate bilaterally in any way with China
8 or any Chinese-owned company unless such activities are
9 specifically authorized by a law enacted after the date of
10 enactment of this Act.

11 (b) None of the funds made available by this Act may
12 be used to effectuate the hosting of official Chinese visitors
13 at facilities belonging to or utilized by NASA.

14 (c) The limitations described in subsections (a) and
15 (b) shall not apply to activities which NASA or OSTP,
16 after consultation with the Federal Bureau of Investiga-
17 tion, have certified—

18 (1) pose no risk of resulting in the transfer of
19 technology, data, or other information with national
20 security or economic security implications to China
21 or a Chinese-owned company; and

22 (2) will not involve knowing interactions with
23 officials who have been determined by the United
24 States to have direct involvement with violations of
25 human rights.

1 (d) Any certification made under subsection (c) shall
2 be submitted to the Committees on Appropriations of the
3 House of Representatives and the Senate, and the Federal
4 Bureau of Investigation, no later than 30 days prior to
5 the activity in question and shall include a description of
6 the purpose of the activity, its agenda, its major partici-
7 pants, and its location and timing.

8 SEC. 530. None of the funds made available by this
9 Act may be used to pay the salaries or expenses of per-
10 sonnel to deny, or fail to act on, an application for the
11 importation of any model of shotgun if—

12 (1) all other requirements of law with respect to
13 the proposed importation are met; and

14 (2) no application for the importation of such
15 model of shotgun, in the same configuration, had
16 been denied by the Attorney General prior to Janu-
17 ary 1, 2011, on the basis that the shotgun was not
18 particularly suitable for or readily adaptable to
19 sporting purposes.

20 SEC. 531. (a) None of the funds made available in
21 this Act may be used to maintain or establish a computer
22 network unless such network blocks the viewing,
23 downloading, and exchanging of pornography.

24 (b) Nothing in subsection (a) shall limit the use of
25 funds necessary for any Federal, State, tribal, or local law

1 enforcement agency or any other entity carrying out crimi-
2 nal investigations, prosecution, adjudication, or other law
3 enforcement- or victim assistance-related activity.

4 SEC. 532. The Departments of Commerce and Jus-
5 tice, the National Aeronautics and Space Administration,
6 the National Science Foundation, the Commission on Civil
7 Rights, the Equal Employment Opportunity Commission,
8 the International Trade Commission, the Legal Services
9 Corporation, the Marine Mammal Commission, the Offices
10 of Science and Technology Policy and the United States
11 Trade Representative, the National Space Council, and
12 the State Justice Institute shall submit spending plans,
13 signed by the respective department or agency head, to
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate within 45 days after the date
16 of enactment of this Act.

17 SEC. 533. None of the funds made available by this
18 Act may be obligated or expended to implement the Arms
19 Trade Treaty until the Senate approves a resolution of
20 ratification for the Treaty.

21 SEC. 534. The Department of Commerce, the Na-
22 tional Aeronautics and Space Administration, and the Na-
23 tional Science Foundation shall provide a quarterly report
24 to the Committees on Appropriations of the House of Rep-
25 resentatives and the Senate on any official travel to China

1 by any employee of such Department or agency, including
2 the purpose of such travel.

3 SEC. 535. Of the amounts made available by this Act,
4 not less than 10 percent of each total amount provided,
5 respectively, for Public Works grants authorized by the
6 Public Works and Economic Development Act of 1965 and
7 grants authorized by section 27 of the Stevenson-Wydler
8 Technology Innovation Act of 1980 (15 U.S.C. 3722) shall
9 be allocated for assistance in persistent poverty counties:
10 *Provided*, That for purposes of this section, the term “per-
11 sistent poverty counties” means any county that has had
12 20 percent or more of its population living in poverty over
13 the past 30 years, as measured by the 1990 and 2000
14 decennial censuses and the most recent Small Area In-
15 come and Poverty Estimates.

16 SEC. 536. Notwithstanding any other provision of
17 this Act, none of the funds appropriated or otherwise
18 made available by this Act may be used to pay award or
19 incentive fees for contractor performance that has been
20 judged to be below satisfactory performance or for per-
21 formance that does not meet the basic requirements of a
22 contract.

23 SEC. 537. None of the funds made available by this
24 Act may be used in contravention of section 7606 (“Legit-
25 imacy of Industrial Hemp Research”) of the Agricultural

1 Act of 2014 (Public Law 113–79) by the Department of
2 Justice or the Drug Enforcement Administration.

3 SEC. 538. None of the funds made available under
4 this Act to the Department of Justice may be used, with
5 respect to any of the States of Alabama, Alaska, Arizona,
6 Arkansas, California, Colorado, Connecticut, Delaware,
7 Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Ken-
8 tucky, Louisiana, Maine, Maryland, Massachusetts, Michi-
9 gan, Minnesota, Mississippi, Missouri, Montana, Nevada,
10 New Hampshire, New Jersey, New Mexico, New York,
11 North Carolina, North Dakota, Ohio, Oklahoma, Oregon,
12 Pennsylvania, Rhode Island, South Carolina, Tennessee,
13 Texas, Utah, Vermont, Virginia, Washington, West Vir-
14 ginia, Wisconsin, and Wyoming, or with respect to the
15 District of Columbia, Guam, or Puerto Rico, to prevent
16 any of them from implementing their own laws that au-
17 thorize the use, distribution, possession, or cultivation of
18 medical marijuana.

19 SEC. 539. Not later than 30 days after the enactment
20 of this Act, the Secretary of Commerce (Secretary) shall
21 lift the stay on the effective date of the final rule for the
22 seafood import monitoring program published by the Sec-
23 retary on December 9, 2016, (81 Fed. Reg. 88975 et seq.)
24 for the species described in section 300.324(a)(3) of title
25 50, Code of Federal Regulations: *Provided*, That the com-

1 pliance date for the species described in section
2 300.324(a)(3) of title 50, Code of Federal Regulations,
3 shall occur not later than December 31, 2018: *Provided*
4 *further*, That not later than December 31, 2018, the Sec-
5 retary shall establish a traceability program for United
6 States inland, coastal, and marine aquaculture of shrimp
7 and abalone from point of production to entry into United
8 States commerce: *Provided further*, That the Secretary
9 shall promulgate such regulations as are necessary and ap-
10 propriate to establish and implement the program: *Pro-*
11 *vided further*, That information collected pursuant to a
12 regulation promulgated under this section shall be con-
13 fidential and not be disclosed except for the information
14 disclosed under section 401(b)(1) of the Magnuson-Ste-
15 vens Fishery Conservation and Management Act (16
16 U.S.C. 1881a(b)(1)): *Provided further*, That any regula-
17 tions promulgated under this section shall be enforced as
18 if this section were a provision of the Magnuson-Stevens
19 Fishery Conservation and Management Act (16 U.S.C.
20 1801 et seq.) and the regulations were promulgated under
21 such Act.

22 SEC. 540. For an additional amount for “Department
23 of Justice, State and Local Law Enforcement Activities,
24 Office of Justice Programs, State and Local Law Enforce-
25 ment Assistance”, \$2,500,000 to keep young athletes safe.

1 This division may be cited as the “Commerce, Jus-
2 tice, Science, and Related Agencies Appropriations Act,
3 2018”.

1 **DIVISION C—DEPARTMENT OF DEFENSE**
2 **APPROPRIATIONS ACT, 2018**

3 TITLE I

4 MILITARY PERSONNEL

5 MILITARY PERSONNEL, ARMY

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the
11 Army on active duty (except members of reserve compo-
12 nents provided for elsewhere), cadets, and aviation cadets;
13 for members of the Reserve Officers' Training Corps; and
14 for payments pursuant to section 156 of Public Law 97–
15 377, as amended (42 U.S.C. 402 note), and to the Depart-
16 ment of Defense Military Retirement Fund,
17 \$41,628,855,000.

18 MILITARY PERSONNEL, NAVY

19 For pay, allowances, individual clothing, subsistence,
20 interest on deposits, gratuities, permanent change of sta-
21 tion travel (including all expenses thereof for organiza-
22 tional movements), and expenses of temporary duty travel
23 between permanent duty stations, for members of the
24 Navy on active duty (except members of the Reserve pro-
25 vided for elsewhere), midshipmen, and aviation cadets; for

1 members of the Reserve Officers' Training Corps; and for
2 payments pursuant to section 156 of Public Law 97-377,
3 as amended (42 U.S.C. 402 note), and to the Department
4 of Defense Military Retirement Fund, \$28,772,118,000.

5 MILITARY PERSONNEL, MARINE CORPS

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the Ma-
11 rine Corps on active duty (except members of the Reserve
12 provided for elsewhere); and for payments pursuant to sec-
13 tion 156 of Public Law 97-377, as amended (42 U.S.C.
14 402 note), and to the Department of Defense Military Re-
15 tirement Fund, \$13,231,114,000.

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the Air
22 Force on active duty (except members of reserve compo-
23 nents provided for elsewhere), cadets, and aviation cadets;
24 for members of the Reserve Officers' Training Corps; and
25 for payments pursuant to section 156 of Public Law 97-

1 377, as amended (42 U.S.C. 402 note), and to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$28,790,440,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and expenses au-
14 thorized by section 16131 of title 10, United States Code;
15 and for payments to the Department of Defense Military
16 Retirement Fund, \$4,715,608,000.

17 RESERVE PERSONNEL, NAVY

18 For pay, allowances, clothing, subsistence, gratuities,
19 travel, and related expenses for personnel of the Navy Re-
20 serve on active duty under section 10211 of title 10,
21 United States Code, or while serving on active duty under
22 section 12301(d) of title 10, United States Code, in con-
23 nection with performing duty specified in section 12310(a)
24 of title 10, United States Code, or while undergoing re-
25 serve training, or while performing drills or equivalent

1 duty, and expenses authorized by section 16131 of title
2 10, United States Code; and for payments to the Depart-
3 ment of Defense Military Retirement Fund,
4 \$1,988,362,000.

5 RESERVE PERSONNEL, MARINE CORPS

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Marine
8 Corps Reserve on active duty under section 10211 of title
9 10, United States Code, or while serving on active duty
10 under section 12301(d) of title 10, United States Code,
11 in connection with performing duty specified in section
12 12310(a) of title 10, United States Code, or while under-
13 going reserve training, or while performing drills or equiv-
14 alent duty, and for members of the Marine Corps platoon
15 leaders class, and expenses authorized by section 16131
16 of title 10, United States Code; and for payments to the
17 Department of Defense Military Retirement Fund,
18 \$764,903,000.

19 RESERVE PERSONNEL, AIR FORCE

20 For pay, allowances, clothing, subsistence, gratuities,
21 travel, and related expenses for personnel of the Air Force
22 Reserve on active duty under sections 10211, 10305, and
23 8038 of title 10, United States Code, or while serving on
24 active duty under section 12301(d) of title 10, United
25 States Code, in connection with performing duty specified

1 in section 12310(a) of title 10, United States Code, or
2 while undergoing reserve training, or while performing
3 drills or equivalent duty or other duty, and expenses au-
4 thorized by section 16131 of title 10, United States Code;
5 and for payments to the Department of Defense Military
6 Retirement Fund, \$1,802,554,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Na-
10 tional Guard while on duty under sections 10211, 10302,
11 or 12402 of title 10 or section 708 of title 32, United
12 States Code, or while serving on duty under section
13 12301(d) of title 10 or section 502(f) of title 32, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing training, or while performing drills or
17 equivalent duty or other duty, and expenses authorized by
18 section 16131 of title 10, United States Code; and for pay-
19 ments to the Department of Defense Military Retirement
20 Fund, \$8,264,626,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Na-
24 tional Guard on duty under sections 10211, 10305, or
25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
2 title 10 or section 502(f) of title 32, United States Code,
3 in connection with performing duty specified in section
4 12310(a) of title 10, United States Code, or while under-
5 going training, or while performing drills or equivalent
6 duty or other duty, and expenses authorized by section
7 16131 of title 10, United States Code; and for payments
8 to the Department of Defense Military Retirement Fund,
9 \$3,408,817,000.

1 TITLE II

2 OPERATION AND MAINTENANCE

3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law, \$38,816,957,000: *Provided*, That not to ex-
7 ceed \$12,478,000 can be used for emergencies and ex-
8 traordinary expenses, to be expended on the approval or
9 authority of the Secretary of the Army, and payments may
10 be made on his certificate of necessity for confidential mili-
11 tary purposes.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law, \$45,384,353,000:
16 *Provided*, That not to exceed \$15,055,000 can be used for
17 emergencies and extraordinary expenses, to be expended
18 on the approval or authority of the Secretary of the Navy,
19 and payments may be made on his certificate of necessity
20 for confidential military purposes.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Marine Corps,
24 as authorized by law, \$6,605,546,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law, \$39,544,193,000: *Provided*, That not
5 to exceed \$7,699,000 can be used for emergencies and ex-
6 traordinary expenses, to be expended on the approval or
7 authority of the Secretary of the Air Force, and payments
8 may be made on his certificate of necessity for confidential
9 military purposes.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of activities and agen-
14 cies of the Department of Defense (other than the military
15 departments), as authorized by law, \$34,059,257,000:
16 *Provided*, That not more than \$15,000,000 may be used
17 for the Combatant Commander Initiative Fund authorized
18 under section 166a of title 10, United States Code: *Pro-*
19 *vided further*, That not to exceed \$36,000,000 can be used
20 for emergencies and extraordinary expenses, to be ex-
21 pended on the approval or authority of the Secretary of
22 Defense, and payments may be made on his certificate of
23 necessity for confidential military purposes: *Provided fur-*
24 *ther*, That of the funds provided under this heading, not
25 less than \$38,458,000 shall be made available for the Pro-

1 curement Technical Assistance Cooperative Agreement
2 Program, of which not less than \$3,600,000 shall be avail-
3 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
4 *vided further*, That none of the funds appropriated or oth-
5 erwise made available by this Act may be used to plan
6 or implement the consolidation of a budget or appropria-
7 tions liaison office of the Office of the Secretary of De-
8 fense, the office of the Secretary of a military department,
9 or the service headquarters of one of the Armed Forces
10 into a legislative affairs or legislative liaison office: *Pro-*
11 *vided further*, That \$9,385,000, to remain available until
12 expended, is available only for expenses relating to certain
13 classified activities, and may be transferred as necessary
14 by the Secretary of Defense to operation and maintenance
15 appropriations or research, development, test and evalua-
16 tion appropriations, to be merged with and to be available
17 for the same time period as the appropriations to which
18 transferred: *Provided further*, That any ceiling on the in-
19 vestment item unit cost of items that may be purchased
20 with operation and maintenance funds shall not apply to
21 the funds described in the preceding proviso: *Provided fur-*
22 *ther*, That of the funds provided under this heading,
23 \$631,670,000, of which \$157,917,000, to remain available
24 until September 30, 2019, shall be available to provide
25 support and assistance to foreign security forces or other

1 groups or individuals to conduct, support or facilitate
2 counterterrorism, crisis response, or other Department of
3 Defense security cooperation programs: *Provided further*,
4 That the transfer authority provided under this heading
5 is in addition to any other transfer authority provided else-
6 where in this Act.

7 OPERATION AND MAINTENANCE, ARMY RESERVE

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance, including training, or-
10 ganization, and administration, of the Army Reserve; re-
11 pair of facilities and equipment; hire of passenger motor
12 vehicles; travel and transportation; care of the dead; re-
13 cruiting; procurement of services, supplies, and equip-
14 ment; and communications, \$2,877,104,000.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance, including training, or-
18 ganization, and administration, of the Navy Reserve; re-
19 pair of facilities and equipment; hire of passenger motor
20 vehicles; travel and transportation; care of the dead; re-
21 cruiting; procurement of services, supplies, and equip-
22 ment; and communications, \$1,069,707,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$284,837,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$3,202,307,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$7,284,170,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For expenses of training, organizing, and admin-
12 istering the Air National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; transportation of things, hire of pas-
16 senger motor vehicles; supplying and equipping the Air
17 National Guard, as authorized by law; expenses for repair,
18 modification, maintenance, and issue of supplies and
19 equipment, including those furnished from stocks under
20 the control of agencies of the Department of Defense;
21 travel expenses (other than mileage) on the same basis as
22 authorized by law for Air National Guard personnel on
23 active Federal duty, for Air National Guard commanders
24 while inspecting units in compliance with National Guard

1 Bureau regulations when specifically authorized by the
2 Chief, National Guard Bureau, \$6,900,798,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

5 For salaries and expenses necessary for the United
6 States Court of Appeals for the Armed Forces,
7 \$14,538,000, of which not to exceed \$5,000 may be used
8 for official representation purposes.

9 ENVIRONMENTAL RESTORATION, ARMY
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$235,809,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Army, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Army, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

1 *Provided further*, That the transfer authority provided
2 under this heading is in addition to any other transfer au-
3 thority provided elsewhere in this Act.

4 ENVIRONMENTAL RESTORATION, NAVY
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$365,883,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Navy shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris of the Department of the Navy, or
12 for similar purposes, transfer the funds made available by
13 this appropriation to other appropriations made available
14 to the Department of the Navy, to be merged with and
15 to be available for the same purposes and for the same
16 time period as the appropriations to which transferred:
17 *Provided further*, That upon a determination that all or
18 part of the funds transferred from this appropriation are
19 not necessary for the purposes provided herein, such
20 amounts may be transferred back to this appropriation:
21 *Provided further*, That the transfer authority provided
22 under this heading is in addition to any other transfer au-
23 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$352,549,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation: *Provided further*, That the transfer au-
19 thority provided under this heading is in addition to any
20 other transfer authority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$19,002,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

1 are required for environmental restoration, reduction and
2 recycling of hazardous waste, removal of unsafe buildings
3 and debris of the Department of Defense, or for similar
4 purposes, transfer the funds made available by this appro-
5 priation to other appropriations made available to the De-
6 partment of Defense, to be merged with and to be avail-
7 able for the same purposes and for the same time period
8 as the appropriations to which transferred: *Provided fur-*
9 *ther*, That upon a determination that all or part of the
10 funds transferred from this appropriation are not nec-
11 essary for the purposes provided herein, such amounts
12 may be transferred back to this appropriation: *Provided*
13 *further*, That the transfer authority provided under this
14 heading is in addition to any other transfer authority pro-
15 vided elsewhere in this Act.

16 ENVIRONMENTAL RESTORATION, FORMERLY USED
17 DEFENSE SITES
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$248,673,000, to
20 remain available until transferred: *Provided*, That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris at sites formerly used by the Depart-
25 ment of Defense, transfer the funds made available by this

1 appropriation to other appropriations made available to
2 the Department of the Army, to be merged with and to
3 be available for the same purposes and for the same time
4 period as the appropriations to which transferred: *Pro-*
5 *vided further*, That upon a determination that all or part
6 of the funds transferred from this appropriation are not
7 necessary for the purposes provided herein, such amounts
8 may be transferred back to this appropriation: *Provided*
9 *further*, That the transfer authority provided under this
10 heading is in addition to any other transfer authority pro-
11 vided elsewhere in this Act.

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,
14 Disaster, and Civic Aid programs of the Department of
15 Defense (consisting of the programs provided under sec-
16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
17 United States Code), \$129,900,000, to remain available
18 until September 30, 2019.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance, including assistance provided by con-
21 tract or by grants, under programs and activities of the
22 Department of Defense Cooperative Threat Reduction
23 Program authorized under the Department of Defense Co-
24 operative Threat Reduction Act, \$350,000,000, to remain
25 available until September 30, 2020.

1 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
2 DEVELOPMENT FUND

3 For the Department of Defense Acquisition Work-
4 force Development Fund, \$500,000,000, to remain avail-
5 able for obligation until September 30, 2019: *Provided*,
6 That no other amounts may be otherwise credited or
7 transferred to the Fund, or deposited into the Fund, in
8 fiscal year 2018 pursuant to section 1705(d) of title 10,
9 United States Code: *Provided further*, That within 60 days
10 after the date of enactment of this Act, the Secretary of
11 Defense shall transfer to the Treasury from amounts
12 made available under this heading an amount equal to any
13 amounts transferred to the Fund for fiscal year 2018 be-
14 fore the date of the enactment of this Act pursuant to
15 section 1705(d)(3) of title 10, United States Code, or any
16 other provision of law: *Provided further*, That amounts so
17 transferred shall be deposited in the Treasury as miscella-
18 neous receipts.

1 TITLE III
2 PROCUREMENT

3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$5,535,794,000, to remain available
17 for obligation until September 30, 2020.

18 MISSILE PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,548,740,000, to remain
15 available for obligation until September 30, 2020.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$8,298,418,000, to remain available for obligation until
8 September 30, 2020.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$19,957,380,000, to remain available for obligation until
21 September 30, 2020.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,510,590,000, to remain available for obliga-
9 tion until September 30, 2020.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$804,335,000, to remain avail-
25 able for obligation until September 30, 2020.

1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acquisi-
3 tion, or conversion of vessels as authorized by law, includ-
4 ing armor and armament thereof, plant equipment, appli-
5 ances, and machine tools and installation thereof in public
6 and private plants; reserve plant and Government and con-
7 tractor-owned equipment layaway; procurement of critical,
8 long lead time components and designs for vessels to be
9 constructed or converted in the future; and expansion of
10 public and private plants, including land necessary there-
11 for, and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title, as follows:

14 Ohio Replacement Submarine (AP),
15 \$861,853,000;

16 Carrier Replacement Program (CVN 80),
17 \$1,569,646,000;

18 Carrier Replacement Program (CVN 79),
19 \$2,561,058,000;

20 Virginia Class Submarine, \$3,305,315,000;

21 Virginia Class Submarine (AP),
22 \$2,145,596,000;

23 CVN Refueling Overhauls, \$1,569,669,000;

24 CVN Refueling Overhauls (AP), \$75,897,000;

25 DDG-1000 Program, \$216,968,000;

1 DDG-51 Destroyer, \$3,357,079,000;
2 DDG-51 Destroyer (AP), \$90,336,000;
3 Littoral Combat Ship, \$1,566,971,000;
4 Amphibious Ship Replacement, \$1,800,000,000;
5 Expeditionary Sea Base, \$635,000,000;
6 LHA Replacement, \$1,710,927,000;
7 Expeditionary Fast Transport, \$225,000,000;
8 TAO Fleet Oiler, \$457,988,000;
9 TAO Fleet Oiler (AP), \$75,068,000;
10 Towing, Salvage, and Rescue Ship,
11 \$76,204,000;
12 T-AGS Oceanographic Survey Ship,
13 \$180,000,000;
14 Ship to Shore Connector, \$524,554,000;
15 Service Craft, \$62,994,000;
16 For outfitting, post delivery, conversions, and
17 first destination transportation, \$489,073,000;
18 Completion of Prior Year Shipbuilding Pro-
19 grams, \$117,542,000; and
20 Polar Icebreakers, \$150,000,000.
21 In all: \$23,824,738,000, to remain available for obli-
22 gation until September 30, 2022: *Provided*, That addi-
23 tional obligations may be incurred after September 30,
24 2022, for engineering services, tests, evaluations, and
25 other such budgeted work that must be performed in the

1 final stage of ship construction: *Provided further*, That
2 none of the funds provided under this heading for the con-
3 struction or conversion of any naval vessel to be con-
4 structed in shipyards in the United States shall be ex-
5 pended in foreign facilities for the construction of major
6 components of such vessel: *Provided further*, That none
7 of the funds provided under this heading shall be used
8 for the construction of any naval vessel in foreign ship-
9 yards: *Provided further*, That funds appropriated or other-
10 wise made available by this Act for production of the com-
11 mon missile compartment of nuclear-powered vessels may
12 be available for multiyear procurement of critical compo-
13 nents to support continuous production of such compart-
14 ments only in accordance with the provisions of subsection
15 (i) of section 2218a of title 10, United States Code (as
16 added by section 1023 of the National Defense Authoriza-
17 tion Act for Fiscal Year 2017 (Public Law 114–328)).

18 OTHER PROCUREMENT, NAVY

19 For procurement, production, and modernization of
20 support equipment and materials not otherwise provided
21 for, Navy ordnance (except ordnance for new aircraft, new
22 ships, and ships authorized for conversion); the purchase
23 of passenger motor vehicles for replacement only; expan-
24 sion of public and private plants, including the land nec-
25 essary therefor, and such lands and interests therein, may

1 be acquired, and construction prosecuted thereon prior to
2 approval of title; and procurement and installation of
3 equipment, appliances, and machine tools in public and
4 private plants; reserve plant and Government and con-
5 tractor-owned equipment layaway, \$7,941,018,000, to re-
6 main available for obligation until September 30, 2020.

7 PROCUREMENT, MARINE CORPS

8 For expenses necessary for the procurement, manu-
9 facture, and modification of missiles, armament, military
10 equipment, spare parts, and accessories therefor; plant
11 equipment, appliances, and machine tools, and installation
12 thereof in public and private plants; reserve plant and
13 Government and contractor-owned equipment layaway; ve-
14 hicles for the Marine Corps, including the purchase of pas-
15 senger motor vehicles for replacement only; and expansion
16 of public and private plants, including land necessary
17 therefor, and such lands and interests therein, may be ac-
18 quired, and construction prosecuted thereon prior to ap-
19 proval of title, \$1,942,737,000, to remain available for ob-
20 ligation until September 30, 2020.

21 AIRCRAFT PROCUREMENT, AIR FORCE

22 For construction, procurement, and modification of
23 aircraft and equipment, including armor and armament,
24 specialized ground handling equipment, and training de-
25 vices, spare parts, and accessories therefor; specialized

1 equipment; expansion of public and private plants, Gov-
2 ernment-owned equipment and installation thereof in such
3 plants, erection of structures, and acquisition of land, for
4 the foregoing purposes, and such lands and interests
5 therein, may be acquired, and construction prosecuted
6 thereon prior to approval of title; reserve plant and Gov-
7 ernment and contractor-owned equipment layaway; and
8 other expenses necessary for the foregoing purposes in-
9 cluding rents and transportation of things,
10 \$18,504,556,000, to remain available for obligation until
11 September 30, 2020.

12 MISSILE PROCUREMENT, AIR FORCE

13 For construction, procurement, and modification of
14 missiles, rockets, and related equipment, including spare
15 parts and accessories therefor; ground handling equip-
16 ment, and training devices; expansion of public and pri-
17 vate plants, Government-owned equipment and installa-
18 tion thereof in such plants, erection of structures, and ac-
19 quisition of land, for the foregoing purposes, and such
20 lands and interests therein, may be acquired, and con-
21 struction prosecuted thereon prior to approval of title; re-
22 serve plant and Government and contractor-owned equip-
23 ment layaway; and other expenses necessary for the fore-
24 going purposes including rents and transportation of

1 things, \$2,207,747,000, to remain available for obligation
2 until September 30, 2020.

3 SPACE PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 spacecraft, rockets, and related equipment, including
6 spare parts and accessories therefor; ground handling
7 equipment, and training devices; expansion of public and
8 private plants, Government-owned equipment and installa-
9 tion thereof in such plants, erection of structures, and ac-
10 quisition of land, for the foregoing purposes, and such
11 lands and interests therein, may be acquired, and con-
12 struction prosecuted thereon prior to approval of title; re-
13 serve plant and Government and contractor-owned equip-
14 ment layaway; and other expenses necessary for the fore-
15 going purposes including rents and transportation of
16 things, \$3,552,175,000, to remain available for obligation
17 until September 30, 2020.

18 PROCUREMENT OF AMMUNITION, AIR FORCE

19 For construction, procurement, production, and
20 modification of ammunition, and accessories therefor; spe-
21 cialized equipment and training devices; expansion of pub-
22 lic and private plants, including ammunition facilities, au-
23 thorized by section 2854 of title 10, United States Code,
24 and the land necessary therefor, for the foregoing pur-
25 poses, and such lands and interests therein, may be ac-

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title; and procurement and installation of equip-
3 ment, appliances, and machine tools in public and private
4 plants; reserve plant and Government and contractor-
5 owned equipment layaway; and other expenses necessary
6 for the foregoing purposes, \$1,651,977,000, to remain
7 available for obligation until September 30, 2020.

8 OTHER PROCUREMENT, AIR FORCE

9 For procurement and modification of equipment (in-
10 cluding ground guidance and electronic control equipment,
11 and ground electronic and communication equipment),
12 and supplies, materials, and spare parts therefor, not oth-
13 erwise provided for; the purchase of passenger motor vehi-
14 cles for replacement only; lease of passenger motor vehi-
15 cles; and expansion of public and private plants, Govern-
16 ment-owned equipment and installation thereof in such
17 plants, erection of structures, and acquisition of land, for
18 the foregoing purposes, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon, prior to approval of title; reserve plant and Gov-
21 ernment and contractor-owned equipment layaway,
22 \$20,503,273,000, to remain available for obligation until
23 September 30, 2020.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only; expansion of public
8 and private plants, equipment, and installation thereof in
9 such plants, erection of structures, and acquisition of land
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$5,429,270,000, to remain available for obligation until
15 September 30, 2020.

16 DEFENSE PRODUCTION ACT PURCHASES

17 For activities by the Department of Defense pursuant
18 to sections 108, 301, 302, and 303 of the Defense Produc-
19 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
20 \$67,401,000, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$10,647,426,000, to remain avail-
10 able for obligation until September 30, 2019.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$18,010,754,000, to remain avail-
17 able for obligation until September 30, 2019: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 AIR FORCE

23 For expenses necessary for basic and applied sci-
24 entific research, development, test and evaluation, includ-
25 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment, \$37,428,078,000, to remain avail-
2 able for obligation until September 30, 2019.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 DEFENSE-WIDE
5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses of activities and agencies of the Depart-
7 ment of Defense (other than the military departments),
8 necessary for basic and applied scientific research, devel-
9 opment, test and evaluation; advanced research projects
10 as may be designated and determined by the Secretary
11 of Defense, pursuant to law; maintenance, rehabilitation,
12 lease, and operation of facilities and equipment,
13 \$22,010,975,000, to remain available for obligation until
14 September 30, 2019: *Provided*, That, of the funds made
15 available in this paragraph, \$250,000,000 for the Defense
16 Rapid Innovation Program shall only be available for ex-
17 penses, not otherwise provided for, to include program
18 management and oversight, to conduct research, develop-
19 ment, test and evaluation to include proof of concept dem-
20 onstration; engineering, testing, and validation; and tran-
21 sition to full-scale production: *Provided further*, That the
22 Secretary of Defense may transfer funds provided herein
23 for the Defense Rapid Innovation Program to appropria-
24 tions for research, development, test and evaluation to ac-
25 complish the purpose provided herein: *Provided further*,

1 That this transfer authority is in addition to any other
2 transfer authority available to the Department of Defense:
3 *Provided further*, That the Secretary of Defense shall, not
4 fewer than 30 days prior to making transfers from this
5 appropriation, notify the congressional defense committees
6 in writing of the details of any such transfer.

7 OPERATIONAL TEST AND EVALUATION, DEFENSE

8 For expenses, not otherwise provided for, necessary
9 for the independent activities of the Director, Operational
10 Test and Evaluation, in the direction and supervision of
11 operational test and evaluation, including initial oper-
12 ational test and evaluation which is conducted prior to,
13 and in support of, production decisions; joint operational
14 testing and evaluation; and administrative expenses in
15 connection therewith, \$210,900,000, to remain available
16 for obligation until September 30, 2019.

17 TITLE V

18 REVOLVING AND MANAGEMENT FUNDS

19 DEFENSE WORKING CAPITAL FUNDS

20 For the Defense Working Capital Funds,
21 \$1,685,596,000.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$34,428,167,000; of which
7 \$31,521,850,000 shall be for operation and maintenance,
8 of which not to exceed one percent shall remain available
9 for obligation until September 30, 2019, and of which up
10 to \$15,349,700,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$867,002,000, to remain available for obligation until Sep-
13 tember 30, 2020, shall be for procurement; and of which
14 \$2,039,315,000, to remain available for obligation until
15 September 30, 2019, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$8,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations: *Provided further*, That of the funds provided
24 under this heading for research, development, test and
25 evaluation, not less than \$1,095,100,000 shall be made

1 available to the United States Army Medical Research and
2 Materiel Command to carry out the congressionally di-
3 rected medical research programs.

4 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
5 DEFENSE

6 For expenses, not otherwise provided for, necessary
7 for the destruction of the United States stockpile of lethal
8 chemical agents and munitions in accordance with the pro-
9 visions of section 1412 of the Department of Defense Au-
10 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
11 struction of other chemical warfare materials that are not
12 in the chemical weapon stockpile, \$961,732,000, of which
13 \$104,237,000 shall be for operation and maintenance, of
14 which no less than \$49,401,000 shall be for the Chemical
15 Stockpile Emergency Preparedness Program, consisting of
16 \$21,045,000 for activities on military installations and
17 \$28,356,000, to remain available until September 30,
18 2019, to assist State and local governments; \$18,081,000
19 shall be for procurement, to remain available until Sep-
20 tember 30, 2020, of which \$16,787,000 shall be for the
21 Chemical Stockpile Emergency Preparedness Program to
22 assist State and local governments and \$1,294,000 for ac-
23 tivities on military installations; and \$839,414,000, to re-
24 main available until September 30, 2019, shall be for re-
25 search, development, test and evaluation, of which

1 \$831,900,000 shall only be for the Assembled Chemical
2 Weapons Alternatives program.

3 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
4 DEFENSE
5 (INCLUDING TRANSFER OF FUNDS)

6 For drug interdiction and counter-drug activities of
7 the Department of Defense, for transfer to appropriations
8 available to the Department of Defense for military per-
9 sonnel of the reserve components serving under the provi-
10 sions of title 10 and title 32, United States Code; for oper-
11 ation and maintenance; for procurement; and for research,
12 development, test and evaluation, \$934,814,000, of which
13 \$552,648,000 shall be for counter-narcotics support;
14 \$120,813,000 shall be for the drug demand reduction pro-
15 gram; \$236,353,000 shall be for the National Guard
16 counter-drug program; and \$25,000,000 shall be for the
17 National Guard counter-drug schools program: *Provided*,
18 That the funds appropriated under this heading shall be
19 available for obligation for the same time period and for
20 the same purpose as the appropriation to which trans-
21 ferred: *Provided further*, That upon a determination that
22 all or part of the funds transferred from this appropriation
23 are not necessary for the purposes provided herein, such
24 amounts may be transferred back to this appropriation:
25 *Provided further*, That the transfer authority provided

1 under this heading is in addition to any other transfer au-
2 thority contained elsewhere in this Act.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$321,887,000,
7 of which \$319,087,000 shall be for operation and mainte-
8 nance, of which not to exceed \$700,000 is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes; and
13 of which \$2,800,000, to remain available until September
14 30, 2019, shall be for research, development, test and eval-
15 uation.

1 TITLE VII
2 RELATED AGENCIES
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain the
7 proper funding level for continuing the operation of the
8 Central Intelligence Agency Retirement and Disability
9 System, \$514,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11 For necessary expenses of the Intelligence Commu-
12 nity Management Account, \$537,600,000.

1 TITLE VIII

2 GENERAL PROVISIONS

3 SEC. 8001. No part of any appropriation contained
4 in this Act shall be used for publicity or propaganda pur-
5 poses not authorized by the Congress.

6 SEC. 8002. During the current fiscal year, provisions
7 of law prohibiting the payment of compensation to, or em-
8 ployment of, any person not a citizen of the United States
9 shall not apply to personnel of the Department of Defense:
10 *Provided*, That salary increases granted to direct and indi-
11 rect hire foreign national employees of the Department of
12 Defense funded by this Act shall not be at a rate in excess
13 of the percentage increase authorized by law for civilian
14 employees of the Department of Defense whose pay is
15 computed under the provisions of section 5332 of title 5,
16 United States Code, or at a rate in excess of the percent-
17 age increase provided by the appropriate host nation to
18 its own employees, whichever is higher: *Provided further*,
19 That this section shall not apply to Department of De-
20 fense foreign service national employees serving at United
21 States diplomatic missions whose pay is set by the Depart-
22 ment of State under the Foreign Service Act of 1980: *Pro-*
23 *vided further*, That the limitations of this provision shall
24 not apply to foreign national employees of the Department
25 of Defense in the Republic of Turkey.

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further*, That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher pri-
9 ority items, based on unforeseen military requirements,
10 than those for which originally appropriated and in no
11 case where the item for which reprogramming is requested
12 has been denied by the Congress: *Provided further*, That
13 a request for multiple reprogrammings of funds using au-
14 thority provided in this section shall be made prior to June
15 30, 2018: *Provided further*, That transfers among military
16 personnel appropriations shall not be taken into account
17 for purposes of the limitation on the amount of funds that
18 may be transferred under this section.

19 SEC. 8006. (a) With regard to the list of specific pro-
20 grams, projects, and activities (and the dollar amounts
21 and adjustments to budget activities corresponding to
22 such programs, projects, and activities) contained in the
23 tables titled Explanation of Project Level Adjustments in
24 the explanatory statement regarding this Act, the obliga-
25 tion and expenditure of amounts appropriated or other-

1 wise made available in this Act for those programs,
2 projects, and activities for which the amounts appro-
3 priated exceed the amounts requested are hereby required
4 by law to be carried out in the manner provided by such
5 tables to the same extent as if the tables were included
6 in the text of this Act.

7 (b) Amounts specified in the referenced tables de-
8 scribed in subsection (a) shall not be treated as subdivi-
9 sions of appropriations for purposes of section 8005 of this
10 Act: *Provided*, That section 8005 shall apply when trans-
11 fers of the amounts described in subsection (a) occur be-
12 tween appropriation accounts.

13 SEC. 8007. (a) Not later than 60 days after enact-
14 ment of this Act, the Department of Defense shall submit
15 a report to the congressional defense committees to estab-
16 lish the baseline for application of reprogramming and
17 transfer authorities for fiscal year 2018: *Provided*, That
18 the report shall include—

19 (1) a table for each appropriation with a sepa-
20 rate column to display the President's budget re-
21 quest, adjustments made by Congress, adjustments
22 due to enacted rescissions, if appropriate, and the
23 fiscal year enacted level;

24 (2) a delineation in the table for each appro-
25 priation both by budget activity and program,

1 project, and activity as detailed in the Budget Ap-
2 pendix; and

3 (3) an identification of items of special congres-
4 sional interest.

5 (b) Notwithstanding section 8005 of this Act, none
6 of the funds provided in this Act shall be available for
7 reprogramming or transfer until the report identified in
8 subsection (a) is submitted to the congressional defense
9 committees, unless the Secretary of Defense certifies in
10 writing to the congressional defense committees that such
11 reprogramming or transfer is necessary as an emergency
12 requirement: *Provided*, That this subsection shall not
13 apply to transfers from the following appropriations ac-
14 counts:

15 (1) “Environmental Restoration, Army”;

16 (2) “Environmental Restoration, Navy”;

17 (3) “Environmental Restoration, Air Force”;

18 (4) “Environmental Restoration, Defense-
19 Wide”;

20 (5) “Environmental Restoration, Formerly
21 Used Defense Sites”; and

22 (6) “Drug Interdiction and Counter-drug Ac-
23 tivities, Defense”.

1 (TRANSFER OF FUNDS)

2 SEC. 8008. During the current fiscal year, cash bal-
3 ances in working capital funds of the Department of De-
4 fense established pursuant to section 2208 of title 10,
5 United States Code, may be maintained in only such
6 amounts as are necessary at any time for cash disburse-
7 ments to be made from such funds: *Provided*, That trans-
8 fers may be made between such funds: *Provided further*,
9 That transfers may be made between working capital
10 funds and the “Foreign Currency Fluctuations, Defense”
11 appropriation and the “Operation and Maintenance” ap-
12 propriation accounts in such amounts as may be deter-
13 mined by the Secretary of Defense, with the approval of
14 the Office of Management and Budget, except that such
15 transfers may not be made unless the Secretary of Defense
16 has notified the Congress of the proposed transfer: *Pro-*
17 *vided further*, That except in amounts equal to the
18 amounts appropriated to working capital funds in this Act,
19 no obligations may be made against a working capital fund
20 to procure or increase the value of war reserve material
21 inventory, unless the Secretary of Defense has notified the
22 Congress prior to any such obligation.

23 SEC. 8009. Funds appropriated by this Act may not
24 be used to initiate a special access program without prior

1 notification 30 calendar days in advance to the congres-
2 sional defense committees.

3 SEC. 8010. None of the funds provided in this Act
4 shall be available to initiate: (1) a multiyear contract that
5 employs economic order quantity procurement in excess of
6 \$20,000,000 in any one year of the contract or that in-
7 cludes an unfunded contingent liability in excess of
8 \$20,000,000; or (2) a contract for advance procurement
9 leading to a multiyear contract that employs economic
10 order quantity procurement in excess of \$20,000,000 in
11 any one year, unless the congressional defense committees
12 have been notified at least 30 days in advance of the pro-
13 posed contract award: *Provided*, That no part of any ap-
14 propriation contained in this Act shall be available to ini-
15 tiate a multiyear contract for which the economic order
16 quantity advance procurement is not funded at least to
17 the limits of the Government's liability: *Provided further*,
18 That no part of any appropriation contained in this Act
19 shall be available to initiate multiyear procurement con-
20 tracts for any systems or component thereof if the value
21 of the multiyear contract would exceed \$500,000,000 un-
22 less specifically provided in this Act: *Provided further*,
23 That no multiyear procurement contract can be termi-
24 nated without 30-day prior notification to the congres-
25 sional defense committees: *Provided further*, That the exe-

1 cution of multiyear authority shall require the use of a
2 present value analysis to determine lowest cost compared
3 to an annual procurement: *Provided further*, That none of
4 the funds provided in this Act may be used for a multiyear
5 contract executed after the date of the enactment of this
6 Act unless in the case of any such contract—

7 (1) the Secretary of Defense has submitted to
8 Congress a budget request for full funding of units
9 to be procured through the contract and, in the case
10 of a contract for procurement of aircraft, that in-
11 cludes, for any aircraft unit to be procured through
12 the contract for which procurement funds are re-
13 quested in that budget request for production be-
14 yond advance procurement activities in the fiscal
15 year covered by the budget, full funding of procure-
16 ment of such unit in that fiscal year;

17 (2) cancellation provisions in the contract do
18 not include consideration of recurring manufacturing
19 costs of the contractor associated with the produc-
20 tion of unfunded units to be delivered under the con-
21 tract;

22 (3) the contract provides that payments to the
23 contractor under the contract shall not be made in
24 advance of incurred costs on funded units; and

1 (4) the contract does not provide for a price ad-
2 justment based on a failure to award a follow-on
3 contract.

4 Funds appropriated in title III of this Act may be
5 used for a multiyear procurement contract as follows: V-
6 22 Osprey aircraft variants; up to 13 SSN Virginia Class
7 Submarines and Government-furnished equipment; and
8 DDG-51 Arleigh Burke class Flight III guided missile de-
9 stroyers, the MK41 Vertical Launching Systems, and as-
10 sociated Government-furnished systems and subsystems:
11 *Provided*, That the term of any multiyear procurement
12 contract for V-22 Osprey aircraft variants entered into
13 for use of any part of any appropriation contained in this
14 Act may not exceed 5 years.

15 SEC. 8011. Within the funds appropriated for the op-
16 eration and maintenance of the Armed Forces, funds are
17 hereby appropriated pursuant to section 401 of title 10,
18 United States Code, for humanitarian and civic assistance
19 costs under chapter 20 of title 10, United States Code.
20 Such funds may also be obligated for humanitarian and
21 civic assistance costs incidental to authorized operations
22 and pursuant to authority granted in section 401 of chap-
23 ter 20 of title 10, United States Code, and these obliga-
24 tions shall be reported as required by section 401(d) of
25 title 10, United States Code: *Provided*, That funds avail-

1 able for operation and maintenance shall be available for
2 providing humanitarian and similar assistance by using
3 Civic Action Teams in the Trust Territories of the Pacific
4 Islands and freely associated states of Micronesia, pursu-
5 ant to the Compact of Free Association as authorized by
6 Public Law 99–239: *Provided further*, That upon a deter-
7 mination by the Secretary of the Army that such action
8 is beneficial for graduate medical education programs con-
9 ducted at Army medical facilities located in Hawaii, the
10 Secretary of the Army may authorize the provision of med-
11 ical services at such facilities and transportation to such
12 facilities, on a nonreimbursable basis, for civilian patients
13 from American Samoa, the Commonwealth of the North-
14 ern Mariana Islands, the Marshall Islands, the Federated
15 States of Micronesia, Palau, and Guam.

16 SEC. 8012. (a) During the current fiscal year, the
17 civilian personnel of the Department of Defense may not
18 be managed on the basis of any end-strength, and the
19 management of such personnel during that fiscal year
20 shall not be subject to any constraint or limitation (known
21 as an end-strength) on the number of such personnel who
22 may be employed on the last day of such fiscal year.

23 (b) The fiscal year 2019 budget request for the De-
24 partment of Defense as well as all justification material
25 and other documentation supporting the fiscal year 2019

1 Department of Defense budget request shall be prepared
2 and submitted to the Congress as if subsections (a) and
3 (b) of this provision were effective with regard to fiscal
4 year 2019.

5 (c) As required by section 1107 of the National De-
6 fense Authorization Act for Fiscal Year 2014 (Public Law
7 113–66; 10 U.S.C. 2358 note) civilian personnel at the
8 Department of Army Science and Technology Reinvention
9 Laboratories may not be managed on the basis of the
10 Table of Distribution and Allowances, and the manage-
11 ment of the workforce strength shall be done in a manner
12 consistent with the budget available with respect to such
13 Laboratories.

14 (d) Nothing in this section shall be construed to apply
15 to military (civilian) technicians.

16 SEC. 8013. None of the funds made available by this
17 Act shall be used in any way, directly or indirectly, to in-
18 fluence congressional action on any legislation or appro-
19 priation matters pending before the Congress.

20 SEC. 8014. None of the funds appropriated by this
21 Act shall be available for the basic pay and allowances of
22 any member of the Army participating as a full-time stu-
23 dent and receiving benefits paid by the Secretary of Vet-
24 erans Affairs from the Department of Defense Education
25 Benefits Fund when time spent as a full-time student is

1 credited toward completion of a service commitment: *Pro-*
2 *vided*, That this section shall not apply to those members
3 who have reenlisted with this option prior to October 1,
4 1987: *Provided further*, That this section applies only to
5 active components of the Army.

6 (TRANSFER OF FUNDS)

7 SEC. 8015. Funds appropriated in title III of this Act
8 for the Department of Defense Pilot Mentor-Protégé Pro-
9 gram may be transferred to any other appropriation con-
10 tained in this Act solely for the purpose of implementing
11 a Mentor-Protégé Program developmental assistance
12 agreement pursuant to section 831 of the National De-
13 fense Authorization Act for Fiscal Year 1991 (Public Law
14 101–510; 10 U.S.C. 2302 note), as amended, under the
15 authority of this provision or any other transfer authority
16 contained in this Act.

17 SEC. 8016. None of the funds in this Act may be
18 available for the purchase by the Department of Defense
19 (and its departments and agencies) of welded shipboard
20 anchor and mooring chain 4 inches in diameter and under
21 unless the anchor and mooring chain are manufactured
22 in the United States from components which are substan-
23 tially manufactured in the United States: *Provided*, That
24 for the purpose of this section, the term “manufactured”
25 shall include cutting, heat treating, quality control, testing

1 of chain and welding (including the forging and shot blast-
2 ing process): *Provided further*, That for the purpose of this
3 section substantially all of the components of anchor and
4 mooring chain shall be considered to be produced or manu-
5 factured in the United States if the aggregate cost of the
6 components produced or manufactured in the United
7 States exceeds the aggregate cost of the components pro-
8 duced or manufactured outside the United States: *Pro-*
9 *vided further*, That when adequate domestic supplies are
10 not available to meet Department of Defense requirements
11 on a timely basis, the Secretary of the service responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations that such an acquisition must be made
15 in order to acquire capability for national security pur-
16 poses.

17 SEC. 8017. None of the funds appropriated by this
18 Act shall be used for the support of any nonappropriated
19 funds activity of the Department of Defense that procures
20 malt beverages and wine with nonappropriated funds for
21 resale (including such alcoholic beverages sold by the
22 drink) on a military installation located in the United
23 States unless such malt beverages and wine are procured
24 within that State, or in the case of the District of Colum-
25 bia, within the District of Columbia, in which the military

1 installation is located: *Provided*, That, in a case in which
2 the military installation is located in more than one State,
3 purchases may be made in any State in which the installa-
4 tion is located: *Provided further*, That such local procure-
5 ment requirements for malt beverages and wine shall
6 apply to all alcoholic beverages only for military installa-
7 tions in States which are not contiguous with another
8 State: *Provided further*, That alcoholic beverages other
9 than wine and malt beverages, in contiguous States and
10 the District of Columbia shall be procured from the most
11 competitive source, price and other factors considered.

12 SEC. 8018. None of the funds available to the De-
13 partment of Defense may be used to demilitarize or dis-
14 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
15 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
16 to demilitarize or destroy small arms ammunition or am-
17 munition components that are not otherwise prohibited
18 from commercial sale under Federal law, unless the small
19 arms ammunition or ammunition components are certified
20 by the Secretary of the Army or designee as unserviceable
21 or unsafe for further use.

22 SEC. 8019. No more than \$500,000 of the funds ap-
23 propriated or made available in this Act shall be used dur-
24 ing a single fiscal year for any single relocation of an orga-
25 nization, unit, activity or function of the Department of

1 Defense into or within the National Capital Region: *Pro-*
2 *vided*, That the Secretary of Defense may waive this re-
3 striction on a case-by-case basis by certifying in writing
4 to the congressional defense committees that such a relo-
5 cation is required in the best interest of the Government.

6 SEC. 8020. Of the funds made available in this Act,
7 \$20,000,000 shall be available for incentive payments au-
8 thorized by section 504 of the Indian Financing Act of
9 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor
10 or a subcontractor at any tier that makes a subcontract
11 award to any subcontractor or supplier as defined in sec-
12 tion 1544 of title 25, United States Code, or a small busi-
13 ness owned and controlled by an individual or individuals
14 defined under section 4221(9) of title 25, United States
15 Code, shall be considered a contractor for the purposes
16 of being allowed additional compensation under section
17 504 of the Indian Financing Act of 1974 (25 U.S.C.
18 1544) whenever the prime contract or subcontract amount
19 is over \$500,000 and involves the expenditure of funds
20 appropriated by an Act making appropriations for the De-
21 partment of Defense with respect to any fiscal year: *Pro-*
22 *vided further*, That notwithstanding section 1906 of title
23 41, United States Code, this section shall be applicable
24 to any Department of Defense acquisition of supplies or
25 services, including any contract and any subcontract at

1 any tier for acquisition of commercial items produced or
2 manufactured, in whole or in part, by any subcontractor
3 or supplier defined in section 1544 of title 25, United
4 States Code, or a small business owned and controlled by
5 an individual or individuals defined under section 4221(9)
6 of title 25, United States Code.

7 SEC. 8021. Funds appropriated by this Act for the
8 Defense Media Activity shall not be used for any national
9 or international political or psychological activities.

10 SEC. 8022. During the current fiscal year, the De-
11 partment of Defense is authorized to incur obligations of
12 not to exceed \$350,000,000 for purposes specified in sec-
13 tion 2350j(c) of title 10, United States Code, in anticipa-
14 tion of receipt of contributions, only from the Government
15 of Kuwait, under that section: *Provided*, That, upon re-
16 ceipt, such contributions from the Government of Kuwait
17 shall be credited to the appropriations or fund which in-
18 curred such obligations.

19 SEC. 8023. (a) Of the funds made available in this
20 Act, not less than \$43,100,000 shall be available for the
21 Civil Air Patrol Corporation, of which—

22 (1) \$30,800,000 shall be available from “Oper-
23 ation and Maintenance, Air Force” to support Civil
24 Air Patrol Corporation operation and maintenance,

1 readiness, counter-drug activities, and drug demand
2 reduction activities involving youth programs;

3 (2) \$10,600,000 shall be available from “Air-
4 craft Procurement, Air Force”; and

5 (3) \$1,700,000 shall be available from “Other
6 Procurement, Air Force” for vehicle procurement.

7 (b) The Secretary of the Air Force should waive reim-
8 bursement for any funds used by the Civil Air Patrol for
9 counter-drug activities in support of Federal, State, and
10 local government agencies.

11 SEC. 8024. (a) None of the funds appropriated in this
12 Act are available to establish a new Department of De-
13 fense (department) federally funded research and develop-
14 ment center (FFRDC), either as a new entity, or as a
15 separate entity administrated by an organization man-
16 aging another FFRDC, or as a nonprofit membership cor-
17 poration consisting of a consortium of other FFRDCs and
18 other nonprofit entities.

19 (b) No member of a Board of Directors, Trustees,
20 Overseers, Advisory Group, Special Issues Panel, Visiting
21 Committee, or any similar entity of a defense FFRDC,
22 and no paid consultant to any defense FFRDC, except
23 when acting in a technical advisory capacity, may be com-
24 pensated for his or her services as a member of such enti-
25 ty, or as a paid consultant by more than one FFRDC in

1 a fiscal year: *Provided*, That a member of any such entity
2 referred to previously in this subsection shall be allowed
3 travel expenses and per diem as authorized under the Fed-
4 eral Joint Travel Regulations, when engaged in the per-
5 formance of membership duties.

6 (c) Notwithstanding any other provision of law, none
7 of the funds available to the department from any source
8 during the current fiscal year may be used by a defense
9 FFRDC, through a fee or other payment mechanism, for
10 construction of new buildings not located on a military in-
11 stallation, for payment of cost sharing for projects funded
12 by Government grants, for absorption of contract over-
13 runs, or for certain charitable contributions, not to include
14 employee participation in community service and/or devel-
15 opment.

16 (d) Notwithstanding any other provision of law, of
17 the funds available to the department during fiscal year
18 2018, not more than 6,030 staff years of technical effort
19 (staff years) may be funded for defense FFRDCs: *Pro-*
20 *vided*, That, of the specific amount referred to previously
21 in this subsection, not more than 1,125 staff years may
22 be funded for the defense studies and analysis FFRDCs:
23 *Provided further*, That this subsection shall not apply to
24 staff years funded in the National Intelligence Program
25 (NIP) and the Military Intelligence Program (MIP).

1 (e) The Secretary of Defense shall, with the submis-
2 sion of the department's fiscal year 2019 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year and the associated budget
6 estimates.

7 (f) Notwithstanding any other provision of this Act,
8 the total amount appropriated in this Act for FFRDCs
9 is hereby reduced by \$131,000,000.

10 SEC. 8025. None of the funds appropriated or made
11 available in this Act shall be used to procure carbon, alloy,
12 or armor steel plate for use in any Government-owned fa-
13 cility or property under the control of the Department of
14 Defense which were not melted and rolled in the United
15 States or Canada: *Provided*, That these procurement re-
16 strictions shall apply to any and all Federal Supply Class
17 9515, American Society of Testing and Materials (ASTM)
18 or American Iron and Steel Institute (AISI) specifications
19 of carbon, alloy or armor steel plate: *Provided further*,
20 That the Secretary of the military department responsible
21 for the procurement may waive this restriction on a case-
22 by-case basis by certifying in writing to the Committees
23 on Appropriations of the House of Representatives and the
24 Senate that adequate domestic supplies are not available
25 to meet Department of Defense requirements on a timely

1 basis and that such an acquisition must be made in order
2 to acquire capability for national security purposes: *Pro-*
3 *vided further*, That these restrictions shall not apply to
4 contracts which are in being as of the date of the enact-
5 ment of this Act.

6 SEC. 8026. For the purposes of this Act, the term
7 “congressional defense committees” means the Armed
8 Services Committee of the House of Representatives, the
9 Armed Services Committee of the Senate, the Sub-
10 committee on Defense of the Committee on Appropriations
11 of the Senate, and the Subcommittee on Defense of the
12 Committee on Appropriations of the House of Representa-
13 tives.

14 SEC. 8027. During the current fiscal year, the De-
15 partment of Defense may acquire the modification, depot
16 maintenance and repair of aircraft, vehicles and vessels
17 as well as the production of components and other De-
18 fense-related articles, through competition between De-
19 partment of Defense depot maintenance activities and pri-
20 vate firms: *Provided*, That the Senior Acquisition Execu-
21 tive of the military department or Defense Agency con-
22 cerned, with power of delegation, shall certify that success-
23 ful bids include comparable estimates of all direct and in-
24 direct costs for both public and private bids: *Provided fur-*
25 *ther*, That Office of Management and Budget Circular A-

1 76 shall not apply to competitions conducted under this
2 section.

3 SEC. 8028. (a)(1) If the Secretary of Defense, after
4 consultation with the United States Trade Representative,
5 determines that a foreign country which is party to an
6 agreement described in paragraph (2) has violated the
7 terms of the agreement by discriminating against certain
8 types of products produced in the United States that are
9 covered by the agreement, the Secretary of Defense shall
10 rescind the Secretary's blanket waiver of the Buy Amer-
11 ican Act with respect to such types of products produced
12 in that foreign country.

13 (2) An agreement referred to in paragraph (1) is any
14 reciprocal defense procurement memorandum of under-
15 standing, between the United States and a foreign country
16 pursuant to which the Secretary of Defense has prospec-
17 tively waived the Buy American Act for certain products
18 in that country.

19 (b) The Secretary of Defense shall submit to the Con-
20 gress a report on the amount of Department of Defense
21 purchases from foreign entities in fiscal year 2018. Such
22 report shall separately indicate the dollar value of items
23 for which the Buy American Act was waived pursuant to
24 any agreement described in subsection (a)(2), the Trade
25 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a
2 party.

3 (c) For purposes of this section, the term “Buy
4 American Act” means chapter 83 of title 41, United
5 States Code.

6 SEC. 8029. During the current fiscal year, amounts
7 contained in the Department of Defense Overseas Military
8 Facility Investment Recovery Account established by sec-
9 tion 2921(c)(1) of the National Defense Authorization Act
10 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
11 be available until expended for the payments specified by
12 section 2921(c)(2) of that Act.

13 SEC. 8030. (a) Notwithstanding any other provision
14 of law, the Secretary of the Air Force may convey at no
15 cost to the Air Force, without consideration, to Indian
16 tribes located in the States of Nevada, Idaho, North Da-
17 kota, South Dakota, Montana, Oregon, Minnesota, and
18 Washington relocatable military housing units located at
19 Grand Forks Air Force Base, Malmstrom Air Force Base,
20 Mountain Home Air Force Base, Ellsworth Air Force
21 Base, and Minot Air Force Base that are excess to the
22 needs of the Air Force.

23 (b) The Secretary of the Air Force shall convey, at
24 no cost to the Air Force, military housing units under sub-
25 section (a) in accordance with the request for such units

1 that are submitted to the Secretary by the Operation
2 Walking Shield Program on behalf of Indian tribes located
3 in the States of Nevada, Idaho, North Dakota, South Da-
4 kota, Montana, Oregon, Minnesota, and Washington. Any
5 such conveyance shall be subject to the condition that the
6 housing units shall be removed within a reasonable period
7 of time, as determined by the Secretary.

8 (c) The Operation Walking Shield Program shall re-
9 solve any conflicts among requests of Indian tribes for
10 housing units under subsection (a) before submitting re-
11 quests to the Secretary of the Air Force under subsection
12 (b).

13 (d) In this section, the term “Indian tribe” means
14 any recognized Indian tribe included on the current list
15 published by the Secretary of the Interior under section
16 104 of the Federally Recognized Indian Tribe Act of 1994
17 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

18 SEC. 8031. During the current fiscal year, appropria-
19 tions which are available to the Department of Defense
20 for operation and maintenance may be used to purchase
21 items having an investment item unit cost of not more
22 than \$250,000.

23 SEC. 8032. None of the funds made available by this
24 Act may be used to—

1 (1) disestablish, or prepare to disestablish, a
2 Senior Reserve Officers' Training Corps program in
3 accordance with Department of Defense Instruction
4 Number 1215.08, dated June 26, 2006; or

5 (2) close, downgrade from host to extension
6 center, or place on probation a Senior Reserve Offi-
7 cers' Training Corps program in accordance with the
8 information paper of the Department of the Army
9 titled "Army Senior Reserve Officer's Training
10 Corps (SROTC) Program Review and Criteria",
11 dated January 27, 2014.

12 SEC. 8033. The Secretary of Defense shall issue reg-
13 ulations to prohibit the sale of any tobacco or tobacco-
14 related products in military resale outlets in the United
15 States, its territories and possessions at a price below the
16 most competitive price in the local community: *Provided*,
17 That such regulations shall direct that the prices of to-
18 bacco or tobacco-related products in overseas military re-
19 tail outlets shall be within the range of prices established
20 for military retail system stores located in the United
21 States.

22 SEC. 8034. (a) During the current fiscal year, none
23 of the appropriations or funds available to the Department
24 of Defense Working Capital Funds shall be used for the
25 purchase of an investment item for the purpose of acquir-

1 ing a new inventory item for sale or anticipated sale dur-
2 ing the current fiscal year or a subsequent fiscal year to
3 customers of the Department of Defense Working Capital
4 Funds if such an item would not have been chargeable
5 to the Department of Defense Business Operations Fund
6 during fiscal year 1994 and if the purchase of such an
7 investment item would be chargeable during the current
8 fiscal year to appropriations made to the Department of
9 Defense for procurement.

10 (b) The fiscal year 2019 budget request for the De-
11 partment of Defense as well as all justification material
12 and other documentation supporting the fiscal year 2019
13 Department of Defense budget shall be prepared and sub-
14 mitted to the Congress on the basis that any equipment
15 which was classified as an end item and funded in a pro-
16 curement appropriation contained in this Act shall be
17 budgeted for in a proposed fiscal year 2019 procurement
18 appropriation and not in the supply management business
19 area or any other area or category of the Department of
20 Defense Working Capital Funds.

21 SEC. 8035. None of the funds appropriated by this
22 Act for programs of the Central Intelligence Agency shall
23 remain available for obligation beyond the current fiscal
24 year, except for funds appropriated for the Reserve for
25 Contingencies, which shall remain available until Sep-

1 tember 30, 2019: *Provided*, That funds appropriated,
2 transferred, or otherwise credited to the Central Intel-
3 ligence Agency Central Services Working Capital Fund
4 during this or any prior or subsequent fiscal year shall
5 remain available until expended: *Provided further*, That
6 any funds appropriated or transferred to the Central Intel-
7 ligence Agency for advanced research and development ac-
8 quisition, for agent operations, and for covert action pro-
9 grams authorized by the President under section 503 of
10 the National Security Act of 1947 (50 U.S.C. 3093) shall
11 remain available until September 30, 2019.

12 SEC. 8036. Up to \$10,322,000 of the funds appro-
13 priated under the heading “Operation and Maintenance,
14 Navy” may be made available for the Asia Pacific Re-
15 gional Initiative Program for the purpose of enabling the
16 Pacific Command to execute Theater Security Cooperation
17 activities such as humanitarian assistance, and payment
18 of incremental and personnel costs of training and exer-
19 cising with foreign security forces: *Provided*, That funds
20 made available for this purpose may be used, notwith-
21 standing any other funding authorities for humanitarian
22 assistance, security assistance or combined exercise ex-
23 penses: *Provided further*, That funds may not be obligated
24 to provide assistance to any foreign country that is other-

1 wise prohibited from receiving such type of assistance
2 under any other provision of law.

3 SEC. 8037. Of the funds appropriated to the Depart-
4 ment of Defense under the heading “Operation and Main-
5 tenance, Defense-Wide”, not less than \$12,000,000 shall
6 be made available only for the mitigation of environmental
7 impacts, including training and technical assistance to
8 tribes, related administrative support, the gathering of in-
9 formation, documenting of environmental damage, and de-
10 veloping a system for prioritization of mitigation and cost
11 to complete estimates for mitigation, on Indian lands re-
12 sulting from Department of Defense activities.

13 SEC. 8038. (a) None of the funds appropriated in this
14 Act may be expended by an entity of the Department of
15 Defense unless the entity, in expending the funds, com-
16 plies with the Buy American Act. For purposes of this
17 subsection, the term “Buy American Act” means chapter
18 83 of title 41, United States Code.

19 (b) If the Secretary of Defense determines that a per-
20 son has been convicted of intentionally affixing a label
21 bearing a “Made in America” inscription to any product
22 sold in or shipped to the United States that is not made
23 in America, the Secretary shall determine, in accordance
24 with section 2410f of title 10, United States Code, wheth-

1 er the person should be debarred from contracting with
2 the Department of Defense.

3 (c) In the case of any equipment or products pur-
4 chased with appropriations provided under this Act, it is
5 the sense of the Congress that any entity of the Depart-
6 ment of Defense, in expending the appropriation, purchase
7 only American-made equipment and products, provided
8 that American-made equipment and products are cost-
9 competitive, quality competitive, and available in a timely
10 fashion.

11 SEC. 8039. (a) Except as provided in subsections (b)
12 and (c), none of the funds made available by this Act may
13 be used—

14 (1) to establish a field operating agency; or

15 (2) to pay the basic pay of a member of the
16 Armed Forces or civilian employee of the depart-
17 ment who is transferred or reassigned from a head-
18 quarters activity if the member or employee's place
19 of duty remains at the location of that headquarters.

20 (b) The Secretary of Defense or Secretary of a mili-
21 tary department may waive the limitations in subsection
22 (a), on a case-by-case basis, if the Secretary determines,
23 and certifies to the Committees on Appropriations of the
24 House of Representatives and the Senate that the grant-

1 ing of the waiver will reduce the personnel requirements
2 or the financial requirements of the department.

3 (c) This section does not apply to—

4 (1) field operating agencies funded within the
5 National Intelligence Program;

6 (2) an Army field operating agency established
7 to eliminate, mitigate, or counter the effects of im-
8 proved explosive devices, and, as determined by the
9 Secretary of the Army, other similar threats;

10 (3) an Army field operating agency established
11 to improve the effectiveness and efficiencies of bio-
12 metric activities and to integrate common biometric
13 technologies throughout the Department of Defense;
14 or

15 (4) an Air Force field operating agency estab-
16 lished to administer the Air Force Mortuary Affairs
17 Program and Mortuary Operations for the Depart-
18 ment of Defense and authorized Federal entities.

19 SEC. 8040. (a) None of the funds appropriated by
20 this Act shall be available to convert to contractor per-
21 formance an activity or function of the Department of De-
22 fense that, on or after the date of the enactment of this
23 Act, is performed by Department of Defense civilian em-
24 ployees unless—

1 (1) the conversion is based on the result of a
2 public-private competition that includes a most effi-
3 cient and cost effective organization plan developed
4 by such activity or function;

5 (2) the Competitive Sourcing Official deter-
6 mines that, over all performance periods stated in
7 the solicitation of offers for performance of the ac-
8 tivity or function, the cost of performance of the ac-
9 tivity or function by a contractor would be less costly
10 to the Department of Defense by an amount that
11 equals or exceeds the lesser of—

12 (A) 10 percent of the most efficient organi-
13 zation's personnel-related costs for performance
14 of that activity or function by Federal employ-
15 ees; or

16 (B) \$10,000,000; and

17 (3) the contractor does not receive an advan-
18 tage for a proposal that would reduce costs for the
19 Department of Defense by—

20 (A) not making an employer-sponsored
21 health insurance plan available to the workers
22 who are to be employed in the performance of
23 that activity or function under the contract; or

24 (B) offering to such workers an employer-
25 sponsored health benefits plan that requires the

1 employer to contribute less towards the pre-
2 mium or subscription share than the amount
3 that is paid by the Department of Defense for
4 health benefits for civilian employees under
5 chapter 89 of title 5, United States Code.

6 (b)(1) The Department of Defense, without regard
7 to subsection (a) of this section or subsection (a), (b), or
8 (c) of section 2461 of title 10, United States Code, and
9 notwithstanding any administrative regulation, require-
10 ment, or policy to the contrary shall have full authority
11 to enter into a contract for the performance of any com-
12 mercial or industrial type function of the Department of
13 Defense that—

14 (A) is included on the procurement list estab-
15 lished pursuant to section 2 of the Javits-Wagner-
16 O'Day Act (section 8503 of title 41, United States
17 Code);

18 (B) is planned to be converted to performance
19 by a qualified nonprofit agency for the blind or by
20 a qualified nonprofit agency for other severely handi-
21 capped individuals in accordance with that Act; or

22 (C) is planned to be converted to performance
23 by a qualified firm under at least 51 percent owner-
24 ship by an Indian tribe, as defined in section 4(e)
25 of the Indian Self-Determination and Education As-

1 Budget or the Balanced Budget and Emergency Deficit

2 Control Act of 1985, as amended:

3 “Other Procurement, Army”, 2016/2018,

4 \$5,517,000;

5 “Aircraft Procurement, Navy”, 2016/2018,

6 \$172,000,000;

7 “Aircraft Procurement, Air Force”, 2016/2018,

8 \$56,900,000;

9 “Procurement of Ammunition, Air Force”,

10 2016/2018, \$5,000,000;

11 “Procurement, Defense-wide”, 2016/2018,

12 \$7,264,000;

13 “Missile Procurement, Army”, 2017/2019,

14 \$19,319,000;

15 “Aircraft Procurement, Army”, 2017/2019,

16 \$17,000,000;

17 “Procurement of Weapons and Tracked Combat

18 Vehicles, Army”, 2017/2019, \$7,064,000;

19 “Procurement of Ammunition, Army”, 2017/

20 2019, \$15,507,000;

21 “Other Procurement, Army”, 2017/2019,

22 \$12,535,000;

23 “Aircraft Procurement, Navy”, 2017/2019,

24 \$45,900,000;

1 “Weapons Procurement, Navy”, 2017/2019,
2 \$32,200,000;

3 “Shipbuilding and Conversion, Navy: Carrier
4 Replacement Program”, 2017/2021, \$14,000,000;

5 “Aircraft Procurement, Air Force”, 2017/2019,
6 \$78,347,000;

7 “Missile Procurement, Air Force”, 2017/2019,
8 \$31,639,000;

9 “Space Procurement, Air Force”, 2017/2019,
10 \$34,900,000;

11 “Procurement of Ammunition, Air Force”,
12 2017/2019, \$18,000,000;

13 “Other Procurement, Air Force”, 2017/2019,
14 \$136,691,000;

15 “Research, Development, Test and Evaluation,
16 Army”, 2017/2018, \$62,331,000;

17 “Research, Development, Test and Evaluation,
18 Navy”, 2017/2018, \$9,128,000;

19 “Research, Development, Test and Evaluation,
20 Air Force”, 2017/2018, \$131,000,000; and

21 “Defense Health Program: Research, Develop-
22 ment, Test and Evaluation”, 2017/2018,
23 \$30,000,000.

24 SEC. 8042. None of the funds available in this Act
25 may be used to reduce the authorized positions for mili-

1 tary technicians (dual status) of the Army National
2 Guard, Air National Guard, Army Reserve and Air Force
3 Reserve for the purpose of applying any administratively
4 imposed civilian personnel ceiling, freeze, or reduction on
5 military technicians (dual status), unless such reductions
6 are a direct result of a reduction in military force struc-
7 ture.

8 SEC. 8043. None of the funds appropriated or other-
9 wise made available in this Act may be obligated or ex-
10 pended for assistance to the Democratic People's Republic
11 of Korea unless specifically appropriated for that purpose.

12 SEC. 8044. Funds appropriated in this Act for oper-
13 ation and maintenance of the Military Departments, Com-
14 batant Commands and Defense Agencies shall be available
15 for reimbursement of pay, allowances and other expenses
16 which would otherwise be incurred against appropriations
17 for the National Guard and Reserve when members of the
18 National Guard and Reserve provide intelligence or coun-
19 terintelligence support to Combatant Commands, Defense
20 Agencies and Joint Intelligence Activities, including the
21 activities and programs included within the National Intel-
22 ligence Program and the Military Intelligence Program:
23 *Provided*, That nothing in this section authorizes deviation
24 from established Reserve and National Guard personnel
25 and training procedures.

1 SEC. 8045. (a) None of the funds available to the
2 Department of Defense for any fiscal year for drug inter-
3 diction or counter-drug activities may be transferred to
4 any other department or agency of the United States ex-
5 cept as specifically provided in an appropriations law.

6 (b) None of the funds available to the Central Intel-
7 ligence Agency for any fiscal year for drug interdiction or
8 counter-drug activities may be transferred to any other de-
9 partment or agency of the United States except as specifi-
10 cally provided in an appropriations law.

11 SEC. 8046. None of the funds appropriated by this
12 Act may be used for the procurement of ball and roller
13 bearings other than those produced by a domestic source
14 and of domestic origin: *Provided*, That the Secretary of
15 the military department responsible for such procurement
16 may waive this restriction on a case-by-case basis by certi-
17 fying in writing to the Committees on Appropriations of
18 the House of Representatives and the Senate, that ade-
19 quate domestic supplies are not available to meet Depart-
20 ment of Defense requirements on a timely basis and that
21 such an acquisition must be made in order to acquire ca-
22 pability for national security purposes: *Provided further*,
23 That this restriction shall not apply to the purchase of
24 “commercial items”, as defined by section 103 of title 41,

1 United States Code, except that the restriction shall apply
2 to ball or roller bearings purchased as end items.

3 SEC. 8047. Of the amounts appropriated for “Work-
4 ing Capital Fund, Army”, \$99,000,000 shall be available
5 to maintain competitive rates at the arsenals.

6 SEC. 8048. None of the funds made available by this
7 Act for Evolved Expendable Launch Vehicle service com-
8 petitive procurements may be used unless the competitive
9 procurements are open for award to all certified providers
10 of Evolved Expendable Launch Vehicle-class systems: *Pro-*
11 *vided*, That the award shall be made to the provider that
12 offers the best value to the government.

13 SEC. 8049. In addition to the amounts appropriated
14 or otherwise made available elsewhere in this Act,
15 \$44,000,000 is hereby appropriated to the Department of
16 Defense: *Provided*, That upon the determination of the
17 Secretary of Defense that it shall serve the national inter-
18 est, the Secretary shall make grants in the amounts speci-
19 fied as follows: \$20,000,000 to the United Service Organi-
20 zations and \$24,000,000 to the Red Cross.

21 SEC. 8050. None of the funds in this Act may be
22 used to purchase any supercomputer which is not manu-
23 factured in the United States, unless the Secretary of De-
24 fense certifies to the congressional defense committees
25 that such an acquisition must be made in order to acquire

1 capability for national security purposes that is not avail-
2 able from United States manufacturers.

3 SEC. 8051. Notwithstanding any other provision in
4 this Act, the Small Business Innovation Research program
5 and the Small Business Technology Transfer program set-
6 asides shall be taken proportionally from all programs,
7 projects, or activities to the extent they contribute to the
8 extramural budget.

9 SEC. 8052. None of the funds available to the De-
10 partment of Defense under this Act shall be obligated or
11 expended to pay a contractor under a contract with the
12 Department of Defense for costs of any amount paid by
13 the contractor to an employee when—

14 (1) such costs are for a bonus or otherwise in
15 excess of the normal salary paid by the contractor
16 to the employee; and

17 (2) such bonus is part of restructuring costs as-
18 sociated with a business combination.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8053. During the current fiscal year, no more
21 than \$30,000,000 of appropriations made in this Act
22 under the heading “Operation and Maintenance, Defense-
23 Wide” may be transferred to appropriations available for
24 the pay of military personnel, to be merged with, and to
25 be available for the same time period as the appropriations

1 to which transferred, to be used in support of such per-
2 sonnel in connection with support and services for eligible
3 organizations and activities outside the Department of De-
4 fense pursuant to section 2012 of title 10, United States
5 Code.

6 SEC. 8054. During the current fiscal year, in the case
7 of an appropriation account of the Department of Defense
8 for which the period of availability for obligation has ex-
9 pired or which has closed under the provisions of section
10 1552 of title 31, United States Code, and which has a
11 negative unliquidated or unexpended balance, an obliga-
12 tion or an adjustment of an obligation may be charged
13 to any current appropriation account for the same purpose
14 as the expired or closed account if—

15 (1) the obligation would have been properly
16 chargeable (except as to amount) to the expired or
17 closed account before the end of the period of avail-
18 ability or closing of that account;

19 (2) the obligation is not otherwise properly
20 chargeable to any current appropriation account of
21 the Department of Defense; and

22 (3) in the case of an expired account, the obli-
23 gation is not chargeable to a current appropriation
24 of the Department of Defense under the provisions
25 of section 1405(b)(8) of the National Defense Au-

1 thorization Act for Fiscal Year 1991, Public Law
2 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
3 *vided*, That in the case of an expired account, if sub-
4 sequent review or investigation discloses that there
5 was not in fact a negative unliquidated or unex-
6 pended balance in the account, any charge to a cur-
7 rent account under the authority of this section shall
8 be reversed and recorded against the expired ac-
9 count: *Provided further*, That the total amount
10 charged to a current appropriation under this sec-
11 tion may not exceed an amount equal to 1 percent
12 of the total appropriation for that account.

13 SEC. 8055. (a) Notwithstanding any other provision
14 of law, the Chief of the National Guard Bureau may per-
15 mit the use of equipment of the National Guard Distance
16 Learning Project by any person or entity on a space-avail-
17 able, reimbursable basis. The Chief of the National Guard
18 Bureau shall establish the amount of reimbursement for
19 such use on a case-by-case basis.

20 (b) Amounts collected under subsection (a) shall be
21 credited to funds available for the National Guard Dis-
22 tance Learning Project and be available to defray the costs
23 associated with the use of equipment of the project under
24 that subsection. Such funds shall be available for such
25 purposes without fiscal year limitation.

1 the same time period as the appropriations to which the
2 funds are transferred: *Provided further*, That this transfer
3 authority is in addition to any other transfer authority
4 provided in this Act.

5 SEC. 8058. None of the funds appropriated in title
6 IV of this Act may be used to procure end-items for deliv-
7 ery to military forces for operational training, operational
8 use or inventory requirements: *Provided*, That this restric-
9 tion does not apply to end-items used in development,
10 prototyping, and test activities preceding and leading to
11 acceptance for operational use: *Provided further*, That the
12 Secretary of Defense shall, not later than 60 days after
13 enactment of this Act, submit a report detailing the use
14 of funds requested in research, development, test and eval-
15 uation accounts for end-items used in development, proto-
16 typing and test activities preceding and leading to accept-
17 ance for operational use: *Provided further*, That this re-
18 striction does not apply to programs funded within the
19 National Intelligence Program: *Provided further*, That the
20 Secretary of Defense may waive this restriction on a case-
21 by-case basis by certifying in writing to the Committees
22 on Appropriations of the House of Representatives and the
23 Senate that it is in the national security interest to do
24 so.

1 SEC. 8059. (a) The Secretary of Defense may, on a
2 case-by-case basis, waive with respect to a foreign country
3 each limitation on the procurement of defense items from
4 foreign sources provided in law if the Secretary determines
5 that the application of the limitation with respect to that
6 country would invalidate cooperative programs entered
7 into between the Department of Defense and the foreign
8 country, or would invalidate reciprocal trade agreements
9 for the procurement of defense items entered into under
10 section 2531 of title 10, United States Code, and the
11 country does not discriminate against the same or similar
12 defense items produced in the United States for that coun-
13 try.

14 (b) Subsection (a) applies with respect to—

15 (1) contracts and subcontracts entered into on
16 or after the date of the enactment of this Act; and

17 (2) options for the procurement of items that
18 are exercised after such date under contracts that
19 are entered into before such date if the option prices
20 are adjusted for any reason other than the applica-
21 tion of a waiver granted under subsection (a).

22 (c) Subsection (a) does not apply to a limitation re-
23 garding construction of public vessels, ball and roller bear-
24 ings, food, and clothing or textile materials as defined by
25 section XI (chapters 50–65) of the Harmonized Tariff

1 Schedule of the United States and products classified
2 under headings 4010, 4202, 4203, 6401 through 6406,
3 6505, 7019, 7218 through 7229, 7304.41 through
4 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
5 8211, 8215, and 9404.

6 SEC. 8060. None of the funds appropriated or other-
7 wise made available by this or other Department of De-
8 fense Appropriations Acts may be obligated or expended
9 for the purpose of performing repairs or maintenance to
10 military family housing units of the Department of De-
11 fense, including areas in such military family housing
12 units that may be used for the purpose of conducting offi-
13 cial Department of Defense business.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8061. Of the amounts appropriated for “Oper-
16 ation and Maintenance, Navy”, up to \$1,000,000 shall be
17 available for transfer to the John C. Stennis Center for
18 Public Service Development Trust Fund established under
19 section 116 of the John C. Stennis Center for Public Serv-
20 ice Training and Development Act (2 U.S.C. 1105).

21 SEC. 8062. Notwithstanding any other provision of
22 law, funds appropriated in this Act under the heading
23 “Research, Development, Test and Evaluation, Defense-
24 Wide” for any new start advanced concept technology
25 demonstration project or joint capability demonstration

1 project may only be obligated 45 days after a report, in-
2 cluding a description of the project, the planned acquisi-
3 tion and transition strategy and its estimated annual and
4 total cost, has been provided in writing to the congress-
5 sional defense committees: *Provided*, That the Secretary
6 of Defense may waive this restriction on a case-by-case
7 basis by certifying to the congressional defense committees
8 that it is in the national interest to do so.

9 SEC. 8063. The Secretary of Defense shall continue
10 to provide a classified quarterly report to the House and
11 Senate Appropriations Committees, Subcommittees on
12 Defense on certain matters as directed in the classified
13 annex accompanying this Act.

14 SEC. 8064. Notwithstanding section 12310(b) of title
15 10, United States Code, a Reserve who is a member of
16 the National Guard serving on full-time National Guard
17 duty under section 502(f) of title 32, United States Code,
18 may perform duties in support of the ground-based ele-
19 ments of the National Ballistic Missile Defense System.

20 SEC. 8065. None of the funds provided in this Act
21 may be used to transfer to any nongovernmental entity
22 ammunition held by the Department of Defense that has
23 a center-fire cartridge and a United States military no-
24 menclature designation of “armor penetrator”, “armor
25 piercing (AP)”, “armor piercing incendiary (API)”, or

1 “armor-piercing incendiary tracer (API-T)”, except to an
2 entity performing demilitarization services for the Depart-
3 ment of Defense under a contract that requires the entity
4 to demonstrate to the satisfaction of the Department of
5 Defense that armor piercing projectiles are either: (1) ren-
6 dered incapable of reuse by the demilitarization process;
7 or (2) used to manufacture ammunition pursuant to a con-
8 tract with the Department of Defense or the manufacture
9 of ammunition for export pursuant to a License for Per-
10 manent Export of Unclassified Military Articles issued by
11 the Department of State.

12 SEC. 8066. Notwithstanding any other provision of
13 law, the Chief of the National Guard Bureau, or his des-
14 ignee, may waive payment of all or part of the consider-
15 ation that otherwise would be required under section 2667
16 of title 10, United States Code, in the case of a lease of
17 personal property for a period not in excess of 1 year to
18 any organization specified in section 508(d) of title 32,
19 United States Code, or any other youth, social, or fra-
20 ternal nonprofit organization as may be approved by the
21 Chief of the National Guard Bureau, or his designee, on
22 a case-by-case basis.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8067. Of the amounts appropriated in this Act
25 under the heading “Operation and Maintenance, Army”,

1 \$66,881,780 shall remain available until expended: *Pro-*
2 *vided*, That, notwithstanding any other provision of law,
3 the Secretary of Defense is authorized to transfer such
4 funds to other activities of the Federal Government: *Pro-*
5 *vided further*, That the Secretary of Defense is authorized
6 to enter into and carry out contracts for the acquisition
7 of real property, construction, personal services, and oper-
8 ations related to projects carrying out the purposes of this
9 section: *Provided further*, That contracts entered into
10 under the authority of this section may provide for such
11 indemnification as the Secretary determines to be nec-
12 essary: *Provided further*, That projects authorized by this
13 section shall comply with applicable Federal, State, and
14 local law to the maximum extent consistent with the na-
15 tional security, as determined by the Secretary of Defense.

16 SEC. 8068. (a) None of the funds appropriated in this
17 or any other Act may be used to take any action to mod-
18 ify—

19 (1) the appropriations account structure for the
20 National Intelligence Program budget, including
21 through the creation of a new appropriation or new
22 appropriation account;

23 (2) how the National Intelligence Program
24 budget request is presented in the unclassified P-1,

1 R-1, and O-1 documents supporting the Depart-
2 ment of Defense budget request;

3 (3) the process by which the National Intel-
4 ligence Program appropriations are apportioned to
5 the executing agencies; or

6 (4) the process by which the National Intel-
7 ligence Program appropriations are allotted, obli-
8 gated and disbursed.

9 (b) Nothing in section (a) shall be construed to pro-
10 hibit the merger of programs or changes to the National
11 Intelligence Program budget at or below the Expenditure
12 Center level, provided such change is otherwise in accord-
13 ance with paragraphs (a)(1)–(3).

14 (c) The Director of National Intelligence and the Sec-
15 retary of Defense may jointly, only for the purposes of
16 achieving auditable financial statements and improving
17 fiscal reporting, study and develop detailed proposals for
18 alternative financial management processes. Such study
19 shall include a comprehensive counterintelligence risk as-
20 sessment to ensure that none of the alternative processes
21 will adversely affect counterintelligence.

22 (d) Upon development of the detailed proposals de-
23 fined under subsection (c), the Director of National Intel-
24 ligence and the Secretary of Defense shall—

1 (1) provide the proposed alternatives to all af-
2 fected agencies;

3 (2) receive certification from all affected agen-
4 cies attesting that the proposed alternatives will help
5 achieve auditability, improve fiscal reporting, and
6 will not adversely affect counterintelligence; and

7 (3) not later than 30 days after receiving all
8 necessary certifications under paragraph (2), present
9 the proposed alternatives and certifications to the
10 congressional defense and intelligence committees.

11 SEC. 8069. In addition to amounts provided else-
12 where in this Act, \$10,000,000 is hereby appropriated to
13 the Department of Defense, to remain available for obliga-
14 tion until expended: *Provided*, That notwithstanding any
15 other provision of law, that upon the determination of the
16 Secretary of Defense that it shall serve the national inter-
17 est, these funds shall be available only for a grant to the
18 Fisher House Foundation, Inc., only for the construction
19 and furnishing of additional Fisher Houses to meet the
20 needs of military family members when confronted with
21 the illness or hospitalization of an eligible military bene-
22 ficiary.

23 SEC. 8070. Any notice that is required to be sub-
24 mitted to the Committees on Appropriations of the Senate
25 and the House of Representatives under section 806(c)(4)

1 of the Bob Stump National Defense Authorization Act for
2 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
3 of the enactment of this Act shall be submitted pursuant
4 to that requirement concurrently to the Subcommittees on
5 Defense of the Committees on Appropriations of the Sen-
6 ate and the House of Representatives.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8071. Of the amounts appropriated in this Act
9 under the headings “Procurement, Defense-Wide” and
10 “Research, Development, Test and Evaluation, Defense-
11 Wide”, \$705,800,000 shall be for the Israeli Cooperative
12 Programs: *Provided*, That of this amount, \$92,000,000
13 shall be for the Secretary of Defense to provide to the Gov-
14 ernment of Israel for the procurement of the Iron Dome
15 defense system to counter short-range rocket threats, sub-
16 ject to the U.S.-Israel Iron Dome Procurement Agree-
17 ment, as amended; \$221,500,000 shall be for the Short
18 Range Ballistic Missile Defense (SRBMD) program, in-
19 cluding cruise missile defense research and development
20 under the SRBMD program, of which \$120,000,000 shall
21 be for co-production activities of SRBMD systems in the
22 United States and in Israel to meet Israel’s defense re-
23 quirements consistent with each nation’s laws, regulations,
24 and procedures, subject to the U.S.-Israeli co-production
25 agreement for SRBMD, as amended; \$310,000,000 shall

1 be for an upper-tier component to the Israeli Missile De-
2 fense Architecture, of which \$120,000,000 shall be for co-
3 production activities of Arrow 3 Upper Tier systems in
4 the United States and in Israel to meet Israel’s defense
5 requirements consistent with each nation’s laws, regula-
6 tions, and procedures, subject to the U.S.-Israeli co-pro-
7 duction agreement for Arrow 3 Upper Tier, as amended,
8 of which \$105,000,000 shall be for testing of the upper-
9 tier component to the Israeli Missile Defense Architecture
10 in the United States; and \$82,300,000 shall be for the
11 Arrow System Improvement Program including develop-
12 ment of a long range, ground and airborne, detection
13 suite: *Provided further*, That the transfer authority pro-
14 vided under this provision is in addition to any other
15 transfer authority contained in this Act.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8072. Of the amounts appropriated in this Act
18 under the heading “Shipbuilding and Conversion, Navy”,
19 \$117,542,000 shall be available until September 30, 2018,
20 to fund prior year shipbuilding cost increases: *Provided*,
21 That upon enactment of this Act, the Secretary of the
22 Navy shall transfer funds to the following appropriations
23 in the amounts specified: *Provided further*, That the
24 amounts transferred shall be merged with and be available

1 for the same purposes as the appropriations to which
2 transferred to:

3 (1) Under the heading “Shipbuilding and Con-
4 version, Navy”, 2008/2018: Carrier Replacement
5 Program \$20,000,000;

6 (2) Under the heading “Shipbuilding and Con-
7 version, Navy”, 2012/2018: DDG–51 Destroyer
8 \$19,436,000;

9 (3) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2012/2018: Littoral Combat Ship
11 \$6,394,000;

12 (4) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2012/2018: LHA Replacement
14 \$14,200,000;

15 (5) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2013/2018: DDG–51 Destroyer
17 \$31,941,000;

18 (6) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2014/2018: Littoral Combat Ship
20 \$20,471,000; and

21 (7) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2015/2018: LCAC \$5,100,000.

23 SEC. 8073. Funds appropriated by this Act, or made
24 available by the transfer of funds in this Act, for intel-
25 ligence activities are deemed to be specifically authorized

1 by the Congress for purposes of section 504 of the Na-
2 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
3 year 2018 until the enactment of the Intelligence Author-
4 ization Act for Fiscal Year 2018.

5 SEC. 8074. None of the funds provided in this Act
6 shall be available for obligation or expenditure through a
7 reprogramming of funds that creates or initiates a new
8 program, project, or activity unless such program, project,
9 or activity must be undertaken immediately in the interest
10 of national security and only after written prior notifica-
11 tion to the congressional defense committees.

12 SEC. 8075. The budget of the President for fiscal
13 year 2019 submitted to the Congress pursuant to section
14 1105 of title 31, United States Code, shall include sepa-
15 rate budget justification documents for costs of United
16 States Armed Forces' participation in contingency oper-
17 ations for the Military Personnel accounts, the Operation
18 and Maintenance accounts, the Procurement accounts,
19 and the Research, Development, Test and Evaluation ac-
20 counts: *Provided*, That these documents shall include a de-
21 scription of the funding requested for each contingency op-
22 eration, for each military service, to include all Active and
23 Reserve components, and for each appropriations account:
24 *Provided further*, That these documents shall include esti-
25 mated costs for each element of expense or object class,

1 a reconciliation of increases and decreases for each contin-
2 gency operation, and programmatic data including, but
3 not limited to, troop strength for each Active and Reserve
4 component, and estimates of the major weapons systems
5 deployed in support of each contingency: *Provided further*,
6 That these documents shall include budget exhibits OP-
7 5 and OP-32 (as defined in the Department of Defense
8 Financial Management Regulation) for all contingency op-
9 erations for the budget year and the two preceding fiscal
10 years.

11 SEC. 8076. None of the funds in this Act may be
12 used for research, development, test, evaluation, procure-
13 ment or deployment of nuclear armed interceptors of a
14 missile defense system.

15 SEC. 8077. Notwithstanding any other provision of
16 this Act, to reflect savings due to favorable foreign ex-
17 change rates, the total amount appropriated in this Act
18 is hereby reduced by \$4,000,000.

19 SEC. 8078. The Secretary of Defense may use up to
20 \$800,000,000 of the amounts appropriated or otherwise
21 made available in this Act to the Department of Defense
22 for the rapid acquisition and deployment of supplies and
23 associated support services pursuant to section 806 of the
24 Bob Stump National Defense Authorization Act for Fiscal
25 Year 2003 (Public Law 107-314; 10 U.S.C. 2302 note):

1 *Provided*, That the Secretary of Defense shall notify the
2 congressional defense committees promptly of all uses of
3 this authority.

4 SEC. 8079. None of the funds appropriated or made
5 available in this Act shall be used to reduce or disestablish
6 the operation of the 53rd Weather Reconnaissance Squad-
7 ron of the Air Force Reserve, if such action would reduce
8 the WC-130 Weather Reconnaissance mission below the
9 levels funded in this Act: *Provided*, That the Air Force
10 shall allow the 53rd Weather Reconnaissance Squadron to
11 perform other missions in support of national defense re-
12 quirements during the non-hurricane season.

13 SEC. 8080. None of the funds provided in this Act
14 shall be available for integration of foreign intelligence in-
15 formation unless the information has been lawfully col-
16 lected and processed during the conduct of authorized for-
17 eign intelligence activities: *Provided*, That information
18 pertaining to United States persons shall only be handled
19 in accordance with protections provided in the Fourth
20 Amendment of the United States Constitution as imple-
21 mented through Executive Order No. 12333.

22 SEC. 8081. (a) None of the funds appropriated by
23 this Act may be used to transfer research and develop-
24 ment, acquisition, or other program authority relating to

1 current tactical unmanned aerial vehicles (TUAVs) from
2 the Army.

3 (b) The Army shall retain responsibility for and oper-
4 ational control of the MQ-1C Gray Eagle Unmanned Aer-
5 ial Vehicle (UAV) in order to support the Secretary of De-
6 fense in matters relating to the employment of unmanned
7 aerial vehicles.

8 SEC. 8082. None of the funds appropriated by this
9 Act for programs of the Office of the Director of National
10 Intelligence shall remain available for obligation beyond
11 the current fiscal year, except for funds appropriated for
12 research and technology, which shall remain available until
13 September 30, 2019.

14 SEC. 8083. For purposes of section 1553(b) of title
15 31, United States Code, any subdivision of appropriations
16 made in this Act under the heading “Shipbuilding and
17 Conversion, Navy” shall be considered to be for the same
18 purpose as any subdivision under the heading “Ship-
19 building and Conversion, Navy” appropriations in any
20 prior fiscal year, and the 1 percent limitation shall apply
21 to the total amount of the appropriation.

22 SEC. 8084. (a) Not later than 60 days after the date
23 of enactment of this Act, the Director of National Intel-
24 ligence shall submit a report to the congressional intel-
25 ligence committees to establish the baseline for application

1 of reprogramming and transfer authorities for fiscal year
2 2018: *Provided*, That the report shall include—

3 (1) a table for each appropriation with a sepa-
4 rate column to display the President’s budget re-
5 quest, adjustments made by Congress, adjustments
6 due to enacted rescissions, if appropriate, and the
7 fiscal year enacted level;

8 (2) a delineation in the table for each appro-
9 priation by Expenditure Center and project; and

10 (3) an identification of items of special congres-
11 sional interest.

12 (b) None of the funds provided for the National Intel-
13 ligence Program in this Act shall be available for re-
14 programming or transfer until the report identified in sub-
15 section (a) is submitted to the congressional intelligence
16 committees, unless the Director of National Intelligence
17 certifies in writing to the congressional intelligence com-
18 mittees that such reprogramming or transfer is necessary
19 as an emergency requirement.

20 SEC. 8085. None of the funds made available by this
21 Act may be used to eliminate, restructure, or realign Army
22 Contracting Command—New Jersey or make dispropor-
23 tionate personnel reductions at any Army Contracting
24 Command—New Jersey sites without 30-day prior notifi-
25 cation to the congressional defense committees.

1 SEC. 8086. Notwithstanding any other provision of
2 law, any transfer of funds, appropriated or otherwise made
3 available by this Act, for support to friendly foreign coun-
4 tries in connection with the conduct of operations in which
5 the United States is not participating, pursuant to section
6 331(d) Title 10 U.S.C. shall be made in accordance with
7 sections 8005 or 9002 of this Act, as applicable.

8 SEC. 8087. Any transfer of amounts appropriated to,
9 credited to, or deposited in the Department of Defense Ac-
10 quisition Workforce Development Fund in or for fiscal
11 year 2018 to a military department or Defense Agency
12 pursuant to section 1705(e)(1) of title 10, United States
13 Code, shall be covered by and subject to sections 8005 or
14 9002 of this Act, as applicable.

15 SEC. 8088. None of the funds made available by this
16 Act for excess defense articles, assistance under section
17 333 of title 10, United States Code, or peacekeeping oper-
18 ations for the countries designated annually to be in viola-
19 tion of the standards of the Child Soldiers Prevention Act
20 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
21 be used to support any military training or operation that
22 includes child soldiers, as defined by the Child Soldiers
23 Prevention Act of 2008, unless such assistance is other-
24 wise permitted under section 404 of the Child Soldiers
25 Prevention Act of 2008.

1 SEC. 8089. (a) None of the funds provided for the
2 National Intelligence Program in this or any prior appro-
3 priations Act shall be available for obligation or expendi-
4 ture through a reprogramming or transfer of funds in ac-
5 cordance with section 102A(d) of the National Security
6 Act of 1947 (50 U.S.C. 3024(d)) that—

7 (1) creates a new start effort;

8 (2) terminates a program with appropriated
9 funding of \$10,000,000 or more;

10 (3) transfers funding into or out of the Na-
11 tional Intelligence Program; or

12 (4) transfers funding between appropriations,
13 unless the congressional intelligence committees are noti-
14 fied 30 days in advance of such reprogramming of funds;
15 this notification period may be reduced for urgent national
16 security requirements.

17 (b) None of the funds provided for the National Intel-
18 ligence Program in this or any prior appropriations Act
19 shall be available for obligation or expenditure through a
20 reprogramming or transfer of funds in accordance with
21 section 102A(d) of the National Security Act of 1947 (50
22 U.S.C. 3024(d)) that results in a cumulative increase or
23 decrease of the levels specified in the classified annex ac-
24 companying the Act unless the congressional intelligence
25 committees are notified 30 days in advance of such re-

1 ation and Maintenance, Air Force” may be transferred by
2 the military department concerned to its central fund es-
3 tablished for Fisher Houses and Suites pursuant to sec-
4 tion 2493(d) of title 10, United States Code.

5 SEC. 8093. None of the funds appropriated by this
6 Act may be available for the purpose of making remit-
7 tances to the Department of Defense Acquisition Work-
8 force Development Fund in accordance with section 1705
9 of title 10, United States Code.

10 SEC. 8094. (a) Any agency receiving funds made
11 available in this Act, shall, subject to subsections (b) and
12 (c), post on the public Web site of that agency any report
13 required to be submitted by the Congress in this or any
14 other Act, upon the determination by the head of the agen-
15 cy that it shall serve the national interest.

16 (b) Subsection (a) shall not apply to a report if—

17 (1) the public posting of the report com-
18 promises national security; or

19 (2) the report contains proprietary information.

20 (c) The head of the agency posting such report shall
21 do so only after such report has been made available to
22 the requesting Committee or Committees of Congress for
23 no less than 45 days.

24 SEC. 8095. (a) None of the funds appropriated or
25 otherwise made available by this Act may be expended for

1 any Federal contract for an amount in excess of
2 \$1,000,000, unless the contractor agrees not to—

3 (1) enter into any agreement with any of its
4 employees or independent contractors that requires,
5 as a condition of employment, that the employee or
6 independent contractor agree to resolve through ar-
7 bitration any claim under title VII of the Civil
8 Rights Act of 1964 or any tort related to or arising
9 out of sexual assault or harassment, including as-
10 sult and battery, intentional infliction of emotional
11 distress, false imprisonment, or negligent hiring, su-
12 pervision, or retention; or

13 (2) take any action to enforce any provision of
14 an existing agreement with an employee or inde-
15 pendent contractor that mandates that the employee
16 or independent contractor resolve through arbitra-
17 tion any claim under title VII of the Civil Rights Act
18 of 1964 or any tort related to or arising out of sex-
19 ual assault or harassment, including assault and
20 battery, intentional infliction of emotional distress,
21 false imprisonment, or negligent hiring, supervision,
22 or retention.

23 (b) None of the funds appropriated or otherwise
24 made available by this Act may be expended for any Fed-
25 eral contract unless the contractor certifies that it requires

1 each covered subcontractor to agree not to enter into, and
2 not to take any action to enforce any provision of, any
3 agreement as described in paragraphs (1) and (2) of sub-
4 section (a), with respect to any employee or independent
5 contractor performing work related to such subcontract.
6 For purposes of this subsection, a “covered subcon-
7 tractor” is an entity that has a subcontract in excess of
8 \$1,000,000 on a contract subject to subsection (a).

9 (c) The prohibitions in this section do not apply with
10 respect to a contractor’s or subcontractor’s agreements
11 with employees or independent contractors that may not
12 be enforced in a court of the United States.

13 (d) The Secretary of Defense may waive the applica-
14 tion of subsection (a) or (b) to a particular contractor or
15 subcontractor for the purposes of a particular contract or
16 subcontract if the Secretary or the Deputy Secretary per-
17 sonally determines that the waiver is necessary to avoid
18 harm to national security interests of the United States,
19 and that the term of the contract or subcontract is not
20 longer than necessary to avoid such harm. The determina-
21 tion shall set forth with specificity the grounds for the
22 waiver and for the contract or subcontract term selected,
23 and shall state any alternatives considered in lieu of a
24 waiver and the reasons each such alternative would not
25 avoid harm to national security interests of the United

1 States. The Secretary of Defense shall transmit to Con-
2 gress, and simultaneously make public, any determination
3 under this subsection not less than 15 business days be-
4 fore the contract or subcontract addressed in the deter-
5 mination may be awarded.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8096. From within the funds appropriated for
8 operation and maintenance for the Defense Health Pro-
9 gram in this Act, up to \$115,519,000, shall be available
10 for transfer to the Joint Department of Defense-Depart-
11 ment of Veterans Affairs Medical Facility Demonstration
12 Fund in accordance with the provisions of section 1704
13 of the National Defense Authorization Act for Fiscal Year
14 2010, Public Law 111–84: *Provided*, That for purposes
15 of section 1704(b), the facility operations funded are oper-
16 ations of the integrated Captain James A. Lovell Federal
17 Health Care Center, consisting of the North Chicago Vet-
18 erans Affairs Medical Center, the Navy Ambulatory Care
19 Center, and supporting facilities designated as a combined
20 Federal medical facility as described by section 706 of
21 Public Law 110–417: *Provided further*, That additional
22 funds may be transferred from funds appropriated for op-
23 eration and maintenance for the Defense Health Program
24 to the Joint Department of Defense-Department of Vet-
25 erans Affairs Medical Facility Demonstration Fund upon

1 written notification by the Secretary of Defense to the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate.

4 SEC. 8097. None of the funds appropriated or other-
5 wise made available by this Act may be used by the De-
6 partment of Defense or a component thereof in contraven-
7 tion of the provisions of section 130h of title 10, United
8 States Code.

9 SEC. 8098. Appropriations available to the Depart-
10 ment of Defense may be used for the purchase of heavy
11 and light armored vehicles for the physical security of per-
12 sonnel or for force protection purposes up to a limit of
13 \$450,000 per vehicle, notwithstanding price or other limi-
14 tations applicable to the purchase of passenger carrying
15 vehicles.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8099. Upon a determination by the Director of
18 National Intelligence that such action is necessary and in
19 the national interest, the Director may, with the approval
20 of the Office of Management and Budget, transfer not to
21 exceed \$1,500,000,000 of the funds made available in this
22 Act for the National Intelligence Program: *Provided*, That
23 such authority to transfer may not be used unless for
24 higher priority items, based on unforeseen intelligence re-
25 quirements, than those for which originally appropriated

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That a request for multiple reprogrammings of funds
4 using authority provided in this section shall be made
5 prior to June 30, 2018.

6 SEC. 8100. None of the funds appropriated or other-
7 wise made available in this or any other Act may be used
8 to transfer, release, or assist in the transfer or release to
9 or within the United States, its territories, or possessions
10 Khalid Sheikh Mohammed or any other detainee who—

11 (1) is not a United States citizen or a member
12 of the Armed Forces of the United States; and

13 (2) is or was held on or after June 24, 2009,
14 at United States Naval Station, Guantánamo Bay,
15 Cuba, by the Department of Defense.

16 SEC. 8101. (a) None of the funds appropriated or
17 otherwise made available in this or any other Act may be
18 used to construct, acquire, or modify any facility in the
19 United States, its territories, or possessions to house any
20 individual described in subsection (c) for the purposes of
21 detention or imprisonment in the custody or under the ef-
22 fective control of the Department of Defense.

23 (b) The prohibition in subsection (a) shall not apply
24 to any modification of facilities at United States Naval
25 Station, Guantánamo Bay, Cuba.

1 (c) An individual described in this subsection is any
2 individual who, as of June 24, 2009, is located at United
3 States Naval Station, Guantánamo Bay, Cuba, and who—

4 (1) is not a citizen of the United States or a
5 member of the Armed Forces of the United States;
6 and

7 (2) is—

8 (A) in the custody or under the effective
9 control of the Department of Defense; or

10 (B) otherwise under detention at United
11 States Naval Station, Guantánamo Bay, Cuba.

12 SEC. 8102. None of the funds appropriated or other-
13 wise made available in this Act may be used to transfer
14 any individual detained at United States Naval Station
15 Guantánamo Bay, Cuba, to the custody or control of the
16 individual's country of origin, any other foreign country,
17 or any other foreign entity except in accordance with sec-
18 tion 1034 of the National Defense Authorization Act for
19 Fiscal Year 2016 (Public Law 114–92) and section 1034
20 of the National Defense Authorization Act for Fiscal Year
21 2017 (Public Law 114–328).

22 SEC. 8103. None of the funds made available by this
23 Act may be used in contravention of the War Powers Res-
24 olution (50 U.S.C. 1541 et seq.).

1 SEC. 8104. (a) None of the funds appropriated or
2 otherwise made available by this or any other Act may
3 be used by the Secretary of Defense, or any other official
4 or officer of the Department of Defense, to enter into a
5 contract, memorandum of understanding, or cooperative
6 agreement with, or make a grant to, or provide a loan
7 or loan guarantee to Rosoboronexport or any subsidiary
8 of Rosoboronexport.

9 (b) The Secretary of Defense may waive the limita-
10 tion in subsection (a) if the Secretary, in consultation with
11 the Secretary of State and the Director of National Intel-
12 ligence, determines that it is in the vital national security
13 interest of the United States to do so, and certifies in writ-
14 ing to the congressional defense committees that, to the
15 best of the Secretary's knowledge:

16 (1) Rosoboronexport has ceased the transfer of
17 lethal military equipment to, and the maintenance of
18 existing lethal military equipment for, the Govern-
19 ment of the Syrian Arab Republic;

20 (2) The armed forces of the Russian Federation
21 have withdrawn from Crimea, other than armed
22 forces present on military bases subject to agree-
23 ments in force between the Government of the Rus-
24 sian Federation and the Government of Ukraine;
25 and

1 (3) Agents of the Russian Federation have
2 ceased taking active measures to destabilize the con-
3 trol of the Government of Ukraine over eastern
4 Ukraine.

5 (c) The Inspector General of the Department of De-
6 fense shall conduct a review of any action involving
7 Rosoboronexport with respect to a waiver issued by the
8 Secretary of Defense pursuant to subsection (b), and not
9 later than 90 days after the date on which such a waiver
10 is issued by the Secretary of Defense, the Inspector Gen-
11 eral shall submit to the congressional defense committees
12 a report containing the results of the review conducted
13 with respect to such waiver.

14 SEC. 8105. None of the funds made available in this
15 Act may be used for the purchase or manufacture of a
16 flag of the United States unless such flags are treated as
17 covered items under section 2533a(b) of title 10, United
18 States Code.

19 SEC. 8106. The Secretary of Defense, in consultation
20 with the Service Secretaries, shall submit two reports to
21 the congressional defense committees, not later than
22 March 1, 2018, and not later than September 1, 2018,
23 detailing the submission of records during the previous 6
24 months to databases accessible to the National Instant
25 Criminal Background Check System (NICS), including

1 the Interstate Identification Index (III), the National
2 Crime Information Center (NCIC), and the NICS Index,
3 as required by Public Law 110–180: *Provided*, That such
4 reports shall provide the number and category of records
5 submitted by month to each such database, by Service or
6 Component: *Provided further*, That such reports shall
7 identify the number and category of records submitted by
8 month to those databases for which the Identification for
9 Firearm Sales (IFFS) flag or other database flags were
10 used to pre-validate the records and indicate that such
11 persons are prohibited from receiving or possessing a fire-
12 arm: *Provided further*, That such reports shall describe the
13 steps taken during the previous 6 months, by Service or
14 Component, to ensure complete and accurate submission
15 and appropriate flagging of records of individuals prohib-
16 ited from gun possession or receipt pursuant to 18 U.S.C.
17 922(g) or (n) including applicable records involving pro-
18 ceedings under the Uniform Code of Military Justice.

19 SEC. 8107. (a) Of the funds appropriated in this Act
20 for the Department of Defense, amounts may be made
21 available, under such regulations as the Secretary of De-
22 fense may prescribe, to local military commanders ap-
23 pointed by the Secretary, or by an officer or employee des-
24 igned by the Secretary, to provide at their discretion ex
25 gratia payments in amounts consistent with subsection (d)

1 of this section for damage, personal injury, or death that
2 is incident to combat operations of the Armed Forces in
3 a foreign country.

4 (b) An ex gratia payment under this section may be
5 provided only if—

6 (1) the prospective foreign civilian recipient is
7 determined by the local military commander to be
8 friendly to the United States;

9 (2) a claim for damages would not be compen-
10 sable under chapter 163 of title 10, United States
11 Code (commonly known as the “Foreign Claims
12 Act”); and

13 (3) the property damage, personal injury, or
14 death was not caused by action by an enemy.

15 (c) NATURE OF PAYMENTS.—Any payments provided
16 under a program under subsection (a) shall not be consid-
17 ered an admission or acknowledgement of any legal obliga-
18 tion to compensate for any damage, personal injury, or
19 death.

20 (d) AMOUNT OF PAYMENTS.—If the Secretary of De-
21 fense determines a program under subsection (a) to be ap-
22 propriate in a particular setting, the amounts of pay-
23 ments, if any, to be provided to civilians determined to
24 have suffered harm incident to combat operations of the
25 Armed Forces under the program should be determined

1 pursuant to regulations prescribed by the Secretary and
2 based on an assessment, which should include such factors
3 as cultural appropriateness and prevailing economic condi-
4 tions.

5 (e) LEGAL ADVICE.—Local military commanders
6 shall receive legal advice before making ex gratia pay-
7 ments under this subsection. The legal advisor, under reg-
8 ulations of the Department of Defense, shall advise on
9 whether an ex gratia payment is proper under this section
10 and applicable Department of Defense regulations.

11 (f) WRITTEN RECORD.—A written record of any ex
12 gratia payment offered or denied shall be kept by the local
13 commander and on a timely basis submitted to the appro-
14 priate office in the Department of Defense as determined
15 by the Secretary of Defense.

16 (g) REPORT.—The Secretary of Defense shall report
17 to the congressional defense committees on an annual
18 basis the efficacy of the ex gratia payment program in-
19 cluding the number of types of cases considered, amounts
20 offered, the response from ex gratia payment recipients,
21 and any recommended modifications to the program.

22 SEC. 8108. None of the funds available in this Act
23 to the Department of Defense, other than appropriations
24 made for necessary or routine refurbishments, upgrades
25 or maintenance activities, shall be used to reduce or to

1 prepare to reduce the number of deployed and non-de-
2 ployed strategic delivery vehicles and launchers below the
3 levels set forth in the report submitted to Congress in ac-
4 cordance with section 1042 of the National Defense Au-
5 thorization Act for Fiscal Year 2012.

6 SEC. 8109. The Secretary of Defense shall post grant
7 awards on a public Website in a searchable format.

8 SEC. 8110. The Secretary of each military depart-
9 ment, in reducing each research, development, test and
10 evaluation and procurement account of the military de-
11 partment as required under paragraph (1) of section
12 828(d) of the National Defense Authorization Act for Fis-
13 cal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note),
14 as amended by section 825(a)(3) of the National Defense
15 Authorization Act for Fiscal Year 2018, shall allocate the
16 percentage reduction determined under paragraph (2) of
17 such section 828(d) proportionally from all programs,
18 projects, or activities under such account: *Provided*, That
19 the authority under section 804(d)(2) of the National De-
20 fense Authorization Act for Fiscal Year 2016 (Public Law
21 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
22 able in the Rapid Prototyping Fund shall be subject to
23 section 8005 or 9002 of this Act, as applicable.

24 SEC. 8111. None of the funds made available by this
25 Act may be used to fund the performance of a flight dem-

1 onstration team at a location outside of the United States:
2 *Provided*, That this prohibition applies only if a perform-
3 ance of a flight demonstration team at a location within
4 the United States was canceled during the current fiscal
5 year due to insufficient funding.

6 SEC. 8112. None of the funds made available by this
7 Act may be used by the National Security Agency to—

8 (1) conduct an acquisition pursuant to section
9 702 of the Foreign Intelligence Surveillance Act of
10 1978 for the purpose of targeting a United States
11 person; or

12 (2) acquire, monitor, or store the contents (as
13 such term is defined in section 2510(8) of title 18,
14 United States Code) of any electronic communica-
15 tion of a United States person from a provider of
16 electronic communication services to the public pur-
17 suant to section 501 of the Foreign Intelligence Sur-
18 veillance Act of 1978.

19 SEC. 8113. None of the funds made available by this
20 Act may be obligated or expended to implement the Arms
21 Trade Treaty until the Senate approves a resolution of
22 ratification for the Treaty.

23 SEC. 8114. None of the funds made available in this
24 or any other Act may be used to pay the salary of any
25 officer or employee of any agency funded by this Act who

1 approves or implements the transfer of administrative re-
2 sponsibilities or budgetary resources of any program,
3 project, or activity financed by this Act to the jurisdiction
4 of another Federal agency not financed by this Act with-
5 out the express authorization of Congress: *Provided*, That
6 this limitation shall not apply to transfers of funds ex-
7 pressly provided for in Defense Appropriations Acts, or
8 provisions of Acts providing supplemental appropriations
9 for the Department of Defense.

10 SEC. 8115. None of the funds made available in this
11 Act may be obligated for activities authorized under sec-
12 tion 1208 of the Ronald W. Reagan National Defense Au-
13 thorization Act for Fiscal Year 2005 (Public Law 112-
14 81; 125 Stat. 1621) to initiate support for, or expand sup-
15 port to, foreign forces, irregular forces, groups, or individ-
16 uals unless the congressional defense committees are noti-
17 fied in accordance with the direction contained in the clas-
18 sified annex accompanying this Act, not less than 15 days
19 before initiating such support: *Provided*, That none of the
20 funds made available in this Act may be used under sec-
21 tion 1208 for any activity that is not in support of an
22 ongoing military operation being conducted by United
23 States Special Operations Forces to combat terrorism:
24 *Provided further*, That the Secretary of Defense may waive
25 the prohibitions in this section if the Secretary determines

1 that such waiver is required by extraordinary cir-
2 cumstances and, by not later than 72 hours after making
3 such waiver, notifies the congressional defense committees
4 of such waiver.

5 SEC. 8116. None of the funds made available by this
6 Act may be used with respect to Iraq in contravention of
7 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
8 cluding for the introduction of United States armed forces
9 into hostilities in Iraq, into situations in Iraq where immi-
10 nent involvement in hostilities is clearly indicated by the
11 circumstances, or into Iraqi territory, airspace, or waters
12 while equipped for combat, in contravention of the con-
13 gressional consultation and reporting requirements of sec-
14 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and
15 1543).

16 SEC. 8117. None of the funds provided in this Act
17 for the T-AO(X) program shall be used to award a new
18 contract that provides for the acquisition of the following
19 components unless those components are manufactured in
20 the United States: Auxiliary equipment (including pumps)
21 for shipboard services; propulsion equipment (including
22 engines, reduction gears, and propellers); shipboard
23 cranes; and spreaders for shipboard cranes.

24 SEC. 8118. Notwithstanding any other provision of
25 this Act, to reflect savings due to lower than anticipated

1 fuel costs, the total amount appropriated in title II of this
2 Act is hereby reduced by \$110,780,000.

3 SEC. 8119. None of the funds made available by this
4 Act may be used for Government Travel Charge Card ex-
5 penses by military or civilian personnel of the Department
6 of Defense for gaming, or for entertainment that includes
7 topless or nude entertainers or participants, as prohibited
8 by Department of Defense FMR, Volume 9, Chapter 3
9 and Department of Defense Instruction 1015.10 (enclo-
10 sure 3, 14a and 14b).

11 SEC. 8120. None of the funds made available by this
12 Act may be used to propose, plan for, or execute a new
13 or additional Base Realignment and Closure (BRAC)
14 round.

15 SEC. 8121. Of the amounts appropriated in this Act
16 for “Operation and Maintenance, Navy”, \$289,255,000,
17 to remain available until expended, may be used for any
18 purposes related to the National Defense Reserve Fleet
19 established under section 11 of the Merchant Ship Sales
20 Act of 1946 (50 U.S.C. 4405): *Provided*, That such
21 amounts are available for reimbursements to the Ready
22 Reserve Force, Maritime Administration account of the
23 United States Department of Transportation for pro-
24 grams, projects, activities, and expenses related to the Na-
25 tional Defense Reserve Fleet.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8122. Of the amounts appropriated in this Act,
3 the Secretary of Defense may use up to \$46,000,000
4 under the heading “Operation and Maintenance, Defense-
5 Wide”, and up to \$45,000,000 under the heading “Re-
6 search, Development, Test and Evaluation, Defense-
7 Wide” to develop, replace, and sustain Federal Govern-
8 ment security and suitability background investigation in-
9 formation technology systems of the Office of Personnel
10 Management or other Federal agency responsible for con-
11 ducting such investigations: *Provided*, That the Secretary
12 may transfer additional amounts into these headings or
13 into “Procurement, Defense-Wide” using established re-
14 programming procedures prescribed in the Department of
15 Defense Financial Management Regulation 7000.14, Vol-
16 ume 3, Chapter 6, dated September 2015: *Provided fur-*
17 *ther*, That such funds shall supplement, not supplant any
18 other amounts made available to other Federal agencies
19 for such purposes.

20 SEC. 8123. None of the funds made available by this
21 Act may be used to carry out the closure or realignment
22 of the United States Naval Station, Guantánamo Bay,
23 Cuba.

24 SEC. 8124. (a) None of the funds made available in
25 this Act may be used to maintain or establish a computer

1 network unless such network is designed to block access
2 to pornography websites.

3 (b) Nothing in subsection (a) shall limit the use of
4 funds necessary for any Federal, State, tribal, or local law
5 enforcement agency or any other entity carrying out crimi-
6 nal investigations, prosecution, or adjudication activities,
7 or for any activity necessary for the national defense, in-
8 cluding intelligence activities.

9 SEC. 8125. Notwithstanding any other provision of
10 law, any transfer of funds appropriated or otherwise made
11 available by this Act to the Global Engagement Center es-
12 tablished by section 1287 of the National Defense Author-
13 ization Act for Fiscal Year 2017 (Public Law 114–328;
14 130 Stat. 22 U.S.C. 2656 note) shall be made in accord-
15 ance with section 8005 or 9002 of this Act, as applicable.

16 SEC. 8126. No amounts credited or otherwise made
17 available in this or any other Act to the Department of
18 Defense Acquisition Workforce Development Fund may be
19 transferred to:

20 (1) the Rapid Prototyping Fund established
21 under section 804(d) of the National Defense Au-
22 thorization Act for Fiscal Year 2016 (10 U.S.C.
23 2302 note); or

24 (2) credited to a military-department specific
25 fund established under section 804(d)(2) of the Na-

1 tional Defense Authorization Act for Fiscal Year
2 2016 (as amended by section 897 of the National
3 Defense Authorization Act for Fiscal Year 2017).

4 SEC. 8127. In addition to amounts provided else-
5 where in this Act, there is appropriated \$235,000,000, for
6 an additional amount for “Operation and Maintenance,
7 Defense-Wide”, to remain available until expended: *Pro-*
8 *vided*, That such funds shall only be available to the Sec-
9 retary of Defense, acting through the Office of Economic
10 Adjustment of the Department of Defense, or for transfer
11 to the Secretary of Education, notwithstanding any other
12 provision of law, to make grants, conclude cooperative
13 agreements, or supplement other Federal funds to con-
14 struct, renovate, repair, or expand elementary and sec-
15 ondary public schools on military installations in order to
16 address capacity or facility condition deficiencies at such
17 schools: *Provided further*, That in making such funds
18 available, the Office of Economic Adjustment or the Sec-
19 retary of Education shall give priority consideration to
20 those military installations with schools having the most
21 serious capacity or facility condition deficiencies as deter-
22 mined by the Secretary of Defense: *Provided further*, That
23 as a condition of receiving funds under this section a local
24 educational agency or State shall provide a matching share
25 as described in the notice titled “Department of Defense

1 Program for Construction, Renovation, Repair or Expan-
2 sion of Public Schools Located on Military Installations”
3 published by the Department of Defense in the Federal
4 Register on September 9, 2011 (76 Fed. Reg. 55883 et
5 seq.): *Provided further*, That these provisions apply to
6 funds provided under this section, and to funds previously
7 provided by Congress to construct, renovate, repair, or ex-
8 pand elementary and secondary public schools on military
9 installations in order to address capacity or facility condi-
10 tion deficiencies at such schools to the extent such funds
11 remain unobligated on the date of enactment of this sec-
12 tion.

13 SEC. 8128. In carrying out the program described in
14 the memorandum on the subject of “Policy for Assisted
15 Reproductive Services for the Benefit of Seriously or Se-
16 verely Ill/Injured (Category II or III) Active Duty Service
17 Members” issued by the Assistant Secretary of Defense
18 for Health Affairs on April 3, 2012, and the guidance
19 issued to implement such memorandum, the Secretary of
20 Defense shall apply such policy and guidance, except
21 that—

22 (1) the limitation on periods regarding embryo
23 cryopreservation and storage set forth in part III(G)
24 and in part IV(H) of such memorandum shall not
25 apply; and

1 (2) the term “assisted reproductive technology”
2 shall include embryo cryopreservation and storage
3 without limitation on the duration of such
4 cryopreservation and storage.

5 SEC. 8129. None of the funds made available by this
6 Act may be used to provide arms, training, or other assist-
7 ance to the Azov Battalion.

8 SEC. 8130. None of the funds made available by this
9 Act may be used to purchase heavy water from Iran.

10 SEC. 8131. Section 316(a)(2) of the National De-
11 fense Authorization Act for Fiscal Year 2018 (Public Law
12 115–91) is amended by striking “the study under this sub-
13 section” and inserting “the study and assessment under
14 this section”.

15 SEC. 8132. Notwithstanding any other provision of
16 law, from funds made available to the Department of De-
17 fense in title II of this Act under the heading “Operation
18 and Maintenance, Defense-Wide”, \$15,000,000 shall be
19 available for a project in a country designated by the Sec-
20 retary of Defense: *Provided*, That in furtherance of the
21 project the Department of Defense is authorized to ac-
22 quire services, including services performed pursuant to
23 a grant agreement, from another Federal agency, on an
24 advance of funds or reimbursable basis: *Provided further*,
25 That an order for services placed under this section is

1 deemed to be an obligation in the same manner that a
2 similar order placed under a contract with a private con-
3 tractor is an obligation.

1 TITLE IX

2 OVERSEAS CONTINGENCY OPERATIONS

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$2,683,694,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 MILITARY PERSONNEL, NAVY

12 For an additional amount for “Military Personnel,
13 Navy”, \$377,857,000: *Provided*, That such amount is des-
14 ignated by the Congress for Overseas Contingency Oper-
15 ations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 MILITARY PERSONNEL, MARINE CORPS

19 For an additional amount for “Military Personnel,
20 Marine Corps”, \$103,979,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$914,119,000: *Provided*, That such amount
4 is designated by the Congress for Overseas Contingency
5 Operations/Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RESERVE PERSONNEL, ARMY

9 For an additional amount for “Reserve Personnel,
10 Army”, \$24,942,000: *Provided*, That such amount is des-
11 ignated by the Congress for Overseas Contingency Oper-
12 ations/Global War on Terrorism pursuant to section
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RESERVE PERSONNEL, NAVY

16 For an additional amount for “Reserve Personnel,
17 Navy”, \$9,091,000: *Provided*, That such amount is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$2,328,000: *Provided*, That such amount
25 is designated by the Congress for Overseas Contingency

1 Operations/Global War on Terrorism pursuant to section
2 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force”, \$20,569,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for “National Guard Per-
13 sonnel, Army”, \$184,589,000: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, AIR FORCE

19 For an additional amount for “National Guard Per-
20 sonnel, Air Force”, \$5,004,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$17,352,994,000: *Provided*, That such
5 amount is designated by the Congress for Overseas Con-
6 tingency Operations/Global War on Terrorism pursuant to
7 section 251(b)(2)(A)(ii) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$6,449,404,000: *Provided*, That such
12 amount is designated by the Congress for Overseas Con-
13 tingency Operations/Global War on Terrorism pursuant to
14 section 251(b)(2)(A)(ii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps”, \$1,401,536,000: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$10,873,895,000: *Provided*, That

1 such amount is designated by the Congress for Overseas
2 Contingency Operations/Global War on Terrorism pursu-
3 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985.

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 For an additional amount for “Operation and Main-
7 tenance, Defense-Wide”, \$7,575,195,000: *Provided*, That
8 of the funds provided under this heading, not to exceed
9 \$1,000,000,000, to remain available until September 30,
10 2019, shall be for payments to reimburse key cooperating
11 nations for logistical, military, and other support, includ-
12 ing access, provided to United States military and stability
13 operations in Afghanistan and to counter the Islamic
14 State of Iraq and Syria: *Provided further*, That such reim-
15 bursement payments may be made in such amounts as the
16 Secretary of Defense, with the concurrence of the Sec-
17 retary of State, and in consultation with the Director of
18 the Office of Management and Budget, may determine,
19 based on documentation determined by the Secretary of
20 Defense to adequately account for the support provided,
21 and such determination is final and conclusive upon the
22 accounting officers of the United States, and 15 days fol-
23 lowing notification to the appropriate congressional com-
24 mittees: *Provided further*, That these funds may be used
25 for the purpose of providing specialized training and pro-

1 curing supplies and specialized equipment and providing
2 such supplies and loaning such equipment on a non-reim-
3 bursable basis to coalition forces supporting United States
4 military and stability operations in Afghanistan and to
5 counter the Islamic State of Iraq and Syria, and 15 days
6 following notification to the appropriate congressional
7 committees: *Provided further*, That these funds may be
8 used to support the Government of Jordan, in such
9 amounts as the Secretary of Defense may determine, to
10 enhance the ability of the armed forces of Jordan to in-
11 crease or sustain security along its borders, upon 15 days
12 prior written notification to the congressional defense
13 committees outlining the amounts intended to be provided
14 and the nature of the expenses incurred: *Provided further*,
15 That of the funds provided under this heading, not to ex-
16 ceed \$750,000,000, to remain available until September
17 30, 2019, shall be available to provide support and assist-
18 ance to foreign security forces or other groups or individ-
19 uals to conduct, support or facilitate counterterrorism, cri-
20 sis response, or other Department of Defense security co-
21 operation programs: *Provided further*, That the Secretary
22 of Defense shall provide quarterly reports to the congress-
23 sional defense committees on the use of funds provided
24 in this paragraph: *Provided further*, That such amount is
25 designated by the Congress for Overseas Contingency Op-

1 erations/Global War on Terrorism pursuant to section
2 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE, ARMY RESERVE

5 For an additional amount for “Operation and Main-
6 tenance, Army Reserve”, \$24,699,000: *Provided*, That
7 such amount is designated by the Congress for Overseas
8 Contingency Operations/Global War on Terrorism pursu-
9 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, NAVY RESERVE

12 For an additional amount for “Operation and Main-
13 tenance, Navy Reserve”, \$23,980,000: *Provided*, That
14 such amount is designated by the Congress for Overseas
15 Contingency Operations/Global War on Terrorism pursu-
16 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Marine Corps Reserve”, \$3,367,000: *Provided*,
22 That such amount is designated by the Congress for Over-
23 seas Contingency Operations/Global War on Terrorism
24 pursuant to section 251(b)(2)(A)(ii) of the Balanced
25 Budget and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force Reserve”, \$53,523,000: *Provided*, That
4 such amount is designated by the Congress for Overseas
5 Contingency Operations/Global War on Terrorism pursu-
6 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, ARMY NATIONAL
9 GUARD

10 For an additional amount for “Operation and Main-
11 tenance, Army National Guard”, \$108,111,000: *Provided*,
12 That such amount is designated by the Congress for Over-
13 seas Contingency Operations/Global War on Terrorism
14 pursuant to section 251(b)(2)(A)(ii) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

17 For an additional amount for “Operation and Main-
18 tenance, Air National Guard”, \$15,400,000: *Provided*,
19 That such amount is designated by the Congress for Over-
20 seas Contingency Operations/Global War on Terrorism
21 pursuant to section 251(b)(2)(A)(ii) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985.

23 AFGHANISTAN SECURITY FORCES FUND

24 For the “Afghanistan Security Forces Fund”,
25 \$4,666,815,000, to remain available until September 30,

1 2019: *Provided*, That such funds shall be available to the
2 Secretary of Defense for the purpose of allowing the Com-
3 mander, Combined Security Transition Command—Af-
4 ghanistan, or the Secretary’s designee, to provide assist-
5 ance, with the concurrence of the Secretary of State, to
6 the security forces of Afghanistan, including the provision
7 of equipment, supplies, services, training, facility and in-
8 frastructure repair, renovation, construction, and funding:
9 *Provided further*, That the Secretary of Defense may obli-
10 gate and expend funds made available to the Department
11 of Defense in this title for additional costs associated with
12 existing projects previously funded with amounts provided
13 under the heading “Afghanistan Infrastructure Fund” in
14 prior Acts: *Provided further*, That such costs shall be lim-
15 ited to contract changes resulting from inflation, market
16 fluctuation, rate adjustments, and other necessary con-
17 tract actions to complete existing projects, and associated
18 supervision and administration costs and costs for design
19 during construction: *Provided further*, That the Secretary
20 may not use more than \$50,000,000 under the authority
21 provided in this section: *Provided further*, That the Sec-
22 retary shall notify in advance such contract changes and
23 adjustments in annual reports to the congressional defense
24 committees: *Provided further*, That the authority to pro-
25 vide assistance under this heading is in addition to any

1 other authority to provide assistance to foreign nations:
2 *Provided further*, That contributions of funds for the pur-
3 poses provided herein from any person, foreign govern-
4 ment, or international organization may be credited to this
5 Fund, to remain available until expended, and used for
6 such purposes: *Provided further*, That the Secretary of De-
7 fense shall notify the congressional defense committees in
8 writing upon the receipt and upon the obligation of any
9 contribution, delineating the sources and amounts of the
10 funds received and the specific use of such contributions:
11 *Provided further*, That the Secretary of Defense shall, not
12 fewer than 15 days prior to obligating from this appro-
13 priation account, notify the congressional defense commit-
14 tees in writing of the details of any such obligation: *Pro-*
15 *vided further*, That the Secretary of Defense shall notify
16 the congressional defense committees of any proposed new
17 projects or transfer of funds between budget sub-activity
18 groups in excess of \$20,000,000: *Provided further*, That
19 the United States may accept equipment procured using
20 funds provided under this heading in this or prior Acts
21 that was transferred to the security forces of Afghanistan
22 and returned by such forces to the United States: *Provided*
23 *further*, That equipment procured using funds provided
24 under this heading in this or prior Acts, and not yet trans-
25 ferred to the security forces of Afghanistan or transferred

1 to the security forces of Afghanistan and returned by such
2 forces to the United States, may be treated as stocks of
3 the Department of Defense upon written notification to
4 the congressional defense committees: *Provided further*,
5 That of the funds provided under this heading, not less
6 than \$10,000,000 shall be for recruitment and retention
7 of women in the Afghanistan National Security Forces,
8 and the recruitment and training of female security per-
9 sonnel: *Provided further*, That such amount is designated
10 by the Congress for Overseas Contingency Operations/
11 Global War on Terrorism pursuant to section
12 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 COUNTER-ISIS TRAIN AND EQUIP FUND

15 For the “Counter-Islamic State of Iraq and Syria
16 Train and Equip Fund”, \$1,769,000,000, to remain avail-
17 able until September 30, 2019: *Provided*, That such funds
18 shall be available to the Secretary of Defense in coordina-
19 tion with the Secretary of State, to provide assistance, in-
20 cluding training; equipment; logistics support, supplies,
21 and services; stipends; infrastructure repair and renova-
22 tion; and sustainment, to foreign security forces, irregular
23 forces, groups, or individuals participating, or preparing
24 to participate in activities to counter the Islamic State of
25 Iraq and Syria, and their affiliated or associated groups:

1 *Provided further*, That these funds may be used in such
2 amounts as the Secretary of Defense may determine to
3 enhance the border security of nations adjacent to conflict
4 areas including Jordan, Lebanon, Egypt, and Tunisia re-
5 sulting from actions of the Islamic State of Iraq and
6 Syria: *Provided further*, That amounts made available
7 under this heading shall be available to provide assistance
8 only for activities in a country designated by the Secretary
9 of Defense, in coordination with the Secretary of State,
10 as having a security mission to counter the Islamic State
11 of Iraq and Syria, and following written notification to the
12 congressional defense committees of such designation:
13 *Provided further*, That the Secretary of Defense shall en-
14 sure that prior to providing assistance to elements of any
15 forces or individuals, such elements or individuals are ap-
16 propriately vetted, including at a minimum, assessing such
17 elements for associations with terrorist groups or groups
18 associated with the Government of Iran; and receiving
19 commitments from such elements to promote respect for
20 human rights and the rule of law: *Provided further*, That
21 the Secretary of Defense shall, not fewer than 15 days
22 prior to obligating from this appropriation account, notify
23 the congressional defense committees in writing of the de-
24 tails of any such obligation: *Provided further*, That the
25 Secretary of Defense may accept and retain contributions,

1 including assistance in-kind, from foreign governments,
2 including the Government of Iraq and other entities, to
3 carry out assistance authorized under this heading: *Pro-*
4 *vided further*, That contributions of funds for the purposes
5 provided herein from any foreign government or other en-
6 tity may be credited to this Fund, to remain available until
7 expended, and used for such purposes: *Provided further*,
8 That the Secretary of Defense may waive a provision of
9 law relating to the acquisition of items and support serv-
10 ices or sections 40 and 40A of the Arms Export Control
11 Act (22 U.S.C. 2780 and 2785) if the Secretary deter-
12 mines that such provision of law would prohibit, restrict,
13 delay or otherwise limit the provision of such assistance
14 and a notice of and justification for such waiver is sub-
15 mitted to the congressional defense committees, the Com-
16 mittees on Appropriations and Foreign Relations of the
17 Senate and the Committees on Appropriations and For-
18 eign Affairs of the House of Representatives: *Provided fur-*
19 *ther*, That the United States may accept equipment pro-
20 cured using funds provided under this heading, or under
21 the heading, “Iraq Train and Equip Fund” in prior Acts,
22 that was transferred to security forces, irregular forces,
23 or groups participating, or preparing to participate in ac-
24 tivities to counter the Islamic State of Iraq and Syria and
25 returned by such forces or groups to the United States,

1 may be treated as stocks of the Department of Defense
2 upon written notification to the congressional defense
3 committees: *Provided further*, That equipment procured
4 using funds provided under this heading, or under the
5 heading, “Iraq Train and Equip Fund” in prior Acts, and
6 not yet transferred to security forces, irregular forces, or
7 groups participating, or preparing to participate in activi-
8 ties to counter the Islamic State of Iraq and Syria may
9 be treated as stocks of the Department of Defense when
10 determined by the Secretary to no longer be required for
11 transfer to such forces or groups and upon written notifi-
12 cation to the congressional defense committees: *Provided*
13 *further*, That the Secretary of Defense shall provide quar-
14 terly reports to the congressional defense committees on
15 the use of funds provided under this heading, including,
16 but not limited to, the number of individuals trained, the
17 nature and scope of support and sustainment provided to
18 each group or individual, the area of operations for each
19 group, and the contributions of other countries, groups,
20 or individuals: *Provided further*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 PROCUREMENT OF AMMUNITION, ARMY

4 For an additional amount for “Procurement of Am-
5 munition, Army”, \$191,836,000, to remain available until
6 September 30, 2020: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OTHER PROCUREMENT, ARMY

12 For an additional amount for “Other Procurement,
13 Army”, \$405,575,000, to remain available until Sep-
14 tember 30, 2020: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 AIRCRAFT PROCUREMENT, NAVY

20 For an additional amount for “Aircraft Procurement,
21 Navy”, \$157,300,000, to remain available until September
22 30, 2020: *Provided*, That such amount is designated by
23 the Congress for Overseas Contingency Operations/Global
24 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 WEAPONS PROCUREMENT, NAVY

4 For an additional amount for “Weapons Procure-
5 ment, Navy”, \$130,994,000, to remain available until
6 September 30, 2020: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
12 CORPS

13 For an additional amount for “Procurement of Am-
14 munition, Navy and Marine Corps”, \$233,406,000, to re-
15 main available until September 30, 2020: *Provided*, That
16 such amount is designated by the Congress for Overseas
17 Contingency Operations/Global War on Terrorism pursu-
18 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 OTHER PROCUREMENT, NAVY

21 For an additional amount for “Other Procurement,
22 Navy”, \$239,359,000, to remain available until September
23 30, 2020: *Provided*, That such amount is designated by
24 the Congress for Overseas Contingency Operations/Global
25 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 PROCUREMENT, MARINE CORPS

4 For an additional amount for “Procurement, Marine
5 Corps”, \$64,307,000, to remain available until September
6 30, 2020: *Provided*, That such amount is designated by
7 the Congress for Overseas Contingency Operations/Global
8 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
9 the Balanced Budget and Emergency Deficit Control Act
10 of 1985.

11 AIRCRAFT PROCUREMENT, AIR FORCE

12 For an additional amount for “Aircraft Procurement,
13 Air Force”, \$503,938,000, to remain available until Sep-
14 tember 30, 2020: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 MISSILE PROCUREMENT, AIR FORCE

20 For an additional amount for “Missile Procurement,
21 Air Force”, \$481,700,000, to remain available until Sep-
22 tember 30, 2020: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

1 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 SPACE PROCUREMENT, AIR FORCE

4 For an additional amount for “Space Procurement,
5 Air Force”, \$2,256,000, to remain available until Sep-
6 tember 30, 2020: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 PROCUREMENT OF AMMUNITION, AIR FORCE

12 For an additional amount for “Procurement of Am-
13 muniton, Air Force”, \$551,509,000, to remain available
14 until September 30, 2020: *Provided*, That such amount
15 is designated by the Congress for Overseas Contingency
16 Operations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 OTHER PROCUREMENT, AIR FORCE

20 For an additional amount for “Other Procurement,
21 Air Force”, \$3,324,590,000, to remain available until
22 September 30, 2020: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

1 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 PROCUREMENT, DEFENSE-WIDE

4 For an additional amount for “Procurement, De-
5 fense-Wide”, \$517,041,000, to remain available until Sep-
6 tember 30, 2020: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

12 For procurement of rotary-wing aircraft; combat, tac-
13 tical and support vehicles; other weapons; and other pro-
14 curement items for the reserve components of the Armed
15 Forces, \$1,300,000,000, to remain available for obligation
16 until September 30, 2020: *Provided*, That the Chiefs of
17 National Guard and Reserve components shall, not later
18 than 30 days after enactment of this Act, individually sub-
19 mit to the congressional defense committees the mod-
20 ernization priority assessment for their respective Na-
21 tional Guard or Reserve component: *Provided further*,
22 That none of the funds made available by this paragraph
23 may be used to procure manned fixed wing aircraft, or
24 procure or modify missiles, munitions, or ammunition:
25 *Provided further*, That such amount is designated by the

1 Congress for Overseas Contingency Operations/Global
2 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
3 the Balanced Budget and Emergency Deficit Control Act
4 of 1985.

5 RESEARCH, DEVELOPMENT, TEST AND
6 EVALUATION

7 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
8 ARMY

9 For an additional amount for “Research, Develop-
10 ment, Test and Evaluation, Army”, \$235,368,000, to re-
11 main available until September 30, 2019: *Provided*, That
12 such amount is designated by the Congress for Overseas
13 Contingency Operations/Global War on Terrorism pursu-
14 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
15 and Emergency Deficit Control Act of 1985.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
17 NAVY

18 For an additional amount for “Research, Develop-
19 ment, Test and Evaluation, Navy”, \$167,565,000, to re-
20 main available until September 30, 2019: *Provided*, That
21 such amount is designated by the Congress for Overseas
22 Contingency Operations/Global War on Terrorism pursu-
23 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
24 and Emergency Deficit Control Act of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Air Force”, \$129,608,000, to
5 remain available until September 30, 2019: *Provided*,
6 That such amount is designated by the Congress for Over-
7 seas Contingency Operations/Global War on Terrorism
8 pursuant to section 251(b)(2)(A)(ii) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Defense-Wide”,
14 \$394,396,000, to remain available until September 30,
15 2019: *Provided*, That such amount is designated by the
16 Congress for Overseas Contingency Operations/Global
17 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
18 the Balanced Budget and Emergency Deficit Control Act
19 of 1985.

20 REVOLVING AND MANAGEMENT FUNDS

21 DEFENSE WORKING CAPITAL FUNDS

22 For an additional amount for “Defense Working
23 Capital Funds”, \$148,956,000: *Provided*, That such
24 amount is designated by the Congress for Overseas Con-
25 tingency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A)(ii) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 OTHER DEPARTMENT OF DEFENSE PROGRAMS

4 DEFENSE HEALTH PROGRAM

5 For an additional amount for “Defense Health Pro-
6 gram”, \$395,805,000, which shall be for operation and
7 maintenance: *Provided*, That such amount is designated
8 by the Congress for Overseas Contingency Operations/
9 Global War on Terrorism pursuant to section
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

13 DEFENSE

14 For an additional amount for “Drug Interdiction and
15 Counter-Drug Activities, Defense”, \$196,300,000: *Pro-*
16 *vided*, That such amount is designated by the Congress
17 for Overseas Contingency Operations/Global War on Ter-
18 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OFFICE OF THE INSPECTOR GENERAL

21 For an additional amount for the “Office of the In-
22 spector General”, \$24,692,000: *Provided*, That such
23 amount is designated by the Congress for Overseas Con-
24 tingency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A)(ii) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 9001. Notwithstanding any other provision of
5 law, funds made available in this title are in addition to
6 amounts appropriated or otherwise made available for the
7 Department of Defense for fiscal year 2018.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 9002. Upon the determination of the Secretary
10 of Defense that such action is necessary in the national
11 interest, the Secretary may, with the approval of the Of-
12 fice of Management and Budget, transfer up to
13 \$2,250,000,000 between the appropriations or funds made
14 available to the Department of Defense in this title: *Pro-*
15 *vided*, That the Secretary shall notify the Congress
16 promptly of each transfer made pursuant to the authority
17 in this section: *Provided further*, That the authority pro-
18 vided in this section is in addition to any other transfer
19 authority available to the Department of Defense and is
20 subject to the same terms and conditions as the authority
21 provided in section 8005 of this Act.

22 SEC. 9003. Supervision and administration costs and
23 costs for design during construction associated with a con-
24 struction project funded with appropriations available for
25 operation and maintenance or the “Afghanistan Security

1 Forces Fund” provided in this Act and executed in direct
2 support of overseas contingency operations in Afghani-
3 stan, may be obligated at the time a construction contract
4 is awarded: *Provided*, That, for the purpose of this section,
5 supervision and administration costs and costs for design
6 during construction include all in-house Government costs.

7 SEC. 9004. From funds made available in this title,
8 the Secretary of Defense may purchase for use by military
9 and civilian employees of the Department of Defense in
10 the United States Central Command area of responsi-
11 bility: (1) passenger motor vehicles up to a limit of
12 \$75,000 per vehicle; and (2) heavy and light armored vehi-
13 cles for the physical security of personnel or for force pro-
14 tection purposes up to a limit of \$450,000 per vehicle, not-
15 withstanding price or other limitations applicable to the
16 purchase of passenger carrying vehicles.

17 SEC. 9005. Not to exceed \$5,000,000 of the amounts
18 appropriated by this title under the heading “Operation
19 and Maintenance, Army” may be used, notwithstanding
20 any other provision of law, to fund the Commanders’
21 Emergency Response Program (CERP), for the purpose
22 of enabling military commanders in Afghanistan to re-
23 spond to urgent, small-scale, humanitarian relief and re-
24 construction requirements within their areas of responsi-
25 bility: *Provided*, That each project (including any ancillary

1 or related elements in connection with such project) exe-
2 cuted under this authority shall not exceed \$2,000,000:
3 *Provided further*, That not later than 45 days after the
4 end of each 6 months of the fiscal year, the Secretary of
5 Defense shall submit to the congressional defense commit-
6 tees a report regarding the source of funds and the alloca-
7 tion and use of funds during that 6-month period that
8 were made available pursuant to the authority provided
9 in this section or under any other provision of law for the
10 purposes described herein: *Provided further*, That, not
11 later than 30 days after the end of each fiscal year quar-
12 ter, the Army shall submit to the congressional defense
13 committees quarterly commitment, obligation, and expend-
14 iture data for the CERP in Afghanistan: *Provided further*,
15 That, not less than 15 days before making funds available
16 pursuant to the authority provided in this section or under
17 any other provision of law for the purposes described here-
18 in for a project with a total anticipated cost for completion
19 of \$500,000 or more, the Secretary shall submit to the
20 congressional defense committees a written notice con-
21 taining each of the following:

22 (1) The location, nature and purpose of the
23 proposed project, including how the project is in-
24 tended to advance the military campaign plan for
25 the country in which it is to be carried out.

1 (2) The budget, implementation timeline with
2 milestones, and completion date for the proposed
3 project, including any other CERP funding that has
4 been or is anticipated to be contributed to the com-
5 pletion of the project.

6 (3) A plan for the sustainment of the proposed
7 project, including the agreement with either the host
8 nation, a non-Department of Defense agency of the
9 United States Government or a third-party contrib-
10 utor to finance the sustainment of the activities and
11 maintenance of any equipment or facilities to be pro-
12 vided through the proposed project.

13 SEC. 9006. Funds available to the Department of De-
14 fense for operation and maintenance may be used, not-
15 withstanding any other provision of law, to provide sup-
16 plies, services, transportation, including airlift and sealift,
17 and other logistical support to allied forces participating
18 in a combined operation with the armed forces of the
19 United States and coalition forces supporting military and
20 stability operations in Afghanistan and to counter the Is-
21 lamic State of Iraq and Syria: *Provided*, That the Sec-
22 retary of Defense shall provide quarterly reports to the
23 congressional defense committees regarding support pro-
24 vided under this section.

1 SEC. 9007. None of the funds appropriated or other-
2 wise made available by this or any other Act shall be obli-
3 gated or expended by the United States Government for
4 a purpose as follows:

5 (1) To establish any military installation or
6 base for the purpose of providing for the permanent
7 stationing of United States Armed Forces in Iraq.

8 (2) To exercise United States control over any
9 oil resource of Iraq.

10 (3) To establish any military installation or
11 base for the purpose of providing for the permanent
12 stationing of United States Armed Forces in Af-
13 ghanistan.

14 SEC. 9008. None of the funds made available in this
15 Act may be used in contravention of the following laws
16 enacted or regulations promulgated to implement the
17 United Nations Convention Against Torture and Other
18 Cruel, Inhuman or Degrading Treatment or Punishment
19 (done at New York on December 10, 1984):

20 (1) Section 2340A of title 18, United States
21 Code.

22 (2) Section 2242 of the Foreign Affairs Reform
23 and Restructuring Act of 1998 (division G of Public
24 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
25 note) and regulations prescribed thereto, including

1 regulations under part 208 of title 8, Code of Fed-
2 eral Regulations, and part 95 of title 22, Code of
3 Federal Regulations.

4 (3) Sections 1002 and 1003 of the Department
5 of Defense, Emergency Supplemental Appropriations
6 to Address Hurricanes in the Gulf of Mexico, and
7 Pandemic Influenza Act, 2006 (Public Law 109–
8 148).

9 SEC. 9009. None of the funds provided for the “Af-
10 ghanistan Security Forces Fund” (ASFF) may be obli-
11 gated prior to the approval of a financial and activity plan
12 by the Afghanistan Resources Oversight Council (AROC)
13 of the Department of Defense: *Provided*, That the AROC
14 must approve the requirement and acquisition plan for any
15 service requirements in excess of \$50,000,000 annually
16 and any non-standard equipment requirements in excess
17 of \$100,000,000 using ASFF: *Provided further*, That the
18 Department of Defense must certify to the congressional
19 defense committees that the AROC has convened and ap-
20 proved a process for ensuring compliance with the require-
21 ments in the preceding proviso and accompanying report
22 language for the ASFF.

23 SEC. 9010. Funds made available in this title to the
24 Department of Defense for operation and maintenance
25 may be used to purchase items having an investment unit

1 cost of not more than \$250,000: *Provided*, That, upon de-
2 termination by the Secretary of Defense that such action
3 is necessary to meet the operational requirements of a
4 Commander of a Combatant Command engaged in contin-
5 gency operations overseas, such funds may be used to pur-
6 chase items having an investment item unit cost of not
7 more than \$500,000.

8 SEC. 9011. Up to \$500,000,000 of funds appro-
9 priated by this Act for the Defense Security Cooperation
10 Agency in “Operation and Maintenance, Defense-Wide”
11 may be used to provide assistance to the Government of
12 Jordan to support the armed forces of Jordan and to en-
13 hance security along its borders.

14 SEC. 9012. None of the funds made available by this
15 Act under the heading “Counter-ISIS Train and Equip
16 Fund” may be used to procure or transfer man-portable
17 air defense systems.

18 SEC. 9013. For the “Ukraine Security Assistance Ini-
19 tiative”, \$200,000,000 is hereby appropriated, to remain
20 available until September 30, 2018: *Provided*, That such
21 funds shall be available to the Secretary of Defense, in
22 coordination with the Secretary of State, to provide assist-
23 ance, including training; equipment; lethal weapons of a
24 defensive nature; logistics support, supplies and services;
25 sustainment; and intelligence support to the military and

1 national security forces of Ukraine, and for replacement
2 of any weapons or defensive articles provided to the Gov-
3 ernment of Ukraine from the inventory of the United
4 States: *Provided further*, That the Secretary of Defense
5 shall, not less than 15 days prior to obligating funds pro-
6 vided under this heading, notify the congressional defense
7 committees in writing of the details of any such obligation:
8 *Provided further*, That the United States may accept
9 equipment procured using funds provided under this head-
10 ing in this or prior Acts that was transferred to the secu-
11 rity forces of Ukraine and returned by such forces to the
12 United States: *Provided further*, That equipment procured
13 using funds provided under this heading in this or prior
14 Acts, and not yet transferred to the military or National
15 Security Forces of Ukraine or returned by such forces to
16 the United States, may be treated as stocks of the Depart-
17 ment of Defense upon written notification to the congres-
18 sional defense committees: *Provided further*, That amounts
19 made available by this section are designated by the Con-
20 gress for Overseas Contingency Operations/Global War on
21 Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985.

23 SEC. 9014. Funds appropriated in this title shall be
24 available for replacement of funds for items provided to
25 the Government of Ukraine from the inventory of the

1 United States to the extent specifically provided for in sec-
2 tion 9013 of this Act.

3 SEC. 9015. None of the funds made available by this
4 Act under section 9013 for “Assistance and Sustainment
5 to the Military and National Security Forces of Ukraine”
6 may be used to procure or transfer man-portable air de-
7 fense systems.

8 SEC. 9016. (a) None of the funds appropriated or
9 otherwise made available by this Act under the heading
10 “Operation and Maintenance, Defense-Wide” for pay-
11 ments under section 1233 of Public Law 110–181 for re-
12 imbursement to the Government of Pakistan may be made
13 available unless the Secretary of Defense, in coordination
14 with the Secretary of State, certifies to the congressional
15 defense committees that the Government of Pakistan is—

16 (1) cooperating with the United States in
17 counterterrorism efforts against the Haqqani Net-
18 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,
19 Jaish-e-Mohammed, Al Qaeda, and other domestic
20 and foreign terrorist organizations, including taking
21 steps to end support for such groups and prevent
22 them from basing and operating in Pakistan and
23 carrying out cross border attacks into neighboring
24 countries;

1 (2) not supporting terrorist activities against
2 United States or coalition forces in Afghanistan, and
3 Pakistan's military and intelligence agencies are not
4 intervening extra-judicially into political and judicial
5 processes in Pakistan;

6 (3) dismantling improvised explosive device
7 (IED) networks and interdicting precursor chemicals
8 used in the manufacture of IEDs;

9 (4) preventing the proliferation of nuclear-re-
10 lated material and expertise;

11 (5) implementing policies to protect judicial
12 independence and due process of law;

13 (6) issuing visas in a timely manner for United
14 States visitors engaged in counterterrorism efforts
15 and assistance programs in Pakistan; and

16 (7) providing humanitarian organizations access
17 to detainees, internally displaced persons, and other
18 Pakistani civilians affected by the conflict.

19 (b) The Secretary of Defense, in coordination with
20 the Secretary of State, may waive the restriction in sub-
21 section (a) on a case-by-case basis by certifying in writing
22 to the congressional defense committees that it is in the
23 national security interest to do so: *Provided*, That if the
24 Secretary of Defense, in coordination with the Secretary
25 of State, exercises such waiver authority, the Secretaries

1 shall report to the congressional defense committees on
2 both the justification for the waiver and on the require-
3 ments of this section that the Government of Pakistan was
4 not able to meet: *Provided further*, That such report may
5 be submitted in classified form if necessary.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 9017. In addition to amounts otherwise made
8 available in this Act, \$770,000,000 is hereby appropriated
9 to the Department of Defense and made available for
10 transfer only to the operation and maintenance, military
11 personnel, and procurement accounts, to improve the intel-
12 ligence, surveillance, and reconnaissance capabilities of the
13 Department of Defense: *Provided*, That the transfer au-
14 thority provided in this section is in addition to any other
15 transfer authority provided elsewhere in this Act: *Provided*
16 *further*, That not later than 30 days prior to exercising
17 the transfer authority provided in this section, the Sec-
18 retary of Defense shall submit a report to the congres-
19 sional defense committees on the proposed uses of these
20 funds: *Provided further*, That the funds provided in this
21 section may not be transferred to any program, project,
22 or activity specifically limited or denied by this Act: *Pro-*
23 *vided further*, That amounts made available by this section
24 are designated by the Congress for Overseas Contingency
25 Operations/Global War on Terrorism pursuant to section

1 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985: *Provided further*, That the
3 authority to provide funding under this section shall termi-
4 nate on September 30, 2018.

5 SEC. 9018. None of the funds made available by this
6 Act may be used with respect to Syria in contravention
7 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
8 including for the introduction of United States armed or
9 military forces into hostilities in Syria, into situations in
10 Syria where imminent involvement in hostilities is clearly
11 indicated by the circumstances, or into Syrian territory,
12 airspace, or waters while equipped for combat, in con-
13 travention of the congressional consultation and reporting
14 requirements of sections 3 and 4 of that law (50 U.S.C.
15 1542 and 1543).

16 SEC. 9019. None of the funds in this Act may be
17 made available for the transfer of additional C-130 cargo
18 aircraft to the Afghanistan National Security Forces or
19 the Afghanistan Air Force until the Department of De-
20 fense provides a report to the congressional defense com-
21 mittees of the Afghanistan Air Force's medium airlift re-
22 quirements. The report should identify Afghanistan's abil-
23 ity to utilize and maintain existing medium lift aircraft
24 in the inventory and the best alternative platform, if nec-

1 essary, to provide additional support to the Afghanistan
2 Air Force’s current medium airlift capacity.

3 (RESCISSIONS)

4 SEC. 9020. Of the funds appropriated in Department
5 of Defense Appropriations Acts, the following funds are
6 hereby rescinded from the following accounts and pro-
7 grams in the specified amounts: *Provided*, That such
8 amounts are designated by the Congress for Overseas
9 Contingency Operations/Global War on Terrorism pursu-
10 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985:

12 “Operation and Maintenance, Defense-Wide:
13 Coalition Support Fund”, 2017/2018, \$500,000,000;

14 “Operation and Maintenance, Defense-Wide:
15 DSCA Security Cooperation”, 2017/2018,
16 \$250,000,000;

17 “Afghanistan Security Forces Fund”, 2017/
18 2018, \$100,000,000;

19 “Counter-ISIL Train and Equip Fund”, 2017/
20 2018, \$80,000,000;

21 “Other Procurement, Air Force”, 2017/2019,
22 \$25,100,000; and

23 “Counter-ISIL Overseas Contingency Oper-
24 ations Transfer Fund”, XXXX, \$1,610,000,000.

1 SEC. 9021. (a) Not later than 30 days after the date
2 of the enactment of this Act, the President shall submit
3 to Congress a report on the United States strategy to de-
4 feat Al-Qaeda, the Taliban, the Islamic State of Iraq and
5 Syria (ISIS), and their associated forces and co-belliger-
6 ents.

7 (b) The report required under subsection (a) shall in-
8 clude the following:

9 (1) An analysis of the adequacy of the existing
10 legal framework to accomplish the strategy described
11 in subsection (a), particularly with respect to the
12 Authorization for Use of Military Force (Public Law
13 107–40; 50 U.S.C. 1541 note) and the Authoriza-
14 tion for Use of Military Force Against Iraq Resolu-
15 tion of 2002 (Public Law 107–243; 50 U.S.C. 1541
16 note).

17 (2) An analysis of the budgetary resources nec-
18 essary to accomplish the strategy described in sub-
19 section (a).

20 (c) Not later than 30 days after the date on which
21 the President submits to the appropriate congressional
22 committees the report required by subsection (a), the Sec-
23 retary of State and the Secretary of Defense shall testify
24 at any hearing held by any of the appropriate congress-

1 sional committees on the report and to which the Sec-
2 retary is invited.

3 (d) In this section, the term “appropriate congres-
4 sional committees” means—

5 (1) the Committees on Foreign Relations,
6 Armed Services and Appropriations of the Senate;
7 and

8 (2) the Committees on Foreign Affairs, Armed
9 Services and Appropriations of the House of Rep-
10 resentatives.

11 SEC. 9022. Funds available for the Afghanistan Se-
12 curity Forces Fund may be used to provide limited train-
13 ing, equipment, and other assistance that would otherwise
14 be prohibited by 10 U.S.C. 362 to a unit of the security
15 forces of Afghanistan only if the Secretary certifies to the
16 congressional defense committees, within 30 days of a de-
17 cision to provide such assistance, that (1) a denial of such
18 assistance would present significant risk to U.S. or coali-
19 tion forces or significantly undermine United States na-
20 tional security objectives in Afghanistan; and (2) the Sec-
21 retary has sought a commitment by the Government of
22 Afghanistan to take all necessary corrective steps: *Pro-*
23 *vided*, That such certification shall be accompanied by a
24 report describing: (1) the information relating to the gross
25 violation of human rights; (2) the circumstances that ne-

1 cessitated the provision of such assistance; (3) the Afghan
2 security force unit involved; (4) the assistance provided
3 and the assistance withheld; and (5) the corrective steps
4 to be taken by the Government of Afghanistan: *Provided*
5 *further*, That every 120 days after the initial report an
6 additional report shall be submitted detailing the status
7 of any corrective steps taken by the Government of Af-
8 ghanistan: *Provided further*, That if the Government of Af-
9 ghanistan has not initiated necessary corrective steps
10 within one year of the certification, the authority under
11 this section to provide assistance to such unit shall no
12 longer apply: *Provided further*, That the Secretary shall
13 submit a report to such committees detailing the final dis-
14 position of the case by the Government of Afghanistan.

15 This division may be cited as the “Department of De-
16 fense Appropriations Act, 2018”.

1 **DIVISION D—ENERGY AND WATER DEVEL-**
2 **OPMENT AND RELATED AGENCIES AP-**
3 **PROPRIATIONS ACT, 2018**

4 TITLE I

5 CORPS OF ENGINEERS—CIVIL

6 DEPARTMENT OF THE ARMY

7 CORPS OF ENGINEERS—CIVIL

8 The following appropriations shall be expended under
9 the direction of the Secretary of the Army and the super-
10 vision of the Chief of Engineers for authorized civil func-
11 tions of the Department of the Army pertaining to river
12 and harbor, flood and storm damage reduction, shore pro-
13 tection, aquatic ecosystem restoration, and related efforts.

14 INVESTIGATIONS

15 For expenses necessary where authorized by law for
16 the collection and study of basic information pertaining
17 to river and harbor, flood and storm damage reduction,
18 shore protection, aquatic ecosystem restoration, and re-
19 lated needs; for surveys and detailed studies, and plans
20 and specifications of proposed river and harbor, flood and
21 storm damage reduction, shore protection, and aquatic
22 ecosystem restoration projects, and related efforts prior to
23 construction; for restudy of authorized projects; and for
24 miscellaneous investigations, and, when authorized by law,
25 surveys and detailed studies, and plans and specifications

1 of projects prior to construction, \$123,000,000, to remain
2 available until expended: *Provided*, That the Secretary
3 shall initiate six new study starts during fiscal year 2018:
4 *Provided further*, That the new study starts shall consist
5 of five studies where the majority of the benefits are de-
6 rived from navigation transportation savings or from flood
7 and storm damage reduction and one study where the ma-
8 jority of benefits are derived from environmental restora-
9 tion: *Provided further*, That the Secretary shall not deviate
10 from the new starts proposed in the work plan, once the
11 plan has been submitted to the Committees on Appropria-
12 tions of both Houses of Congress.

13 CONSTRUCTION

14 For expenses necessary for the construction of river
15 and harbor, flood and storm damage reduction, shore pro-
16 tection, aquatic ecosystem restoration, and related
17 projects authorized by law; for conducting detailed studies,
18 and plans and specifications, of such projects (including
19 those involving participation by States, local governments,
20 or private groups) authorized or made eligible for selection
21 by law (but such detailed studies, and plans and specifica-
22 tions, shall not constitute a commitment of the Govern-
23 ment to construction); \$2,085,000,000, to remain avail-
24 able until expended; of which such sums as are necessary
25 to cover the Federal share of construction costs for facili-

1 ties under the Dredged Material Disposal Facilities pro-
2 gram shall be derived from the Harbor Maintenance Trust
3 Fund as authorized by Public Law 104–303; and of which
4 such sums as are necessary to cover one-half of the costs
5 of construction, replacement, rehabilitation, and expansion
6 of inland waterways projects shall be derived from the In-
7 land Waterways Trust Fund, except as otherwise specifi-
8 cally provided for in law: *Provided*, That the Secretary
9 shall initiate five new construction starts during fiscal year
10 2018: *Provided further*, That the new construction starts
11 shall consist of four projects where the majority of the
12 benefits are derived from navigation transportation sav-
13 ings or from flood and storm damage reduction and one
14 project where the majority of the benefits are derived from
15 environmental restoration: *Provided further*, That for new
16 construction projects, project cost sharing agreements
17 shall be executed as soon as practicable but no later than
18 September 30, 2018: *Provided further*, That no allocation
19 for a new start shall be considered final and no work al-
20 lowance shall be made until the Secretary provides to the
21 Committees on Appropriations of both Houses of Congress
22 an out-year funding scenario demonstrating the afford-
23 ability of the selected new starts and the impacts on other
24 projects: *Provided further*, That the Secretary may not de-
25 viate from the new starts proposed in the work plan, once

1 the plan has been submitted to the Committees on Appro-
2 priations of both Houses of Congress.

3 MISSISSIPPI RIVER AND TRIBUTARIES

4 For expenses necessary for flood damage reduction
5 projects and related efforts in the Mississippi River allu-
6 vial valley below Cape Girardeau, Missouri, as authorized
7 by law, \$425,000,000, to remain available until expended,
8 of which such sums as are necessary to cover the Federal
9 share of eligible operation and maintenance costs for in-
10 land harbors shall be derived from the Harbor Mainte-
11 nance Trust Fund: *Provided*, That the Secretary shall ini-
12 tiate one new study start during fiscal year 2018.

13 OPERATION AND MAINTENANCE

14 For expenses necessary for the operation, mainte-
15 nance, and care of existing river and harbor, flood and
16 storm damage reduction, aquatic ecosystem restoration,
17 and related projects authorized by law; providing security
18 for infrastructure owned or operated by the Corps, includ-
19 ing administrative buildings and laboratories; maintaining
20 harbor channels provided by a State, municipality, or
21 other public agency that serve essential navigation needs
22 of general commerce, where authorized by law; surveying
23 and charting northern and northwestern lakes and con-
24 necting waters; clearing and straightening channels; and
25 removing obstructions to navigation, \$3,630,000,000, to

1 remain available until expended, of which such sums as
2 are necessary to cover the Federal share of eligible oper-
3 ation and maintenance costs for coastal harbors and chan-
4 nels, and for inland harbors shall be derived from the Har-
5 bor Maintenance Trust Fund; of which such sums as be-
6 come available from the special account for the Corps of
7 Engineers established by the Land and Water Conserva-
8 tion Fund Act of 1965 shall be derived from that account
9 for resource protection, research, interpretation, and
10 maintenance activities related to resource protection in the
11 areas at which outdoor recreation is available; and of
12 which such sums as become available from fees collected
13 under section 217 of Public Law 104–303 shall be used
14 to cover the cost of operation and maintenance of the
15 dredged material disposal facilities for which such fees
16 have been collected: *Provided*, That 1 percent of the total
17 amount of funds provided for each of the programs,
18 projects, or activities funded under this heading shall not
19 be allocated to a field operating activity prior to the begin-
20 ning of the fourth quarter of the fiscal year and shall be
21 available for use by the Chief of Engineers to fund such
22 emergency activities as the Chief of Engineers determines
23 to be necessary and appropriate, and that the Chief of En-
24 gineers shall allocate during the fourth quarter any re-
25 maining funds which have not been used for emergency

1 activities proportionally in accordance with the amounts
2 provided for the programs, projects, or activities.

3 REGULATORY PROGRAM

4 For expenses necessary for administration of laws
5 pertaining to regulation of navigable waters and wetlands,
6 \$200,000,000, to remain available until September 30,
7 2019.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

9 For expenses necessary to clean up contamination
10 from sites in the United States resulting from work per-
11 formed as part of the Nation's early atomic energy pro-
12 gram, \$139,000,000, to remain available until expended.

13 FLOOD CONTROL AND COASTAL EMERGENCIES

14 For expenses necessary to prepare for flood, hurri-
15 cane, and other natural disasters and support emergency
16 operations, repairs, and other activities in response to
17 such disasters as authorized by law, \$35,000,000, to re-
18 main available until expended.

19 EXPENSES

20 For expenses necessary for the supervision and gen-
21 eral administration of the civil works program in the head-
22 quarters of the Corps of Engineers and the offices of the
23 Division Engineers; and for costs of management and op-
24 eration of the Humphreys Engineer Center Support Activ-
25 ity, the Institute for Water Resources, the United States

1 Army Engineer Research and Development Center, and
2 the United States Army Corps of Engineers Finance Cen-
3 ter allocable to the civil works program, \$185,000,000, to
4 remain available until September 30, 2019, of which not
5 to exceed \$5,000 may be used for official reception and
6 representation purposes and only during the current fiscal
7 year: *Provided*, That no part of any other appropriation
8 provided in this title shall be available to fund the civil
9 works activities of the Office of the Chief of Engineers
10 or the civil works executive direction and management ac-
11 tivities of the division offices: *Provided further*, That any
12 Flood Control and Coastal Emergencies appropriation
13 may be used to fund the supervision and general adminis-
14 tration of emergency operations, repairs, and other activi-
15 ties in response to any flood, hurricane, or other natural
16 disaster.

17 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
18 FOR CIVIL WORKS

19 For the Office of the Assistant Secretary of the Army
20 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
21 \$5,000,000, to remain available until September 30, 2019:
22 *Provided*, That not more than 75 percent of such amount
23 may be obligated or expended until the Assistant Sec-
24 retary submits to the Committees on Appropriations of
25 both Houses of Congress a work plan that allocates at

1 least 95 percent of the additional funding provided under
2 each heading in this title (as designated under such head-
3 ing in the explanatory statement described in section 4
4 (in the matter preceding division A of this consolidated
5 Act)) to specific programs, projects, or activities.

6 GENERAL PROVISIONS—CORPS OF

7 ENGINEERS—CIVIL

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 101. (a) None of the funds provided in title I
10 of this Act, or provided by previous appropriations Acts
11 to the agencies or entities funded in title I of this Act
12 that remain available for obligation or expenditure in fiscal
13 year 2018, shall be available for obligation or expenditure
14 through a reprogramming of funds that:

15 (1) creates or initiates a new program, project,
16 or activity;

17 (2) eliminates a program, project, or activity;

18 (3) increases funds or personnel for any pro-
19 gram, project, or activity for which funds have been
20 denied or restricted by this Act, unless prior ap-
21 proval is received from the House and Senate Com-
22 mittees on Appropriations;

23 (4) proposes to use funds directed for a specific
24 activity for a different purpose, unless prior approval

1 is received from the House and Senate Committees
2 on Appropriations;

3 (5) augments or reduces existing programs,
4 projects, or activities in excess of the amounts con-
5 tained in paragraphs (6) through (10), unless prior
6 approval is received from the House and Senate
7 Committees on Appropriations;

8 (6) INVESTIGATIONS.—For a base level over
9 \$100,000, reprogramming of 25 percent of the base
10 amount up to a limit of \$150,000 per project, study
11 or activity is allowed: *Provided*, That for a base level
12 less than \$100,000, the reprogramming limit is
13 \$25,000: *Provided further*, That up to \$25,000 may
14 be reprogrammed into any continuing study or activ-
15 ity that did not receive an appropriation for existing
16 obligations and concomitant administrative expenses;

17 (7) CONSTRUCTION.—For a base level over
18 \$2,000,000, reprogramming of 15 percent of the
19 base amount up to a limit of \$3,000,000 per project,
20 study or activity is allowed: *Provided*, That for a
21 base level less than \$2,000,000, the reprogramming
22 limit is \$300,000: *Provided further*, That up to
23 \$3,000,000 may be reprogrammed for settled con-
24 tractor claims, changed conditions, or real estate de-
25 ficiency judgments: *Provided further*, That up to

1 \$300,000 may be reprogrammed into any continuing
2 study or activity that did not receive an appropria-
3 tion for existing obligations and concomitant admin-
4 istrative expenses;

5 (8) OPERATION AND MAINTENANCE.—Unlim-
6 ited reprogramming authority is granted for the
7 Corps to be able to respond to emergencies: *Pro-*
8 *vided*, That the Chief of Engineers shall notify the
9 House and Senate Committees on Appropriations of
10 these emergency actions as soon thereafter as prac-
11 ticable: *Provided further*, That for a base level over
12 \$1,000,000, reprogramming of 15 percent of the
13 base amount up to a limit of \$5,000,000 per project,
14 study, or activity is allowed: *Provided further*, That
15 for a base level less than \$1,000,000, the re-
16 programming limit is \$150,000: *Provided further*,
17 That \$150,000 may be reprogrammed into any con-
18 tinuing study or activity that did not receive an ap-
19 propriation;

20 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
21 The reprogramming guidelines in paragraphs (6),
22 (7), and (8) shall apply to the Investigations, Con-
23 struction, and Operation and Maintenance portions
24 of the Mississippi River and Tributaries Account, re-
25 spectively; and

1 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
2 TION PROGRAM.—Reprogramming of up to 15 per-
3 cent of the base of the receiving project is permitted.

4 (b) DE MINIMUS REPROGRAMMINGS.—In no case
5 should a reprogramming for less than \$50,000 be sub-
6 mitted to the House and Senate Committees on Appro-
7 priations.

8 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-
9 section (a)(1) shall not apply to any project or activity
10 funded under the continuing authorities program.

11 (d) Not later than 60 days after the date of enact-
12 ment of this Act, the Secretary shall submit a report to
13 the House and Senate Committees on Appropriations to
14 establish the baseline for application of reprogramming
15 and transfer authorities for the current fiscal year which
16 shall include:

17 (1) A table for each appropriation with a sepa-
18 rate column to display the President’s budget re-
19 quest, adjustments made by Congress, adjustments
20 due to enacted rescissions, if applicable, and the fis-
21 cal year enacted level; and

22 (2) A delineation in the table for each appro-
23 priation both by object class and program, project
24 and activity as detailed in the budget appendix for
25 the respective appropriations; and

1 (3) An identification of items of special congres-
2 sional interest.

3 SEC. 102. The Secretary shall allocate funds made
4 available in this Act solely in accordance with the provi-
5 sions of this Act and the explanatory statement described
6 in section 4 (in the matter preceding division A of this
7 consolidated Act), including the determination and des-
8 ignation of new starts.

9 SEC. 103. None of the funds made available in this
10 title may be used to award or modify any contract that
11 commits funds beyond the amounts appropriated for that
12 program, project, or activity that remain unobligated, ex-
13 cept that such amounts may include any funds that have
14 been made available through reprogramming pursuant to
15 section 101.

16 SEC. 104. The Secretary of the Army may transfer
17 to the Fish and Wildlife Service, and the Fish and Wildlife
18 Service may accept and expend, up to \$5,400,000 of funds
19 provided in this title under the heading “Operation and
20 Maintenance” to mitigate for fisheries lost due to Corps
21 of Engineers projects.

22 SEC. 105. None of the funds in this Act shall be used
23 for an open lake placement alternative for dredged mate-
24 rial, after evaluating the least costly, environmentally ac-
25 ceptable manner for the disposal or management of

1 dredged material originating from Lake Erie or tributaries
2 thereto, unless it is approved under a State water quality
3 certification pursuant to section 401 of the Federal Water
4 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
5 until an open lake placement alternative for dredged mate-
6 rial is approved under a State water quality certification,
7 the Corps of Engineers shall continue upland placement
8 of such dredged material consistent with the requirements
9 of section 101 of the Water Resources Development Act
10 of 1986 (33 U.S.C. 2211).

11 SEC. 106. None of the funds made available in this
12 title may be used for any acquisition of buoy chain that
13 is not consistent with 48 CFR 225.7007, subsections
14 (a)(1) and (a)(2).

15 SEC. 107. None of the funds made available by this
16 Act may be used to carry out any water supply reallocation
17 study under the Wolf Creek Dam, Lake Cumberland, Ken-
18 tucky, project authorized under the Act of July 24, 1946
19 (60 Stat. 636, ch. 595).

20 SEC. 108. None of the funds made available by this
21 Act may be used to require a permit for the discharge
22 of dredged or fill material under the Federal Water Pollu-
23 tion Control Act (33 U.S.C. 1251 et seq.) for the activities
24 identified in subparagraphs (A) and (C) of section
25 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

1 SEC. 109. Relative to the Rough River Lake Flowage
2 Easement Encroachment Resolution Plan, the Chief of
3 Engineers shall submit to the Committees on Appropria-
4 tions of both Houses of Congress, not later than 180 days
5 after the date of enactment of this Act, a report that in-
6 cludes an inventory of habitable structures and improve-
7 ments built, installed, or established in the flowage ease-
8 ment boundary; whether each such structure or improve-
9 ment in the inventory was built, installed or established
10 within the flowage easement boundary before or after the
11 surveys conducted by the Corps of Engineers in 2013,
12 2014, and 2015; and what notice landowners had of the
13 flowage easement boundary prior to those surveys.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$10,500,000, to remain
7 available until expended, of which \$898,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission: *Provided*, That of
11 the amount provided under this heading, \$1,450,000 shall
12 be available until September 30, 2019, for expenses nec-
13 essary in carrying out related responsibilities of the Sec-
14 retary of the Interior: *Provided further*, That for fiscal
15 year 2018, of the amount made available to the Commis-
16 sion under this Act or any other Act, the Commission may
17 use an amount not to exceed \$1,500,000 for administra-
18 tive expenses.

19 BUREAU OF RECLAMATION

20 The following appropriations shall be expended to
21 execute authorized functions of the Bureau of Reclama-
22 tion:

1 WATER AND RELATED RESOURCES

2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian tribes, and others, \$1,332,124,000, to
11 remain available until expended, of which \$67,693,000
12 shall be available for transfer to the Upper Colorado River
13 Basin Fund and \$5,551,000 shall be available for transfer
14 to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund: *Provided*, That
17 such transfers may be increased or decreased within the
18 overall appropriation under this heading: *Provided further*,
19 That of the total appropriated, the amount for program
20 activities that can be financed by the Reclamation Fund
21 or the Bureau of Reclamation special fee account estab-
22 lished by 16 U.S.C. 6806 shall be derived from that Fund
23 or account: *Provided further*, That funds contributed
24 under 43 U.S.C. 395 are available until expended for the
25 purposes for which the funds were contributed: *Provided*

1 *further*, That funds advanced under 43 U.S.C. 397a shall
2 be credited to this account and are available until ex-
3 pended for the same purposes as the sums appropriated
4 under this heading: *Provided further*, That of the amounts
5 provided herein, funds may be used for high-priority
6 projects which shall be carried out by the Youth Conserva-
7 tion Corps, as authorized by 16 U.S.C. 1706: *Provided*
8 *further*, That in accordance with section 4009(c) of Public
9 Law 114–322 and as recommended by the Secretary in
10 a letter dated November 21, 2017, funding provided for
11 such purpose in fiscal year 2017 shall be made available
12 to the North Valley Regional Recycled Water Program,
13 the Orange County Sanitation District Effluent Reuse Im-
14 plementation Project—Headworks Segregation, and the
15 Groundwater Reliability Improvement Program (GRIP)
16 Recycled Water Project: *Provided further*, That in accord-
17 ance with section 4007 of Public Law 114–322 and as
18 recommended by the Secretary in a letter dated February
19 23, 2018, funding provided for such purpose in fiscal year
20 2017 shall be made available to the Shasta Dam and Res-
21 ervoir Enlargement Project, the North-of-Delta Offstream
22 Storage Investigation/Sites Reservoir Storage Project, the
23 Upper San Joaquin River Basin Storage Investigation, the
24 Friant-Kern Canal Subsidence Challenges Project, the
25 Boise River Basin Feasibility Study, the Yakima River

1 Basin Water Enhancement Project—Cle Elum Pool Raise,
2 and the Upper Yakima System Storage Feasibility Study.

3 CENTRAL VALLEY PROJECT RESTORATION FUND

4 For carrying out the programs, projects, plans, habi-
5 tat restoration, improvement, and acquisition provisions of
6 the Central Valley Project Improvement Act, \$41,376,000,
7 to be derived from such sums as may be collected in the
8 Central Valley Project Restoration Fund pursuant to sec-
9 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
10 102–575, to remain available until expended: *Provided*,
11 That the Bureau of Reclamation is directed to assess and
12 collect the full amount of the additional mitigation and
13 restoration payments authorized by section 3407(d) of
14 Public Law 102–575: *Provided further*, That none of the
15 funds made available under this heading may be used for
16 the acquisition or leasing of water for in-stream purposes
17 if the water is already committed to in-stream purposes
18 by a court adopted decree or order.

19 CALIFORNIA BAY-DELTA RESTORATION

20 (INCLUDING TRANSFERS OF FUNDS)

21 For carrying out activities authorized by the Water
22 Supply, Reliability, and Environmental Improvement Act,
23 consistent with plans to be approved by the Secretary of
24 the Interior, \$37,000,000, to remain available until ex-
25 pended, of which such amounts as may be necessary to

1 carry out such activities may be transferred to appropriate
2 accounts of other participating Federal agencies to carry
3 out authorized purposes: *Provided*, That funds appro-
4 priated herein may be used for the Federal share of the
5 costs of CALFED Program management: *Provided fur-*
6 *ther*, That CALFED implementation shall be carried out
7 in a balanced manner with clear performance measures
8 demonstrating concurrent progress in achieving the goals
9 and objectives of the Program.

10 POLICY AND ADMINISTRATION

11 For expenses necessary for policy, administration,
12 and related functions in the Office of the Commissioner,
13 the Denver office, and offices in the five regions of the
14 Bureau of Reclamation, to remain available until Sep-
15 tember 30, 2019, \$59,000,000, to be derived from the
16 Reclamation Fund and be nonreimbursable as provided in
17 43 U.S.C. 377: *Provided*, That no part of any other appro-
18 priation in this Act shall be available for activities or func-
19 tions budgeted as policy and administration expenses.

20 ADMINISTRATIVE PROVISION

21 Appropriations for the Bureau of Reclamation shall
22 be available for purchase of not to exceed five passenger
23 motor vehicles, which are for replacement only.

1 GENERAL PROVISIONS—DEPARTMENT OF THE
2 INTERIOR

3 SEC. 201. (a) None of the funds provided in title II
4 of this Act for Water and Related Resources, or provided
5 by previous or subsequent appropriations Acts to the agen-
6 cies or entities funded in title II of this Act for Water
7 and Related Resources that remain available for obligation
8 or expenditure in fiscal year 2018, shall be available for
9 obligation or expenditure through a reprogramming of
10 funds that—

11 (1) initiates or creates a new program, project,
12 or activity;

13 (2) eliminates a program, project, or activity;

14 (3) increases funds for any program, project, or
15 activity for which funds have been denied or re-
16 stricted by this Act, unless prior approval is received
17 from the Committees on Appropriations of the
18 House of Representatives and the Senate;

19 (4) restarts or resumes any program, project or
20 activity for which funds are not provided in this Act,
21 unless prior approval is received from the Commit-
22 tees on Appropriations of the House of Representa-
23 tives and the Senate;

24 (5) transfers funds in excess of the following
25 limits, unless prior approval is received from the

1 Committees on Appropriations of the House of Rep-
2 resentatives and the Senate:

3 (A) 15 percent for any program, project or
4 activity for which \$2,000,000 or more is avail-
5 able at the beginning of the fiscal year; or

6 (B) \$400,000 for any program, project or
7 activity for which less than \$2,000,000 is avail-
8 able at the beginning of the fiscal year;

9 (6) transfers more than \$500,000 from either
10 the Facilities Operation, Maintenance, and Rehabili-
11 tation category or the Resources Management and
12 Development category to any program, project, or
13 activity in the other category, unless prior approval
14 is received from the Committees on Appropriations
15 of the House of Representatives and the Senate; or

16 (7) transfers, where necessary to discharge legal
17 obligations of the Bureau of Reclamation, more than
18 \$5,000,000 to provide adequate funds for settled
19 contractor claims, increased contractor earnings due
20 to accelerated rates of operations, and real estate de-
21 ficiency judgments, unless prior approval is received
22 from the Committees on Appropriations of the
23 House of Representatives and the Senate.

1 (b) Subsection (a)(5) shall not apply to any transfer
2 of funds within the Facilities Operation, Maintenance, and
3 Rehabilitation category.

4 (c) For purposes of this section, the term transfer
5 means any movement of funds into or out of a program,
6 project, or activity.

7 (d) The Bureau of Reclamation shall submit reports
8 on a quarterly basis to the Committees on Appropriations
9 of the House of Representatives and the Senate detailing
10 all the funds reprogrammed between programs, projects,
11 activities, or categories of funding. The first quarterly re-
12 port shall be submitted not later than 60 days after the
13 date of enactment of this Act.

14 SEC. 202. (a) None of the funds appropriated or oth-
15 erwise made available by this Act may be used to deter-
16 mine the final point of discharge for the interceptor drain
17 for the San Luis Unit until development by the Secretary
18 of the Interior and the State of California of a plan, which
19 shall conform to the water quality standards of the State
20 of California as approved by the Administrator of the En-
21 vironmental Protection Agency, to minimize any detri-
22 mental effect of the San Luis drainage waters.

23 (b) The costs of the Kesterson Reservoir Cleanup
24 Program and the costs of the San Joaquin Valley Drain-
25 age Program shall be classified by the Secretary of the

1 Interior as reimbursable or nonreimbursable and collected
2 until fully repaid pursuant to the “Cleanup Program—
3 Alternative Repayment Plan” and the “SJVDP—Alter-
4 native Repayment Plan” described in the report entitled
5 “Repayment Report, Kesterson Reservoir Cleanup Pro-
6 gram and San Joaquin Valley Drainage Program, Feb-
7 ruary 1995”, prepared by the Department of the Interior,
8 Bureau of Reclamation. Any future obligations of funds
9 by the United States relating to, or providing for, drainage
10 service or drainage studies for the San Luis Unit shall
11 be fully reimbursable by San Luis Unit beneficiaries of
12 such service or studies pursuant to Federal reclamation
13 law.

14 SEC. 203. (a) Section 104(c) of the Reclamation
15 States Emergency Drought Relief Act of 1991 (43 U.S.C.
16 2214(c)) is amended by striking “2017” and inserting
17 “2020”.

18 (b) Section 301 of the Reclamation States Emergency
19 Drought Relief Act of 1991 (43 U.S.C. 2241) is amended
20 by—

- 21 (1) striking “2017” and inserting “2020”; and
- 22 (2) striking “\$90,000,000” and inserting
23 “\$120,000,000”.

24 SEC. 204. Notwithstanding any other provision of
25 law, during the period from November 1 through April 30,

1 water users may use their diversion structures for the pur-
2 pose of recharging the Eastern Snake Plain Aquifer, when
3 the Secretary, in consultation with the Advisory Com-
4 mittee and Water District 1 watermaster, determines
5 there is water available in excess of that needed to satisfy
6 existing Minidoka Project storage and hydropower rights
7 and ensure operational flexibility.

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS

4 ENERGY EFFICIENCY AND RENEWABLE ENERGY

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for energy
8 efficiency and renewable energy activities in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 \$2,321,778,000, to remain available until expended: *Pro-*
14 *vided*, That of such amount, \$162,500,000 shall be avail-
15 able until September 30, 2019, for program direction.

16 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

17 For Department of Energy expenses including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment, and other expenses necessary for elec-
20 tricity delivery and energy reliability activities in carrying
21 out the purposes of the Department of Energy Organiza-
22 tion Act (42 U.S.C. 7101 et seq.), including the acqui-
23 sition or condemnation of any real property or any facility
24 or for plant or facility acquisition, construction, or expan-
25 sion, \$248,329,000, to remain available until expended:

1 *Provided*, That of such amount, \$28,500,000 shall be
2 available until September 30, 2019, for program direction.

3
4 NUCLEAR ENERGY

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for nuclear
8 energy activities in carrying out the purposes of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including the acquisition or condemnation of any
11 real property or any facility or for plant or facility acquisi-
12 tion, construction, or expansion, \$1,205,056,000, to re-
13 main available until expended: *Provided*, That of such
14 amount, \$80,000,000 shall be available until September
15 30, 2019, for program direction.

16 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

17 For Department of Energy expenses necessary in car-
18 rying out fossil energy research and development activi-
19 ties, under the authority of the Department of Energy Or-
20 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
21 quisition of interest, including defeasible and equitable in-
22 terests in any real property or any facility or for plant
23 or facility acquisition or expansion, and for conducting in-
24 quiries, technological investigations and research con-
25 cerning the extraction, processing, use, and disposal of
mineral substances without objectionable social and envi-

1 ronmental costs (30 U.S.C. 3, 1602, and 1603),
2 \$726,817,000, to remain available until expended: *Pro-*
3 *vided*, That of such amount \$60,000,000 shall be available
4 until September 30, 2019, for program direction.

5 NAVAL PETROLEUM AND OIL SHALE RESERVES

6 For Department of Energy expenses necessary to
7 carry out naval petroleum and oil shale reserve activities,
8 \$4,900,000, to remain available until expended: *Provided*,
9 That notwithstanding any other provision of law, unobli-
10 gated funds remaining from prior years shall be available
11 for all naval petroleum and oil shale reserve activities.

12 STRATEGIC PETROLEUM RESERVE

13 For Department of Energy expenses necessary for
14 Strategic Petroleum Reserve facility development and op-
15 erations and program management activities pursuant to
16 the Energy Policy and Conservation Act (42 U.S.C. 6201
17 et seq.), \$252,000,000, to remain available until expended:
18 *Provided*, That, as authorized by section 404 of the Bipar-
19 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
20 6239 note), the Secretary of Energy shall draw down and
21 sell not to exceed \$350,000,000 of crude oil from the Stra-
22 tegic Petroleum Reserve in fiscal year 2018: *Provided fur-*
23 *ther*, That the proceeds from such drawdown and sale shall
24 be deposited into the “Energy Security and Infrastructure
25 Modernization Fund” during fiscal year 2018: *Provided*

1 *further*, That such amounts shall remain available until
2 expended for necessary expenses to carry out the Life Ex-
3 tension II project for the Strategic Petroleum Reserve:
4 *Provided further*, That section 158 of the Continuing Ap-
5 propriations Act, 2018 (division D of Public Law 115–
6 56), as amended by the Further Extension of Continuing
7 Appropriations Act, 2018 (subdivision 3 of division B of
8 Public Law 115–123), shall no longer apply.

9 SPR PETROLEUM ACCOUNT

10 For the acquisition, transportation, and injection of
11 petroleum products, and for other necessary expenses pur-
12 suant to the Energy Policy and Conservation Act of 1975,
13 as amended (42 U.S.C. 6201 et seq.), sections 403 and
14 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
15 6241, 6239 note), and section 5010 of the 21st Century
16 Cures Act (Public Law 114–255), \$8,400,000, to remain
17 available until expended.

18 NORTHEAST HOME HEATING OIL RESERVE

19 For Department of Energy expenses necessary for
20 Northeast Home Heating Oil Reserve storage, operation,
21 and management activities pursuant to the Energy Policy
22 and Conservation Act (42 U.S.C. 6201 et seq.),
23 \$6,500,000, to remain available until expended.

1 ENERGY INFORMATION ADMINISTRATION

2 For Department of Energy expenses necessary in car-
3 rying out the activities of the Energy Information Admin-
4 istration, \$125,000,000, to remain available until ex-
5 pended.

6 NON-DEFENSE ENVIRONMENTAL CLEANUP

7 For Department of Energy expenses, including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment and other expenses necessary for non-de-
10 fense environmental cleanup activities in carrying out the
11 purposes of the Department of Energy Organization Act
12 (42 U.S.C. 7101 et seq.), including the acquisition or con-
13 demnation of any real property or any facility or for plant
14 or facility acquisition, construction, or expansion,
15 \$298,400,000, to remain available until expended.

16 URANIUM ENRICHMENT DECONTAMINATION AND
17 DECOMMISSIONING FUND

18 For Department of Energy expenses necessary in car-
19 rying out uranium enrichment facility decontamination
20 and decommissioning, remedial actions, and other activi-
21 ties of title II of the Atomic Energy Act of 1954, and
22 title X, subtitle A, of the Energy Policy Act of 1992,
23 \$840,000,000, to be derived from the Uranium Enrich-
24 ment Decontamination and Decommissioning Fund, to re-
25 main available until expended, of which \$35,732,000 shall

1 be available in accordance with title X, subtitle A, of the
2 Energy Policy Act of 1992.

3 SCIENCE

4 For Department of Energy expenses including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment, and other expenses necessary for science
7 activities in carrying out the purposes of the Department
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
9 cluding the acquisition or condemnation of any real prop-
10 erty or facility or for plant or facility acquisition, construc-
11 tion, or expansion, and purchase of not more than 16 pas-
12 senger motor vehicles for replacement only, including one
13 ambulance and one bus, \$6,259,903,000, to remain avail-
14 able until expended: *Provided*, That of such amount,
15 \$183,000,000 shall be available until September 30, 2019,
16 for program direction.

17 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

18 For Department of Energy expenses necessary in car-
19 rying out the activities authorized by section 5012 of the
20 America COMPETES Act (Public Law 110–69),
21 \$353,314,000, to remain available until expended: *Pro-*
22 *vided*, That of such amount, \$29,250,000 shall be avail-
23 able until September 30, 2019, for program direction.

1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
2 PROGRAM

3 Such sums as are derived from amounts received
4 from borrowers pursuant to section 1702(b) of the Energy
5 Policy Act of 2005 under this heading in prior Acts, shall
6 be collected in accordance with section 502(7) of the Con-
7 gressional Budget Act of 1974: *Provided*, That for nec-
8 essary administrative expenses to carry out this Loan
9 Guarantee program, \$33,000,000 is appropriated from
10 fees collected in prior years pursuant to section 1702(h)
11 of the Energy Policy Act of 2005 which are not otherwise
12 appropriated, to remain available until September 30,
13 2019: *Provided further*, That if the amount in the previous
14 proviso is not available from such fees, an amount for such
15 purposes is also appropriated from the general fund so as
16 to result in a total amount appropriated for such purpose
17 of no more than \$23,000,000: *Provided further*, That fees
18 collected pursuant to such section 1702(h) for fiscal year
19 2018 shall be credited as offsetting collections under this
20 heading and shall not be available until appropriated: *Pro-*
21 *vided further*, That the Department of Energy shall not
22 subordinate any loan obligation to other financing in viola-
23 tion of section 1702 of the Energy Policy Act of 2005 or
24 subordinate any Guaranteed Obligation to any loan or

1 cost of work are offset by revenue increases of the same
2 or greater amount: *Provided further*, That moneys received
3 by the Department for miscellaneous revenues estimated
4 to total \$96,000,000 in fiscal year 2018 may be retained
5 and used for operating expenses within this account, as
6 authorized by section 201 of Public Law 95–238, notwith-
7 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
8 *ther*, That the sum herein appropriated shall be reduced
9 as collections are received during the fiscal year so as to
10 result in a final fiscal year 2018 appropriation from the
11 general fund estimated at not more than \$189,652,000.

12 OFFICE OF THE INSPECTOR GENERAL

13 For expenses necessary for the Office of the Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, \$49,000,000, to remain available
16 until September 30, 2019.

17 ATOMIC ENERGY DEFENSE ACTIVITIES

18 NATIONAL NUCLEAR SECURITY

19 ADMINISTRATION

20 WEAPONS ACTIVITIES

21 For Department of Energy expenses, including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment and other incidental expenses necessary for
24 atomic energy defense weapons activities in carrying out
25 the purposes of the Department of Energy Organization

1 Act (42 U.S.C. 7101 et seq.), including the acquisition or
2 condemnation of any real property or any facility or for
3 plant or facility acquisition, construction, or expansion,
4 \$10,642,138,000, to remain available until expended: *Pro-*
5 *vided*, That of such amount, \$105,600,000 shall be avail-
6 able until September 30, 2019, for program direction.

7 DEFENSE NUCLEAR NONPROLIFERATION

8 (INCLUDING RESCISSION OF FUNDS)

9 For Department of Energy expenses, including the
10 purchase, construction, and acquisition of plant and cap-
11 ital equipment and other incidental expenses necessary for
12 defense nuclear nonproliferation activities, in carrying out
13 the purposes of the Department of Energy Organization
14 Act (42 U.S.C. 7101 et seq.), including the acquisition or
15 condemnation of any real property or any facility or for
16 plant or facility acquisition, construction, or expansion,
17 \$2,048,219,000, to remain available until expended: *Pro-*
18 *vided*, That of the unobligated balances from prior year
19 appropriations available under this heading, \$49,000,000
20 is hereby rescinded: *Provided further*, That no amounts
21 may be rescinded from amounts that were designated by
22 the Congress as an emergency requirement pursuant to
23 a concurrent resolution on the budget or the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 NAVAL REACTORS

2 (INCLUDING TRANSFER OF FUNDS)

3 For Department of Energy expenses necessary for
4 naval reactors activities to carry out the Department of
5 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
6 ing the acquisition (by purchase, condemnation, construc-
7 tion, or otherwise) of real property, plant, and capital
8 equipment, facilities, and facility expansion,
9 \$1,620,000,000, to remain available until expended, of
10 which, \$85,500,000 shall be transferred to “Department
11 of Energy—Energy Programs—Nuclear Energy”, for the
12 Advanced Test Reactor: *Provided*, That of such amount,
13 \$47,651,000 shall be available until September 30, 2019,
14 for program direction.

15 FEDERAL SALARIES AND EXPENSES

16 For expenses necessary for Federal Salaries and Ex-
17 penses in the National Nuclear Security Administration,
18 \$407,595,000, to remain available until September 30,
19 2019, including official reception and representation ex-
20 penses not to exceed \$12,000.

21 ENVIRONMENTAL AND OTHER DEFENSE

22 ACTIVITIES

23 DEFENSE ENVIRONMENTAL CLEANUP

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other expenses necessary for atomic
2 energy defense environmental cleanup activities in car-
3 rying out the purposes of the Department of Energy Orga-
4 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
5 sition or condemnation of any real property or any facility
6 or for plant or facility acquisition, construction, or expan-
7 sion, \$5,988,048,000, to remain available until expended:
8 *Provided*, That of such amount, \$300,000,000 shall be
9 available until September 30, 2019, for program direction.

10 OTHER DEFENSE ACTIVITIES

11 For Department of Energy expenses, including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment and other expenses, necessary for atomic
14 energy defense, other defense activities, and classified ac-
15 tivities, in carrying out the purposes of the Department
16 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
17 cluding the acquisition or condemnation of any real prop-
18 erty or any facility or for plant or facility acquisition, con-
19 struction, or expansion, \$840,000,000, to remain available
20 until expended: *Provided*, That of such amount,
21 \$284,653,000 shall be available until September 30, 2019,
22 for program direction.

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

3 Expenditures from the Bonneville Power Administra-
4 tion Fund, established pursuant to Public Law 93-454,
5 are approved for official reception and representation ex-
6 penses in an amount not to exceed \$5,000: *Provided*, That
7 during fiscal year 2018, no new direct loan obligations
8 may be made.

9 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
10 ADMINISTRATION

11 For expenses necessary for operation and mainte-
12 nance of power transmission facilities and for marketing
13 electric power and energy, including transmission wheeling
14 and ancillary services, pursuant to section 5 of the Flood
15 Control Act of 1944 (16 U.S.C. 825s), as applied to the
16 southeastern power area, \$6,379,000, including official re-
17 ception and representation expenses in an amount not to
18 exceed \$1,500, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding 31 U.S.C. 3302 and section
20 5 of the Flood Control Act of 1944, up to \$6,379,000 col-
21 lected by the Southeastern Power Administration from the
22 sale of power and related services shall be credited to this
23 account as discretionary offsetting collections, to remain
24 available until expended for the sole purpose of funding
25 the annual expenses of the Southeastern Power Adminis-

1 tration: *Provided further*, That the sum herein appro-
2 priated for annual expenses shall be reduced as collections
3 are received during the fiscal year so as to result in a final
4 fiscal year 2018 appropriation estimated at not more than
5 \$0: *Provided further*, That notwithstanding 31 U.S.C.
6 3302, up to \$51,000,000 collected by the Southeastern
7 Power Administration pursuant to the Flood Control Act
8 of 1944 to recover purchase power and wheeling expenses
9 shall be credited to this account as offsetting collections,
10 to remain available until expended for the sole purpose
11 of making purchase power and wheeling expenditures:
12 *Provided further*, That for purposes of this appropriation,
13 annual expenses means expenditures that are generally re-
14 covered in the same year that they are incurred (excluding
15 purchase power and wheeling expenses).

16 OPERATION AND MAINTENANCE, SOUTHWESTERN
17 POWER ADMINISTRATION

18 For expenses necessary for operation and mainte-
19 nance of power transmission facilities and for marketing
20 electric power and energy, for construction and acquisition
21 of transmission lines, substations and appurtenant facili-
22 ties, and for administrative expenses, including official re-
23 ception and representation expenses in an amount not to
24 exceed \$1,500 in carrying out section 5 of the Flood Con-
25 trol Act of 1944 (16 U.S.C. 825s), as applied to the

1 Southwestern Power Administration, \$30,288,000, to re-
2 main available until expended: *Provided*, That notwith-
3 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
4 trol Act of 1944 (16 U.S.C. 825s), up to \$18,888,000 col-
5 lected by the Southwestern Power Administration from
6 the sale of power and related services shall be credited to
7 this account as discretionary offsetting collections, to re-
8 main available until expended, for the sole purpose of
9 funding the annual expenses of the Southwestern Power
10 Administration: *Provided further*, That the sum herein ap-
11 propriated for annual expenses shall be reduced as collec-
12 tions are received during the fiscal year so as to result
13 in a final fiscal year 2018 appropriation estimated at not
14 more than \$11,400,000: *Provided further*, That notwith-
15 standing 31 U.S.C. 3302, up to \$40,000,000 collected by
16 the Southwestern Power Administration pursuant to the
17 Flood Control Act of 1944 to recover purchase power and
18 wheeling expenses shall be credited to this account as off-
19 setting collections, to remain available until expended for
20 the sole purpose of making purchase power and wheeling
21 expenditures: *Provided further*, That for purposes of this
22 appropriation, annual expenses means expenditures that
23 are generally recovered in the same year that they are in-
24 curred (excluding purchase power and wheeling expenses).

1 CONSTRUCTION, REHABILITATION, OPERATION AND
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-
3 TRATION

4 For carrying out the functions authorized by title III,
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42
6 U.S.C. 7152), and other related activities including con-
7 servation and renewable resources programs as author-
8 ized, \$223,276,000, including official reception and rep-
9 resentation expenses in an amount not to exceed \$1,500,
10 to remain available until expended, of which \$221,251,000
11 shall be derived from the Department of the Interior Rec-
12 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
13 3302, section 5 of the Flood Control Act of 1944 (16
14 U.S.C. 825s), and section 1 of the Interior Department
15 Appropriation Act, 1939 (43 U.S.C. 392a), up to
16 \$129,904,000 collected by the Western Area Power Ad-
17 ministration from the sale of power and related services
18 shall be credited to this account as discretionary offsetting
19 collections, to remain available until expended, for the sole
20 purpose of funding the annual expenses of the Western
21 Area Power Administration: *Provided further*, That the
22 sum herein appropriated for annual expenses shall be re-
23 duced as collections are received during the fiscal year so
24 as to result in a final fiscal year 2018 appropriation esti-
25 mated at not more than \$93,372,000, of which

1 \$91,347,000 is derived from the Reclamation Fund: *Pro-*
2 *vided further*, That notwithstanding 31 U.S.C. 3302, up
3 to \$209,000,000 collected by the Western Area Power Ad-
4 ministration pursuant to the Flood Control Act of 1944
5 and the Reclamation Project Act of 1939 to recover pur-
6 chase power and wheeling expenses shall be credited to
7 this account as offsetting collections, to remain available
8 until expended for the sole purpose of making purchase
9 power and wheeling expenditures: *Provided further*, That
10 for purposes of this appropriation, annual expenses means
11 expenditures that are generally recovered in the same year
12 that they are incurred (excluding purchase power and
13 wheeling expenses).

14 FALCON AND AMISTAD OPERATING AND MAINTENANCE
15 FUND

16 For operation, maintenance, and emergency costs for
17 the hydroelectric facilities at the Falcon and Amistad
18 Dams, \$4,176,000, to remain available until expended,
19 and to be derived from the Falcon and Amistad Operating
20 and Maintenance Fund of the Western Area Power Ad-
21 ministration, as provided in section 2 of the Act of June
22 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
23 the provisions of that Act and of 31 U.S.C. 3302, up to
24 \$3,948,000 collected by the Western Area Power Adminis-
25 tration from the sale of power and related services from

1 the Falcon and Amistad Dams shall be credited to this
2 account as discretionary offsetting collections, to remain
3 available until expended for the sole purpose of funding
4 the annual expenses of the hydroelectric facilities of these
5 Dams and associated Western Area Power Administration
6 activities: *Provided further*, That the sum herein appro-
7 priated for annual expenses shall be reduced as collections
8 are received during the fiscal year so as to result in a final
9 fiscal year 2018 appropriation estimated at not more than
10 \$228,000: *Provided further*, That for purposes of this ap-
11 propriation, annual expenses means expenditures that are
12 generally recovered in the same year that they are in-
13 curred: *Provided further*, That for fiscal year 2018, the
14 Administrator of the Western Area Power Administration
15 may accept up to \$872,000 in funds contributed by United
16 States power customers of the Falcon and Amistad Dams
17 for deposit into the Falcon and Amistad Operating and
18 Maintenance Fund, and such funds shall be available for
19 the purpose for which contributed in like manner as if said
20 sums had been specifically appropriated for such purpose:
21 *Provided further*, That any such funds shall be available
22 without further appropriation and without fiscal year limi-
23 tation for use by the Commissioner of the United States
24 Section of the International Boundary and Water Com-
25 mission for the sole purpose of operating, maintaining, re-

1 pairing, rehabilitating, replacing, or upgrading the hydro-
2 electric facilities at these Dams in accordance with agree-
3 ments reached between the Administrator, Commissioner,
4 and the power customers.

5 FEDERAL ENERGY REGULATORY COMMISSION
6 SALARIES AND EXPENSES

7 For expenses necessary for the Federal Energy Regu-
8 latory Commission to carry out the provisions of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including services as authorized by 5 U.S.C. 3109,
11 official reception and representation expenses not to ex-
12 ceed \$3,000, and the hire of passenger motor vehicles,
13 \$367,600,000, to remain available until expended: *Pro-*
14 *vided*, That notwithstanding any other provision of law,
15 not to exceed \$367,600,000 of revenues from fees and an-
16 nual charges, and other services and collections in fiscal
17 year 2018 shall be retained and used for expenses nec-
18 essary in this account, and shall remain available until ex-
19 pended: *Provided further*, That the sum herein appro-
20 priated from the general fund shall be reduced as revenues
21 are received during fiscal year 2018 so as to result in a
22 final fiscal year 2018 appropriation from the general fund
23 estimated at not more than \$0.

1 (D) announce publicly the intention to make an
2 allocation, award, or Agreement in excess of the lim-
3 its in subparagraph (A) or (B).

4 (2) The Secretary of Energy shall submit to the Com-
5 mittees on Appropriations of both Houses of Congress
6 within 15 days of the conclusion of each quarter a report
7 detailing each grant allocation or discretionary grant
8 award totaling less than \$1,000,000 provided during the
9 previous quarter.

10 (3) The notification required by paragraph (1) and
11 the report required by paragraph (2) shall include the re-
12 cipient of the award, the amount of the award, the fiscal
13 year for which the funds for the award were appropriated,
14 the account and program, project, or activity from which
15 the funds are being drawn, the title of the award, and
16 a brief description of the activity for which the award is
17 made.

18 (c) The Department of Energy may not, with respect
19 to any program, project, or activity that uses budget au-
20 thority made available in this title under the heading “De-
21 partment of Energy—Energy Programs”, enter into a
22 multiyear contract, award a multiyear grant, or enter into
23 a multiyear cooperative agreement unless—

1 (1) the contract, grant, or cooperative agree-
2 ment is funded for the full period of performance as
3 anticipated at the time of award; or

4 (2) the contract, grant, or cooperative agree-
5 ment includes a clause conditioning the Federal Gov-
6 ernment's obligation on the availability of future
7 year budget authority and the Secretary notifies the
8 Committees on Appropriations of both Houses of
9 Congress at least 3 days in advance.

10 (d) Except as provided in subsections (e), (f), and (g),
11 the amounts made available by this title shall be expended
12 as authorized by law for the programs, projects, and ac-
13 tivities specified in the "Final Bill" column in the "De-
14 partment of Energy" table included under the heading
15 "Title III—Department of Energy" in the explanatory
16 statement described in section 4 (in the matter preceding
17 division A of this consolidated Act).

18 (e) The amounts made available by this title may be
19 reprogrammed for any program, project, or activity, and
20 the Department shall notify the Committees on Appropria-
21 tions of both Houses of Congress at least 30 days prior
22 to the use of any proposed reprogramming that would
23 cause any program, project, or activity funding level to
24 increase or decrease by more than \$5,000,000 or 10 per-

1 cent, whichever is less, during the time period covered by
2 this Act.

3 (f) None of the funds provided in this title shall be
4 available for obligation or expenditure through a re-
5 programming of funds that—

6 (1) creates, initiates, or eliminates a program,
7 project, or activity;

8 (2) increases funds or personnel for any pro-
9 gram, project, or activity for which funds are denied
10 or restricted by this Act; or

11 (3) reduces funds that are directed to be used
12 for a specific program, project, or activity by this
13 Act.

14 (g)(1) The Secretary of Energy may waive any re-
15 quirement or restriction in this section that applies to the
16 use of funds made available for the Department of Energy
17 if compliance with such requirement or restriction would
18 pose a substantial risk to human health, the environment,
19 welfare, or national security.

20 (2) The Secretary of Energy shall notify the Commit-
21 tees on Appropriations of both Houses of Congress of any
22 waiver under paragraph (1) as soon as practicable, but
23 not later than 3 days after the date of the activity to which
24 a requirement or restriction would otherwise have applied.

1 Such notice shall include an explanation of the substantial
2 risk under paragraph (1) that permitted such waiver.

3 (h) The unexpended balances of prior appropriations
4 provided for activities in this Act may be available to the
5 same appropriation accounts for such activities established
6 pursuant to this title. Available balances may be merged
7 with funds in the applicable established accounts and
8 thereafter may be accounted for as one fund for the same
9 time period as originally enacted.

10 SEC. 302. Funds appropriated by this or any other
11 Act, or made available by the transfer of funds in this
12 Act, for intelligence activities are deemed to be specifically
13 authorized by the Congress for purposes of section 504
14 of the National Security Act of 1947 (50 U.S.C. 3094)
15 during fiscal year 2018 until the enactment of the Intel-
16 ligence Authorization Act for fiscal year 2018.

17 SEC. 303. None of the funds made available in this
18 title shall be used for the construction of facilities classi-
19 fied as high-hazard nuclear facilities under 10 CFR Part
20 830 unless independent oversight is conducted by the Of-
21 fice of Enterprise Assessments to ensure the project is in
22 compliance with nuclear safety requirements.

23 SEC. 304. None of the funds made available in this
24 title may be used to approve critical decision-2 or critical
25 decision-3 under Department of Energy Order 413.3B, or

1 any successive departmental guidance, for construction
2 projects where the total project cost exceeds
3 \$100,000,000, until a separate independent cost estimate
4 has been developed for the project for that critical deci-
5 sion.

6 SEC. 305. (a) None of the funds made available in
7 this or any prior Act under the heading “Defense Nuclear
8 Nonproliferation” may be made available to enter into new
9 contracts with, or new agreements for Federal assistance
10 to, the Russian Federation.

11 (b) The Secretary of Energy may waive the prohibi-
12 tion in subsection (a) if the Secretary determines that
13 such activity is in the national security interests of the
14 United States. This waiver authority may not be dele-
15 gated.

16 (c) A waiver under subsection (b) shall not be effec-
17 tive until 15 days after the date on which the Secretary
18 submits to the Committees on Appropriations of both
19 Houses of Congress, in classified form if necessary, a re-
20 port on the justification for the waiver.

21 SEC. 306. (a) NEW REGIONAL RESERVES.—The Sec-
22 retary of Energy may not establish any new regional pe-
23 troleum product reserve unless funding for the proposed
24 regional petroleum product reserve is explicitly requested

1 in advance in an annual budget submission and approved
2 by the Congress in an appropriations Act.

3 (b) The budget request or notification shall include—

4 (1) the justification for the new reserve;

5 (2) a cost estimate for the establishment, oper-
6 ation, and maintenance of the reserve, including
7 funding sources;

8 (3) a detailed plan for operation of the reserve,
9 including the conditions upon which the products
10 may be released;

11 (4) the location of the reserve; and

12 (5) the estimate of the total inventory of the re-
13 serve.

14 SEC. 307. The Secretary of Energy may not transfer
15 more than \$274,833,000 from the amounts made available
16 under this title to the working capital fund established
17 under section 653 of the Department of Energy Organiza-
18 tion Act (42 U.S.C. 7263): *Provided*, That the Secretary
19 may transfer additional amounts to the working capital
20 fund after the Secretary provides notification in advance
21 of any such transfer to the Committees on Appropriations
22 of both Houses of Congress: *Provided further*, That any
23 such notification shall identify the sources of funds by pro-
24 gram, project, or activity: *Provided further*, That the Sec-
25 retary shall notify the Committees on Appropriations of

1 both Houses of Congress before adding or removing any
2 activities from the fund.

3 SEC. 308. Not later than 90 days after the date of
4 enactment of this Act, the Secretary of the Department
5 of Energy, in consultation with the Office of Management
6 and Budget, shall submit to the Committees on Appropria-
7 tions of both Houses of Congress a report that provides
8 a detailed explanation, using specific receipts data and
9 legal authorities, of how each of the Western Area Power
10 Administration, the Southwestern Power Administration,
11 and the Southeastern Power Administration are executing
12 current receipt authority provided in this and prior year
13 appropriations Acts to create carryover of unobligated bal-
14 ances for purchase power and wheeling expenditures.

15 SEC. 309. (a) Funds provided by this Act for Project
16 99–D–143, Mixed Oxide Fuel Fabrication Facility, and
17 any funds provided by prior Acts for such Project that
18 remain unobligated, may be made available only for con-
19 struction and project support activities for such Project.

20 (b) The Secretary of Energy shall not be subject to
21 the requirements of subsection (a) if the Secretary waives
22 the requirements of section 3121(a) of the National De-
23 fense Authorization Act for Fiscal Year 2018 (Public Law
24 115–91) in accordance with subsection (b) of such section.

1 (c) If the Secretary waives the requirements of sec-
2 tion 3121(a) of the National Defense Authorization Act
3 for Fiscal Year 2018, the Secretary—

4 (1) shall concurrently submit to the Committees
5 on Appropriations of both Houses of Congress the
6 lifecycle cost estimate used to make the certification
7 under section 3121(b) of such Act; and

8 (2) may not use funds provided for the Project
9 to eliminate such Project until the date that is 30
10 days after the submission of the lifecycle cost esti-
11 mate required under paragraph (1).

12 SEC. 310. The unappropriated receipts currently in
13 the Uranium Supply and Enrichment Activities account
14 shall be transferred to and merged with the Uranium En-
15 richment Decontamination and Decommissioning Fund
16 and shall be available only to the extent provided in ad-
17 vance in appropriations Acts.

18 SEC. 311. Notwithstanding section 161 of the Energy
19 Policy and Conservation Act (42 U.S.C. 6241), upon a
20 determination by the President in this fiscal year that a
21 regional supply shortage of refined petroleum product of
22 significant scope and duration exists, that a severe in-
23 crease in the price of refined petroleum product will likely
24 result from such shortage, and that a draw down and sale
25 of refined petroleum product would assist directly and sig-

1 nificantly in reducing the adverse impact of such shortage,
2 the Secretary of Energy may draw down and sell refined
3 petroleum product from the Strategic Petroleum Reserve.
4 Proceeds from a sale under this section shall be deposited
5 into the SPR Petroleum Account established in section
6 167 of the Energy Policy and Conservation Act (42 U.S.C.
7 6247), and such amounts shall be available for obligation,
8 without fiscal year limitation, consistent with that section.

1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, and for expenses necessary for the Federal Co-
7 Chairman and the Alternate on the Appalachian Regional
8 Commission, for payment of the Federal share of the ad-
9 ministrative expenses of the Commission, including serv-
10 ices as authorized by 5 U.S.C. 3109, and hire of passenger
11 motor vehicles, \$155,000,000, to remain available until ex-
12 pended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
14 SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100–456, section 1441, \$31,000,000, to remain
19 available until September 30, 2019.

20 DELTA REGIONAL AUTHORITY
21 SALARIES AND EXPENSES

22 For expenses necessary for the Delta Regional Au-
23 thority and to carry out its activities, as authorized by
24 the Delta Regional Authority Act of 2000, notwith-

1 standing sections 382F(d), 382M, and 382N of said Act,
2 \$25,000,000, to remain available until expended.

3 DENALI COMMISSION

4 For expenses necessary for the Denali Commission
5 including the purchase, construction, and acquisition of
6 plant and capital equipment as necessary and other ex-
7 penses, \$30,000,000, to remain available until expended,
8 notwithstanding the limitations contained in section
9 306(g) of the Denali Commission Act of 1998: *Provided*,
10 That funds shall be available for construction projects in
11 an amount not to exceed 80 percent of total project cost
12 for distressed communities, as defined by section 307 of
13 the Denali Commission Act of 1998 (division C, title III,
14 Public Law 105–277), as amended by section 701 of ap-
15 pendix D, title VII, Public Law 106–113 (113 Stat.
16 1501A–280), and an amount not to exceed 50 percent for
17 non-distressed communities: *Provided further*, That not-
18 withstanding any other provision of law regarding pay-
19 ment of a non-Federal share in connection with a grant-
20 in-aid program, amounts under this heading shall be avail-
21 able for the payment of such a non-Federal share for pro-
22 grams undertaken to carry out the purposes of the Com-
23 mission.

1 NORTHERN BORDER REGIONAL COMMISSION

2 For expenses necessary for the Northern Border Re-
3 gional Commission in carrying out activities authorized by
4 subtitle V of title 40, United States Code, \$15,000,000,
5 to remain available until expended: *Provided*, That such
6 amounts shall be available for administrative expenses,
7 notwithstanding section 15751(b) of title 40, United
8 States Code: *Provided further*, That during fiscal year
9 2018, the duties and authority of the Federal Cochair-
10 person shall be assumed by the Northern Border Regional
11 Commission Program Director if the position of the Fed-
12 eral Cochairperson and Alternate Federal Cochairperson
13 is vacant.

14 SOUTHEAST CRESCENT REGIONAL COMMISSION

15 For expenses necessary for the Southeast Crescent
16 Regional Commission in carrying out activities authorized
17 by subtitle V of title 40, United States Code, \$250,000,
18 to remain available until expended.

19 NUCLEAR REGULATORY COMMISSION

20 SALARIES AND EXPENSES

21 (INCLUDING RESCISSION OF FUNDS)

22 For expenses necessary for the Commission in car-
23 rying out the purposes of the Energy Reorganization Act
24 of 1974 and the Atomic Energy Act of 1954,
25 \$909,137,000, including official representation expenses

1 not to exceed \$25,000, to remain available until expended:
2 *Provided*, That of the amount appropriated herein, not
3 more than \$9,500,000 may be made available for salaries,
4 travel, and other support costs for the Office of the Com-
5 mission, to remain available until September 30, 2019, of
6 which, notwithstanding section 201(a)(2)(c) of the Energy
7 Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)),
8 the use and expenditure shall only be approved by a major-
9 ity vote of the Commission: *Provided further*, That reve-
10 nues from licensing fees, inspection services, and other
11 services and collections estimated at \$779,768,032 in fis-
12 cal year 2018 shall be retained and used for necessary
13 salaries and expenses in this account, notwithstanding 31
14 U.S.C. 3302, and shall remain available until expended:
15 *Provided further*, That of the amounts appropriated under
16 this heading, not less than \$10,000,000 shall be for activi-
17 ties related to the development of regulatory infrastruc-
18 ture for advanced nuclear technologies, and \$16,200,000
19 shall be for international activities, except that the
20 amounts provided under this proviso shall not be derived
21 from fee revenues, notwithstanding 42 U.S.C. 2214: *Pro-*
22 *vided further*, That the sum herein appropriated shall be
23 reduced by the amount of revenues received during fiscal
24 year 2018 so as to result in a final fiscal year 2018 appro-
25 priation estimated at not more than \$129,300,892: *Pro-*

1 *vided further*, That of the amounts appropriated under
2 this heading, \$10,000,000 shall be for university research
3 and development in areas relevant to the Commission's
4 mission, and \$5,000,000 shall be for a Nuclear Science
5 and Engineering Grant Program that will support
6 multiyear projects that do not align with programmatic
7 missions but are critical to maintaining the discipline of
8 nuclear science and engineering: *Provided further*, That
9 \$68,076.04 of unobligated balances from the funds trans-
10 ferred to the Nuclear Regulatory Commission from the
11 United States Agency for International Development pur-
12 suant to section 632(a) of the Foreign Assistance Act of
13 1961 are rescinded: *Provided further*, That no amounts
14 may be rescinded from amounts that were designated by
15 the Congress as an emergency requirement pursuant to
16 a concurrent resolution on the budget or the Balanced
17 Budget and Emergency Deficit Control Act of 1985.

18 OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$12,859,000, to remain available
22 until September 30, 2019: *Provided*, That revenues from
23 licensing fees, inspection services, and other services and
24 collections estimated at \$10,555,000 in fiscal year 2018
25 shall be retained and be available until September 30,

1 2019, for necessary salaries and expenses in this account,
2 notwithstanding section 3302 of title 31, United States
3 Code: *Provided further*, That the sum herein appropriated
4 shall be reduced by the amount of revenues received dur-
5 ing fiscal year 2018 so as to result in a final fiscal year
6 2018 appropriation estimated at not more than
7 \$2,304,000: *Provided further*, That of the amounts appro-
8 priated under this heading, \$1,131,000 shall be for In-
9 spector General services for the Defense Nuclear Facilities
10 Safety Board, which shall not be available from fee reve-
11 nues.

12 NUCLEAR WASTE TECHNICAL REVIEW BOARD

13 SALARIES AND EXPENSES

14 For expenses necessary for the Nuclear Waste Tech-
15 nical Review Board, as authorized by Public Law 100-
16 203, section 5051, \$3,600,000, to be derived from the Nu-
17 clear Waste Fund, to remain available until September 30,
18 2019.

19 GENERAL PROVISIONS—INDEPENDENT

20 AGENCIES

21 SEC. 401. The Nuclear Regulatory Commission shall
22 comply with the July 5, 2011, version of Chapter VI of
23 its Internal Commission Procedures when responding to
24 Congressional requests for information.

1 SEC. 402. (a) The amounts made available by this
2 title for the Nuclear Regulatory Commission may be re-
3 programmed for any program, project, or activity, and the
4 Commission shall notify the Committees on Appropria-
5 tions of both Houses of Congress at least 30 days prior
6 to the use of any proposed reprogramming that would
7 cause any program funding level to increase or decrease
8 by more than \$500,000 or 10 percent, whichever is less,
9 during the time period covered by this Act.

10 (b)(1) The Nuclear Regulatory Commission may
11 waive the notification requirement in subsection (a) if
12 compliance with such requirement would pose a substan-
13 tial risk to human health, the environment, welfare, or na-
14 tional security.

15 (2) The Nuclear Regulatory Commission shall notify
16 the Committees on Appropriations of both Houses of Con-
17 gress of any waiver under paragraph (1) as soon as prac-
18 ticable, but not later than 3 days after the date of the
19 activity to which a requirement or restriction would other-
20 wise have applied. Such notice shall include an explanation
21 of the substantial risk under paragraph (1) that permitted
22 such waiver and shall provide a detailed report to the
23 Committees of such waiver and changes to funding levels
24 to programs, projects, or activities.

1 (c) Except as provided in subsections (a), (b), and
2 (d), the amounts made available by this title for “Nuclear
3 Regulatory Commission—Salaries and Expenses” shall be
4 expended as directed in the explanatory statement de-
5 scribed in section 4 (in the matter preceding division A
6 of this consolidated Act).

7 (d) None of the funds provided for the Nuclear Regu-
8 latory Commission shall be available for obligation or ex-
9 penditure through a reprogramming of funds that in-
10 creases funds or personnel for any program, project, or
11 activity for which funds are denied or restricted by this
12 Act.

13 (e) The Commission shall provide a monthly report
14 to the Committees on Appropriations of both Houses of
15 Congress, which includes the following for each program,
16 project, or activity, including any prior year appropria-
17 tions—

- 18 (1) total budget authority;
- 19 (2) total unobligated balances; and
- 20 (3) total unliquidated obligations.

1 TITLE V

2 GENERAL PROVISIONS

3 SEC. 501. None of the funds appropriated by this Act
4 may be used in any way, directly or indirectly, to influence
5 congressional action on any legislation or appropriation
6 matters pending before Congress, other than to commu-
7 nicate to Members of Congress as described in 18 U.S.C.
8 1913.

9 SEC. 502. (a) None of the funds made available in
10 title III of this Act may be transferred to any department,
11 agency, or instrumentality of the United States Govern-
12 ment, except pursuant to a transfer made by or transfer
13 authority provided in this Act or any other appropriations
14 Act for any fiscal year, transfer authority referenced in
15 the report of the Committee on Appropriations accom-
16 panying this Act, or any authority whereby a department,
17 agency, or instrumentality of the United States Govern-
18 ment may provide goods or services to another depart-
19 ment, agency, or instrumentality.

20 (b) None of the funds made available for any depart-
21 ment, agency, or instrumentality of the United States
22 Government may be transferred to accounts funded in title
23 III of this Act, except pursuant to a transfer made by or
24 transfer authority provided in this Act or any other appro-
25 priations Act for any fiscal year, transfer authority ref-

1 erenced in the explanatory statement described in section
2 4 (in the matter preceding division A of this consolidated
3 Act), or any authority whereby a department, agency, or
4 instrumentality of the United States Government may
5 provide goods or services to another department, agency,
6 or instrumentality.

7 (c) The head of any relevant department or agency
8 funded in this Act utilizing any transfer authority shall
9 submit to the Committees on Appropriations of both
10 Houses of Congress a semiannual report detailing the
11 transfer authorities, except for any authority whereby a
12 department, agency, or instrumentality of the United
13 States Government may provide goods or services to an-
14 other department, agency, or instrumentality, used in the
15 previous 6 months and in the year-to-date. This report
16 shall include the amounts transferred and the purposes
17 for which they were transferred, and shall not replace or
18 modify existing notification requirements for each author-
19 ity.

20 SEC. 503. None of the funds made available by this
21 Act may be used in contravention of Executive Order No.
22 12898 of February 11, 1994 (Federal Actions to Address
23 Environmental Justice in Minority Populations and Low-
24 Income Populations).

1 SEC. 504. (a) None of the funds made available in
2 this Act may be used to maintain or establish a computer
3 network unless such network blocks the viewing,
4 downloading, and exchanging of pornography.

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

9 This division may be cited as the “Energy and Water
10 Development and Related Agencies Appropriations Act,
11 2018”.

1 **DIVISION E—FINANCIAL SERVICES AND**
2 **GENERAL GOVERNMENT APPROPRIA-**
3 **TIONS ACT, 2018**

4 TITLE I

5 DEPARTMENT OF THE TREASURY

6 DEPARTMENTAL OFFICES

7 SALARIES AND EXPENSES

8 For necessary expenses of the Departmental Offices
9 including operation and maintenance of the Treasury
10 Building and Freedman’s Bank Building; hire of pas-
11 senger motor vehicles; maintenance, repairs, and improve-
12 ments of, and purchase of commercial insurance policies
13 for, real properties leased or owned overseas, when nec-
14 essary for the performance of official business; executive
15 direction program activities; international affairs and eco-
16 nomic policy activities; domestic finance and tax policy ac-
17 tivities, including technical assistance to Puerto Rico; and
18 Treasury-wide management policies and programs activi-
19 ties, \$201,751,000: *Provided*, That of the amount appro-
20 priated under this heading—

21 (1) not to exceed \$350,000 is for official recep-
22 tion and representation expenses;

23 (2) not to exceed \$258,000 is for unforeseen
24 emergencies of a confidential nature to be allocated
25 and expended under the direction of the Secretary of

1 the Treasury and to be accounted for solely on the
2 Secretary's certificate; and

3 (3) not to exceed \$24,000,000 shall remain
4 available until September 30, 2019, for—

5 (A) the Treasury-wide Financial Statement
6 Audit and Internal Control Program;

7 (B) information technology modernization
8 requirements;

9 (C) the audit, oversight, and administra-
10 tion of the Gulf Coast Restoration Trust Fund;

11 (D) the development and implementation
12 of programs within the Office of Critical Infra-
13 structure Protection and Compliance Policy, in-
14 cluding entering into cooperative agreements;

15 (E) operations and maintenance of facili-
16 ties; and

17 (F) international operations.

18 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

19 SALARIES AND EXPENSES

20 For the necessary expenses of the Office of Terrorism
21 and Financial Intelligence to safeguard the financial sys-
22 tem against illicit use and to combat rogue nations, ter-
23 rorist facilitators, weapons of mass destruction
24 proliferators, money launderers, drug kingpins, and other
25 national security threats, \$141,778,000: *Provided*, That of

1 the amount appropriated under this heading: (1) up to
2 \$32,000,000 may be transferred to the Departmental Of-
3 fices Salaries and Expenses appropriation and shall be
4 available for administrative support to the Office of Ter-
5 rorism and Financial Intelligence; and (2) up to
6 \$5,000,000 shall remain available until September 30,
7 2019.

8 CYBERSECURITY ENHANCEMENT ACCOUNT

9 For salaries and expenses for enhanced cybersecurity
10 for systems operated by the Department of the Treasury,
11 \$24,000,000, to remain available until September 30,
12 2020: *Provided*, That such funds shall supplement and not
13 supplant any other amounts made available to the Treas-
14 ury offices and bureaus for cybersecurity: *Provided fur-*
15 *ther*, That the Chief Information Officer of the individual
16 offices and bureaus shall submit a spend plan for each
17 investment to the Treasury Chief Information Officer for
18 approval: *Provided further*, That the submitted spend plan
19 shall be reviewed and approved by the Treasury Chief In-
20 formation Officer prior to the obligation of funds under
21 this heading: *Provided further*, That of the total amount
22 made available under this heading \$1,000,000 shall be
23 available for administrative expenses for the Treasury
24 Chief Information Officer to provide oversight of the in-
25 vestments made under this heading: *Provided further*,

1 That such funds shall supplement and not supplant any
2 other amounts made available to the Treasury Chief Infor-
3 mation Officer.

4 DEPARTMENT-WIDE SYSTEMS AND CAPITAL
5 INVESTMENTS PROGRAMS
6 (INCLUDING TRANSFER OF FUNDS)

7 For development and acquisition of automatic data
8 processing equipment, software, and services and for re-
9 pairs and renovations to buildings owned by the Depart-
10 ment of the Treasury, \$4,426,000, to remain available
11 until September 30, 2020: *Provided*, That these funds
12 shall be transferred to accounts and in amounts as nec-
13 essary to satisfy the requirements of the Department's of-
14 fices, bureaus, and other organizations: *Provided further*,
15 That this transfer authority shall be in addition to any
16 other transfer authority provided in this Act: *Provided fur-*
17 *ther*, That none of the funds appropriated under this head-
18 ing shall be used to support or supplement "Internal Rev-
19 enue Service, Operations Support" or "Internal Revenue
20 Service, Business Systems Modernization".

21 OFFICE OF INSPECTOR GENERAL
22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, \$37,044,000, including hire of pas-

1 senger motor vehicles; of which not to exceed \$100,000
2 shall be available for unforeseen emergencies of a con-
3 fidential nature, to be allocated and expended under the
4 direction of the Inspector General of the Treasury; of
5 which up to \$2,800,000 to remain available until Sep-
6 tember 30, 2019, shall be for audits and investigations
7 conducted pursuant to section 1608 of the Resources and
8 Ecosystems Sustainability, Tourist Opportunities, and Re-
9 vived Economies of the Gulf Coast States Act of 2012 (33
10 U.S.C. 1321 note); and of which not to exceed \$1,000
11 shall be available for official reception and representation
12 expenses.

13 TREASURY INSPECTOR GENERAL FOR TAX

14 ADMINISTRATION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Treasury Inspector
17 General for Tax Administration in carrying out the In-
18 spector General Act of 1978, as amended, including pur-
19 chase and hire of passenger motor vehicles (31 U.S.C.
20 1343(b)); and services authorized by 5 U.S.C. 3109, at
21 such rates as may be determined by the Inspector General
22 for Tax Administration; \$169,634,000, of which
23 \$5,000,000 shall remain available until September 30,
24 2019; of which not to exceed \$6,000,000 shall be available
25 for official travel expenses; of which not to exceed

1 \$500,000 shall be available for unforeseen emergencies of
2 a confidential nature, to be allocated and expended under
3 the direction of the Inspector General for Tax Administra-
4 tion; and of which not to exceed \$1,500 shall be available
5 for official reception and representation expenses.

6 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
7 ASSET RELIEF PROGRAM
8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of the Special
10 Inspector General in carrying out the provisions of the
11 Emergency Economic Stabilization Act of 2008 (Public
12 Law 110–343), \$34,000,000.

13 FINANCIAL CRIMES ENFORCEMENT NETWORK
14 SALARIES AND EXPENSES

15 For necessary expenses of the Financial Crimes En-
16 forcement Network, including hire of passenger motor ve-
17 hicles; travel and training expenses of non-Federal and
18 foreign government personnel to attend meetings and
19 training concerned with domestic and foreign financial in-
20 telligence activities, law enforcement, and financial regula-
21 tion; services authorized by 5 U.S.C. 3109; not to exceed
22 \$10,000 for official reception and representation expenses;
23 and for assistance to Federal law enforcement agencies,
24 with or without reimbursement, \$115,003,000, of which

1 not to exceed \$34,335,000 shall remain available until
2 September 30, 2020.

3 TREASURY FORFEITURE FUND

4 (RESCISSION)

5 Of the unobligated balances available under this
6 heading, \$702,000,000 are hereby permanently rescinded
7 not later than September 30, 2018.

8 (INCLUDING RETURN OF FUNDS)

9 In addition, of amounts in the Treasury Forfeiture
10 Fund, \$38,800,000 from funds paid to the United States
11 Government by BNP Paribas S.A. as part of, or related
12 to, a plea agreement dated June 27, 2014, entered into
13 between the Department of Justice and BNP Paribas
14 S.A., and subject to a consent order entered by the United
15 States District Court for the Southern District of New
16 York on May 1, 2015, in *United States v. BNPP*, No.
17 14 Cr. 460 (S.D.N.Y.), are hereby returned to the General
18 Fund of the Treasury.

19 BUREAU OF THE FISCAL SERVICE

20 SALARIES AND EXPENSES

21 For necessary expenses of operations of the Bureau
22 of the Fiscal Service, \$338,280,000; of which not to ex-
23 ceed \$4,210,000, to remain available until September 30,
24 2020, is for information systems modernization initiatives;

1 and of which \$5,000 shall be available for official reception
2 and representation expenses.

3 In addition, \$165,000, to be derived from the Oil
4 Spill Liability Trust Fund to reimburse administrative
5 and personnel expenses for financial management of the
6 Fund, as authorized by section 1012 of Public Law 101–
7 380.

8 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
9 SALARIES AND EXPENSES

10 For necessary expenses of carrying out section 1111
11 of the Homeland Security Act of 2002, including hire of
12 passenger motor vehicles, \$111,439,000; of which not to
13 exceed \$6,000 for official reception and representation ex-
14 penses; not to exceed \$50,000 for cooperative research and
15 development programs for laboratory services; and provi-
16 sion of laboratory assistance to State and local agencies
17 with or without reimbursement: *Provided*, That of the
18 amount appropriated under this heading, \$5,000,000 shall
19 be for the costs of accelerating the processing of formula
20 and label applications: *Provided further*, That of the
21 amount appropriated under this heading, \$5,000,000, to
22 remain available until September 30, 2019, shall be for
23 the costs associated with enforcement of the trade practice
24 provisions of the Federal Alcohol Administration Act (27
25 U.S.C. 201 et seq.).

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

3 Pursuant to section 5136 of title 31, United States
4 Code, the United States Mint is provided funding through
5 the United States Mint Public Enterprise Fund for costs
6 associated with the production of circulating coins, numis-
7 matic coins, and protective services, including both oper-
8 ating expenses and capital investments: *Provided*, That
9 the aggregate amount of new liabilities and obligations in-
10 curred during fiscal year 2018 under such section 5136
11 for circulating coinage and protective service capital in-
12 vestments of the United States Mint shall not exceed
13 \$30,000,000.

14 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

15 FUND PROGRAM ACCOUNT

16 To carry out the Riegle Community Development and
17 Regulatory Improvements Act of 1994 (subtitle A of title
18 I of Public Law 103–325), including services authorized
19 by section 3109 of title 5, United States Code, but at rates
20 for individuals not to exceed the per diem rate equivalent
21 to the rate for EX–3, \$250,000,000. Of the amount ap-
22 propriated under this heading—

23 (1) not less than \$160,000,000, notwith-
24 standing section 108(e) of Public Law 103–325 (12
25 U.S.C. 4707(e)) with regard to Small and/or Emerg-

1 ing Community Development Financial Institutions
2 Assistance awards, is available until September 30,
3 2019, for financial assistance, technical assistance,
4 training, and outreach under subparagraphs (A) and
5 (B) of section 108(a)(1), respectively, of Public Law
6 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of
7 which up to \$2,680,000 may be used for the cost of
8 direct loans, and of which up to \$3,000,000, not-
9 withstanding subsection (d) of section 108 of Public
10 Law 103–325 (12 U.S.C. 4707 (d)), may be avail-
11 able to provide financial assistance, technical assist-
12 ance, training, and outreach to community develop-
13 ment financial institutions to expand investments
14 that benefit individuals with disabilities: *Provided*,
15 That the cost of direct and guaranteed loans, includ-
16 ing the cost of modifying such loans, shall be as de-
17 fined in section 502 of the Congressional Budget Act
18 of 1974: *Provided further*, That these funds are
19 available to subsidize gross obligations for the prin-
20 cipal amount of direct loans not to exceed
21 \$25,000,000;

22 (2) not less than \$16,000,000, notwithstanding
23 section 108(e) of Public Law 103–325 (12 U.S.C.
24 4707(e)), is available until September 30, 2019, for
25 financial assistance, technical assistance, training,

1 and outreach programs designed to benefit Native
2 American, Native Hawaiian, and Alaska Native com-
3 munities and provided primarily through qualified
4 community development lender organizations with
5 experience and expertise in community development
6 banking and lending in Indian country, Native
7 American organizations, tribes and tribal organiza-
8 tions, and other suitable providers;

9 (3) not less than \$25,000,000 is available until
10 September 30, 2019, for the Bank Enterprise Award
11 program;

12 (4) not less than \$22,000,000, notwithstanding
13 subsections (d) and (e) of section 108 of Public Law
14 103–325 (12 U.S.C. 4707(d) and (e)), is available
15 until September 30, 2019, for a Healthy Food Fi-
16 nancing Initiative to provide financial assistance,
17 technical assistance, training, and outreach to com-
18 munity development financial institutions for the
19 purpose of offering affordable financing and tech-
20 nical assistance to expand the availability of healthy
21 food options in distressed communities;

22 (5) up to \$27,000,000 is available until Sep-
23 tember 30, 2018, for administrative expenses, in-
24 cluding administration of CDFI fund programs and
25 the New Markets Tax Credit Program, of which not

1 less than \$1,000,000 is for development of tools to
2 better assess and inform CDFI investment perform-
3 ance, and up to \$300,000 is for administrative ex-
4 penses to carry out the direct loan program; and

5 (6) during fiscal year 2018, none of the funds
6 available under this heading are available for the
7 cost, as defined in section 502 of the Congressional
8 Budget Act of 1974, of commitments to guarantee
9 bonds and notes under section 114A of the Riegle
10 Community Development and Regulatory Improve-
11 ment Act of 1994 (12 U.S.C. 4713a): *Provided*,
12 That commitments to guarantee bonds and notes
13 under such section 114A shall not exceed
14 \$500,000,000: *Provided further*, That such section
15 114A shall remain in effect until December 31,
16 2018: *Provided further*, That of the funds awarded
17 under this heading, not less than 10 percent shall be
18 used for awards that support investments that serve
19 populations living in persistent poverty counties:
20 *Provided further*, That for the purposes of this sec-
21 tion, the term “persistent poverty counties” means
22 any county that has had 20 percent or more of its
23 population living in poverty over the past 30 years,
24 as measured by the 1990 and 2000 decennial cen-
25 suses and the 2011–2015 5-year data series avail-

1 able from the American Community Survey of the
2 Census Bureau.

3 INTERNAL REVENUE SERVICE

4 TAXPAYER SERVICES

5 For necessary expenses of the Internal Revenue Serv-
6 ice to provide taxpayer services, including pre-filing assist-
7 ance and education, filing and account services, taxpayer
8 advocacy services, and other services as authorized by 5
9 U.S.C. 3109, at such rates as may be determined by the
10 Commissioner, \$2,506,554,000, of which not less than
11 \$9,890,000 shall be for the Tax Counseling for the Elderly
12 Program, of which not less than \$12,000,000 shall be
13 available for low-income taxpayer clinic grants, and of
14 which not less than \$15,000,000, to remain available until
15 September 30, 2019, shall be available for a Community
16 Volunteer Income Tax Assistance matching grants pro-
17 gram for tax return preparation assistance, of which not
18 less than \$206,000,000 shall be available for operating ex-
19 penses of the Taxpayer Advocate Service: *Provided*, That
20 of the amounts made available for the Taxpayer Advocate
21 Service, not less than \$5,500,000 shall be for identity
22 theft casework.

23 ENFORCEMENT

24 For necessary expenses for tax enforcement activities
25 of the Internal Revenue Service to determine and collect

1 2019; of which not to exceed \$10,000,000 shall remain
2 available until expended for acquisition of equipment and
3 construction, repair and renovation of facilities; of which
4 not to exceed \$1,000,000 shall remain available until Sep-
5 tember 30, 2020, for research; of which not to exceed
6 \$20,000 shall be for official reception and representation
7 expenses: *Provided*, That not later than 30 days after the
8 end of each quarter, the Internal Revenue Service shall
9 submit a report to the Committees on Appropriations of
10 the House of Representatives and the Senate and the
11 Comptroller General of the United States detailing the
12 cost and schedule performance for its major information
13 technology investments, including the purpose and life-
14 cycle stages of the investments; the reasons for any cost
15 and schedule variances; the risks of such investments and
16 strategies the Internal Revenue Service is using to miti-
17 gate such risks; and the expected developmental mile-
18 stones to be achieved and costs to be incurred in the next
19 quarter: *Provided further*, That the Internal Revenue Serv-
20 ice shall include, in its budget justification for fiscal year
21 2019, a summary of cost and schedule performance infor-
22 mation for its major information technology systems.

23 BUSINESS SYSTEMS MODERNIZATION

24 For necessary expenses of the Internal Revenue Serv-
25 ice's business systems modernization program,

1 \$110,000,000, to remain available until September 30,
2 2020, for the capital asset acquisition of information tech-
3 nology systems, including management and related con-
4 tractual costs of said acquisitions, including related Inter-
5 nal Revenue Service labor costs, and contractual costs as-
6 sociated with operations authorized by 5 U.S.C. 3109:
7 *Provided*, That not later than 30 days after the end of
8 each quarter, the Internal Revenue Service shall submit
9 a report to the Committees on Appropriations of the
10 House of Representatives and the Senate and the Comp-
11 troller General of the United States detailing the cost and
12 schedule performance for major information technology in-
13 vestments, including the purposes and life-cycle stages of
14 the investments; the reasons for any cost and schedule
15 variances; the risks of such investments and the strategies
16 the Internal Revenue Service is using to mitigate such
17 risks; and the expected developmental milestones to be
18 achieved and costs to be incurred in the next quarter.

19 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

20 SERVICE

21 (INCLUDING TRANSFERS OF FUNDS)

22 SEC. 101. Not to exceed 5 percent of any appropria-
23 tion made available in this Act to the Internal Revenue
24 Service may be transferred to any other Internal Revenue

1 Service appropriation upon the advance approval of the
2 Committees on Appropriations.

3 SEC. 102. The Internal Revenue Service shall main-
4 tain an employee training program, which shall include the
5 following topics: taxpayers' rights, dealing courteously
6 with taxpayers, cross-cultural relations, ethics, and the im-
7 partial application of tax law.

8 SEC. 103. The Internal Revenue Service shall insti-
9 tute and enforce policies and procedures that will safe-
10 guard the confidentiality of taxpayer information and pro-
11 tect taxpayers against identity theft.

12 SEC. 104. Funds made available by this or any other
13 Act to the Internal Revenue Service shall be available for
14 improved facilities and increased staffing to provide suffi-
15 cient and effective 1–800 help line service for taxpayers.
16 The Commissioner shall continue to make improvements
17 to the Internal Revenue Service 1–800 help line service
18 a priority and allocate resources necessary to enhance the
19 response time to taxpayer communications, particularly
20 with regard to victims of tax-related crimes.

21 SEC. 105. None of the funds made available to the
22 Internal Revenue Service by this Act may be used to make
23 a video unless the Service-Wide Video Editorial Board de-
24 termines in advance that making the video is appropriate,

1 taking into account the cost, topic, tone, and purpose of
2 the video.

3 SEC. 106. The Internal Revenue Service shall issue
4 a notice of confirmation of any address change relating
5 to an employer making employment tax payments, and
6 such notice shall be sent to both the employer's former
7 and new address and an officer or employee of the Internal
8 Revenue Service shall give special consideration to an
9 offer-in-compromise from a taxpayer who has been the vic-
10 tim of fraud by a third party payroll tax preparer.

11 SEC. 107. None of the funds made available under
12 this Act may be used by the Internal Revenue Service to
13 target citizens of the United States for exercising any
14 right guaranteed under the First Amendment to the Con-
15 stitution of the United States.

16 SEC. 108. None of the funds made available in this
17 Act may be used by the Internal Revenue Service to target
18 groups for regulatory scrutiny based on their ideological
19 beliefs.

20 SEC. 109. None of funds made available by this Act
21 to the Internal Revenue Service shall be obligated or ex-
22 pended on conferences that do not adhere to the proce-
23 dures, verification processes, documentation requirements,
24 and policies issued by the Chief Financial Officer, Human
25 Capital Office, and Agency-Wide Shared Services as a re-

1 sult of the recommendations in the report published on
2 May 31, 2013, by the Treasury Inspector General for Tax
3 Administration entitled “Review of the August 2010 Small
4 Business/Self-Employed Division’s Conference in Ana-
5 heim, California” (Reference Number 2013–10–037).

6 SEC. 110. None of the funds made available in this
7 Act to the Internal Revenue Service may be obligated or
8 expended—

9 (1) to make a payment to any employee under
10 a bonus, award, or recognition program; or

11 (2) under any hiring or personnel selection
12 process with respect to re-hiring a former employee,
13 unless such program or process takes into account
14 the conduct and Federal tax compliance of such em-
15 ployee or former employee.

16 SEC. 111. None of the funds made available by this
17 Act may be used in contravention of section 6103 of the
18 Internal Revenue Code of 1986 (relating to confidentiality
19 and disclosure of returns and return information).

20 SEC. 112. Except to the extent provided in section
21 6014, 6020, or 6201(d) of the Internal Revenue Code of
22 1986, no funds in this or any other Act shall be available
23 to the Secretary of the Treasury to provide to any person
24 a proposed final return or statement for use by such per-

1 of health and medical services to employees and their de-
2 pendants serving in foreign countries; and services author-
3 ized by 5 U.S.C. 3109.

4 SEC. 115. Not to exceed 2 percent of any appropria-
5 tions in this title made available under the headings “De-
6 partmental Offices—Salaries and Expenses”, “Office of
7 Inspector General”, “Special Inspector General for the
8 Troubled Asset Relief Program”, “Financial Crimes En-
9 forcement Network”, “Bureau of the Fiscal Service”, and
10 “Alcohol and Tobacco Tax and Trade Bureau” may be
11 transferred between such appropriations upon the advance
12 approval of the Committees on Appropriations of the
13 House of Representatives and the Senate: *Provided*, That
14 no transfer under this section may increase or decrease
15 any such appropriation by more than 2 percent.

16 SEC. 116. Not to exceed 2 percent of any appropria-
17 tion made available in this Act to the Internal Revenue
18 Service may be transferred to the Treasury Inspector Gen-
19 eral for Tax Administration’s appropriation upon the ad-
20 vance approval of the Committees on Appropriations of
21 the House of Representatives and the Senate: *Provided*,
22 That no transfer may increase or decrease any such appro-
23 priation by more than 2 percent.

24 SEC. 117. None of the funds appropriated in this Act
25 or otherwise available to the Department of the Treasury

1 or the Bureau of Engraving and Printing may be used
2 to redesign the \$1 Federal Reserve note.

3 SEC. 118. The Secretary of the Treasury may trans-
4 fer funds from the “Bureau of the Fiscal Service-Salaries
5 and Expenses” to the Debt Collection Fund as necessary
6 to cover the costs of debt collection: *Provided*, That such
7 amounts shall be reimbursed to such salaries and expenses
8 account from debt collections received in the Debt Collec-
9 tion Fund.

10 SEC. 119. None of the funds appropriated or other-
11 wise made available by this or any other Act may be used
12 by the United States Mint to construct or operate any mu-
13 seum without the explicit approval of the Committees on
14 Appropriations of the House of Representatives and the
15 Senate, the House Committee on Financial Services, and
16 the Senate Committee on Banking, Housing, and Urban
17 Affairs.

18 SEC. 120. None of the funds appropriated or other-
19 wise made available by this or any other Act or source
20 to the Department of the Treasury, the Bureau of Engrav-
21 ing and Printing, and the United States Mint, individually
22 or collectively, may be used to consolidate any or all func-
23 tions of the Bureau of Engraving and Printing and the
24 United States Mint without the explicit approval of the
25 House Committee on Financial Services; the Senate Com-

1 mittee on Banking, Housing, and Urban Affairs; and the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate.

4 SEC. 121. Funds appropriated by this Act, or made
5 available by the transfer of funds in this Act, for the De-
6 partment of the Treasury's intelligence or intelligence re-
7 lated activities are deemed to be specifically authorized by
8 the Congress for purposes of section 504 of the National
9 Security Act of 1947 (50 U.S.C. 414) during fiscal year
10 2018 until the enactment of the Intelligence Authorization
11 Act for Fiscal Year 2018.

12 SEC. 122. Not to exceed \$5,000 shall be made avail-
13 able from the Bureau of Engraving and Printing's Indus-
14 trial Revolving Fund for necessary official reception and
15 representation expenses.

16 SEC. 123. The Secretary of the Treasury shall submit
17 a Capital Investment Plan to the Committees on Appro-
18 priations of the Senate and the House of Representatives
19 not later than 30 days following the submission of the an-
20 nual budget submitted by the President: *Provided*, That
21 such Capital Investment Plan shall include capital invest-
22 ment spending from all accounts within the Department
23 of the Treasury, including but not limited to the Depart-
24 ment-wide Systems and Capital Investment Programs ac-
25 count, Treasury Franchise Fund account, and the Treas-

1 ury Forfeiture Fund account: *Provided further*, That such
2 Capital Investment Plan shall include expenditures occur-
3 ring in previous fiscal years for each capital investment
4 project that has not been fully completed.

5 SEC. 124. Within 45 days after the date of enactment
6 of this Act, the Secretary of the Treasury shall submit
7 an itemized report to the Committees on Appropriations
8 of the House of Representatives and the Senate on the
9 amount of total funds charged to each office by the Fran-
10 chise Fund including the amount charged for each service
11 provided by the Franchise Fund to each office, a detailed
12 description of the services, a detailed explanation of how
13 each charge for each service is calculated, and a descrip-
14 tion of the role customers have in governing in the Fran-
15 chise Fund.

16 SEC. 125. During fiscal year 2018—

17 (1) none of the funds made available in this or
18 any other Act may be used by the Department of
19 the Treasury, including the Internal Revenue Serv-
20 ice, to issue, revise, or finalize any regulation, rev-
21 enue ruling, or other guidance not limited to a par-
22 ticular taxpayer relating to the standard which is
23 used to determine whether an organization is oper-
24 ated exclusively for the promotion of social welfare
25 for purposes of section 501(c)(4) of the Internal

1 Revenue Code of 1986 (including the proposed regu-
2 lations published at 78 Fed. Reg. 71535 (November
3 29, 2013)); and

4 (2) the standard and definitions as in effect on
5 January 1, 2010, which are used to make such de-
6 terminations shall apply after the date of the enact-
7 ment of this Act for purposes of determining status
8 under section 501(c)(4) of such Code of organiza-
9 tions created on, before, or after such date.

10 SEC. 126. (a) Not later than 60 days after the end
11 of each quarter, the Office of Financial Stability and the
12 Office of Financial Research shall submit reports on their
13 activities to the Committees on Appropriations of the
14 House of Representatives and the Senate, the Committee
15 on Financial Services of the House of Representatives and
16 the Senate Committee on Banking, Housing, and Urban
17 Affairs.

18 (b) The reports required under subsection (a) shall
19 include—

20 (1) the obligations made during the previous
21 quarter by object class, office, and activity;

22 (2) the estimated obligations for the remainder
23 of the fiscal year by object class, office, and activity;

24 (3) the number of full-time equivalents within
25 each office during the previous quarter;

1 (4) the estimated number of full-time equiva-
2 lents within each office for the remainder of the fis-
3 cal year; and

4 (5) actions taken to achieve the goals, objec-
5 tives, and performance measures of each office.

6 (c) At the request of any such Committees specified
7 in subsection (a), the Office of Financial Stability and the
8 Office of Financial Research shall make officials available
9 to testify on the contents of the reports required under
10 subsection (a).

11 SEC. 127. Notwithstanding paragraph (2) of section
12 402(c) of the Helping Families Save their Homes Act of
13 2009, in utilizing funds made available by paragraph (1)
14 of section 402(c) of such Act, the Special Inspector Gen-
15 eral for the Troubled Asset Relief Program shall prioritize
16 the performance of audits or investigations of any pro-
17 gram that is funded in whole or in part by funds appro-
18 priated under the Emergency Economic Stabilization Act
19 of 2008, to the extent that such priority is consistent with
20 other aspects of the mission of the Special Inspector Gen-
21 eral.

22 This title may be cited as the “Department of the
23 Treasury Appropriations Act, 2018”.

1 TITLE II
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 THE WHITE HOUSE
5 SALARIES AND EXPENSES

6 For necessary expenses for the White House as au-
7 thorized by law, including not to exceed \$3,850,000 for
8 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
9 subsistence expenses as authorized by 3 U.S.C. 105, which
10 shall be expended and accounted for as provided in that
11 section; hire of passenger motor vehicles, and travel (not
12 to exceed \$100,000 to be expended and accounted for as
13 provided by 3 U.S.C. 103); and not to exceed \$19,000 for
14 official reception and representation expenses, to be avail-
15 able for allocation within the Executive Office of the Presi-
16 dent; and for necessary expenses of the Office of Policy
17 Development, including services as authorized by 5 U.S.C.
18 3109 and 3 U.S.C. 107, \$55,000,000.

19 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
20 OPERATING EXPENSES

21 For necessary expenses of the Executive Residence
22 at the White House, \$12,917,000, to be expended and ac-
23 counted for as provided by 3 U.S.C. 105, 109, 110, and
24 112–114.

1 REIMBURSABLE EXPENSES

2 For the reimbursable expenses of the Executive Resi-
3 dence at the White House, such sums as may be nec-
4 essary: *Provided*, That all reimbursable operating expenses
5 of the Executive Residence shall be made in accordance
6 with the provisions of this paragraph: *Provided further*,
7 That, notwithstanding any other provision of law, such
8 amount for reimbursable operating expenses shall be the
9 exclusive authority of the Executive Residence to incur ob-
10 ligations and to receive offsetting collections, for such ex-
11 penses: *Provided further*, That the Executive Residence
12 shall require each person sponsoring a reimbursable polit-
13 ical event to pay in advance an amount equal to the esti-
14 mated cost of the event, and all such advance payments
15 shall be credited to this account and remain available until
16 expended: *Provided further*, That the Executive Residence
17 shall require the national committee of the political party
18 of the President to maintain on deposit \$25,000, to be
19 separately accounted for and available for expenses relat-
20 ing to reimbursable political events sponsored by such
21 committee during such fiscal year: *Provided further*, That
22 the Executive Residence shall ensure that a written notice
23 of any amount owed for a reimbursable operating expense
24 under this paragraph is submitted to the person owing
25 such amount within 60 days after such expense is in-

1 curred, and that such amount is collected within 30 days
2 after the submission of such notice: *Provided further*, That
3 the Executive Residence shall charge interest and assess
4 penalties and other charges on any such amount that is
5 not reimbursed within such 30 days, in accordance with
6 the interest and penalty provisions applicable to an out-
7 standing debt on a United States Government claim under
8 31 U.S.C. 3717: *Provided further*, That each such amount
9 that is reimbursed, and any accompanying interest and
10 charges, shall be deposited in the Treasury as miscella-
11 neous receipts: *Provided further*, That the Executive Resi-
12 dence shall prepare and submit to the Committees on Ap-
13 propriations, by not later than 90 days after the end of
14 the fiscal year covered by this Act, a report setting forth
15 the reimbursable operating expenses of the Executive Res-
16 idence during the preceding fiscal year, including the total
17 amount of such expenses, the amount of such total that
18 consists of reimbursable official and ceremonial events, the
19 amount of such total that consists of reimbursable political
20 events, and the portion of each such amount that has been
21 reimbursed as of the date of the report: *Provided further*,
22 That the Executive Residence shall maintain a system for
23 the tracking of expenses related to reimbursable events
24 within the Executive Residence that includes a standard
25 for the classification of any such expense as political or

1 nonpolitical: *Provided further*, That no provision of this
2 paragraph may be construed to exempt the Executive Res-
3 idence from any other applicable requirement of sub-
4 chapter I or II of chapter 37 of title 31, United States
5 Code.

6 WHITE HOUSE REPAIR AND RESTORATION

7 For the repair, alteration, and improvement of the
8 Executive Residence at the White House pursuant to 3
9 U.S.C. 105(d), \$750,000, to remain available until ex-
10 pended, for required maintenance, resolution of safety and
11 health issues, and continued preventative maintenance.

12 COUNCIL OF ECONOMIC ADVISERS

13 SALARIES AND EXPENSES

14 For necessary expenses of the Council of Economic
15 Advisers in carrying out its functions under the Employ-
16 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,187,000.

17 NATIONAL SECURITY COUNCIL AND HOMELAND

18 SECURITY COUNCIL

19 SALARIES AND EXPENSES

20 For necessary expenses of the National Security
21 Council and the Homeland Security Council, including
22 services as authorized by 5 U.S.C. 3109, \$11,800,000.

1 OFFICE OF ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Administra-
4 tion, including services as authorized by 5 U.S.C. 3109
5 and 3 U.S.C. 107, and hire of passenger motor vehicles,
6 \$100,000,000, of which not to exceed \$12,800,000 shall
7 remain available until expended for continued moderniza-
8 tion of information resources within the Executive Office
9 of the President.

10 OFFICE OF MANAGEMENT AND BUDGET

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Management
13 and Budget, including hire of passenger motor vehicles
14 and services as authorized by 5 U.S.C. 3109, to carry out
15 the provisions of chapter 35 of title 44, United States
16 Code, and to prepare and submit the budget of the United
17 States Government, in accordance with section 1105(a) of
18 title 31, United States Code, \$101,000,000, of which not
19 to exceed \$3,000 shall be available for official representa-
20 tion expenses: *Provided*, That none of the funds appro-
21 priated in this Act for the Office of Management and
22 Budget may be used for the purpose of reviewing any agri-
23 cultural marketing orders or any activities or regulations
24 under the provisions of the Agricultural Marketing Agree-
25 ment Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,

1 That none of the funds made available for the Office of
2 Management and Budget by this Act may be expended for
3 the altering of the transcript of actual testimony of wit-
4 nesses, except for testimony of officials of the Office of
5 Management and Budget, before the Committees on Ap-
6 propriations or their subcommittees: *Provided further,*
7 That of the funds made available for the Office of Man-
8 agement and Budget by this Act, no less than three full-
9 time equivalent senior staff position shall be dedicated
10 solely to the Office of the Intellectual Property Enforce-
11 ment Coordinator: *Provided further,* That none of the
12 funds provided in this or prior Acts shall be used, directly
13 or indirectly, by the Office of Management and Budget,
14 for evaluating or determining if water resource project or
15 study reports submitted by the Chief of Engineers acting
16 through the Secretary of the Army are in compliance with
17 all applicable laws, regulations, and requirements relevant
18 to the Civil Works water resource planning process: *Pro-*
19 *vided further,* That the Office of Management and Budget
20 shall have not more than 60 days in which to perform
21 budgetary policy reviews of water resource matters on
22 which the Chief of Engineers has reported: *Provided fur-*
23 *ther,* That the Director of the Office of Management and
24 Budget shall notify the appropriate authorizing and ap-
25 propriating committees when the 60-day review is initi-

1 ated: *Provided further*, That if water resource reports have
2 not been transmitted to the appropriate authorizing and
3 appropriating committees within 15 days after the end of
4 the Office of Management and Budget review period based
5 on the notification from the Director, Congress shall as-
6 sume Office of Management and Budget concurrence with
7 the report and act accordingly.

8 OFFICE OF NATIONAL DRUG CONTROL POLICY
9 SALARIES AND EXPENSES

10 For necessary expenses of the Office of National
11 Drug Control Policy; for research activities pursuant to
12 the Office of National Drug Control Policy Reauthoriza-
13 tion Act of 2006 (Public Law 109–469); not to exceed
14 \$10,000 for official reception and representation expenses;
15 and for participation in joint projects or in the provision
16 of services on matters of mutual interest with nonprofit,
17 research, or public organizations or agencies, with or with-
18 out reimbursement, \$18,400,000: *Provided*, That the Of-
19 fice is authorized to accept, hold, administer, and utilize
20 gifts, both real and personal, public and private, without
21 fiscal year limitation, for the purpose of aiding or facili-
22 tating the work of the Office.

1 FEDERAL DRUG CONTROL PROGRAMS

2 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses of the Office of National
5 Drug Control Policy's High Intensity Drug Trafficking
6 Areas Program, \$280,000,000, to remain available until
7 September 30, 2019, for drug control activities consistent
8 with the approved strategy for each of the designated
9 High Intensity Drug Trafficking Areas ("HIDTAs"), of
10 which not less than 51 percent shall be transferred to
11 State and local entities for drug control activities and shall
12 be obligated not later than 120 days after enactment of
13 this Act: *Provided*, That up to 49 percent may be trans-
14 ferred to Federal agencies and departments in amounts
15 determined by the Director of the Office of National Drug
16 Control Policy, of which up to \$2,700,000 may be used
17 for auditing services and associated activities: *Provided*
18 *further*, That, notwithstanding the requirements of Public
19 Law 106–58, any unexpended funds obligated prior to fis-
20 cal year 2016 may be used for any other approved activi-
21 ties of that HIDTA, subject to reprogramming require-
22 ments: *Provided further*, That each HIDTA designated as
23 of September 30, 2017, shall be funded at not less than
24 the fiscal year 2017 base level, unless the Director submits
25 to the Committees on Appropriations of the House of Rep-

1 representatives and the Senate justification for changes to
2 those levels based on clearly articulated priorities and pub-
3 lished Office of National Drug Control Policy performance
4 measures of effectiveness: *Provided further*, That the Di-
5 rector shall notify the Committees on Appropriations of
6 the initial allocation of fiscal year 2018 funding among
7 HIDTAs not later than 45 days after enactment of this
8 Act, and shall notify the Committees of planned uses of
9 discretionary HIDTA funding, as determined in consulta-
10 tion with the HIDTA Directors, not later than 90 days
11 after enactment of this Act: *Provided further*, That upon
12 a determination that all or part of the funds so transferred
13 from this appropriation are not necessary for the purposes
14 provided herein and upon notification to the Committees
15 on Appropriations of the House of Representatives and the
16 Senate, such amounts may be transferred back to this ap-
17 propriation.

18 OTHER FEDERAL DRUG CONTROL PROGRAMS

19 (INCLUDING TRANSFERS OF FUNDS)

20 For other drug control activities authorized by the
21 Office of National Drug Control Policy Reauthorization
22 Act of 2006 (Public Law 109–469), \$117,093,000, to re-
23 main available until expended, which shall be available as
24 follows: \$99,000,000 for the Drug-Free Communities Pro-
25 gram, of which \$2,000,000 shall be made available as di-

1 rected by section 4 of Public Law 107–82, as amended
2 by Public Law 109–469 (21 U.S.C. 1521 note);
3 \$2,000,000 for drug court training and technical assist-
4 ance; \$9,500,000 for anti-doping activities; \$2,343,000 for
5 the United States membership dues to the World Anti-
6 Doping Agency; and \$1,250,000 shall be made available
7 as directed by section 1105 of Public Law 109–469; and
8 \$3,000,000, to remain available until expended, shall be
9 for activities authorized by section 103 of Public Law
10 114–198: *Provided*, That amounts made available under
11 this heading may be transferred to other Federal depart-
12 ments and agencies to carry out such activities.

13 UNANTICIPATED NEEDS

14 For expenses necessary to enable the President to
15 meet unanticipated needs, in furtherance of the national
16 interest, security, or defense which may arise at home or
17 abroad during the current fiscal year, as authorized by
18 3 U.S.C. 108, \$798,000, to remain available until Sep-
19 tember 30, 2019.

20 INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for the furtherance of inte-
23 grated, efficient, secure, and effective uses of information
24 technology in the Federal Government, \$19,000,000, to
25 remain available until expended: *Provided*, That the Direc-

1 tor of the Office of Management and Budget may transfer
2 these funds to one or more other agencies to carry out
3 projects to meet these purposes.

4 SPECIAL ASSISTANCE TO THE PRESIDENT
5 SALARIES AND EXPENSES

6 For necessary expenses to enable the Vice President
7 to provide assistance to the President in connection with
8 specially assigned functions; services as authorized by 5
9 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
10 penses as authorized by 3 U.S.C. 106, which shall be ex-
11 pended and accounted for as provided in that section; and
12 hire of passenger motor vehicles, \$4,288,000.

13 OFFICIAL RESIDENCE OF THE VICE PRESIDENT
14 OPERATING EXPENSES
15 (INCLUDING TRANSFER OF FUNDS)

16 For the care, operation, refurnishing, improvement,
17 and to the extent not otherwise provided for, heating and
18 lighting, including electric power and fixtures, of the offi-
19 cial residence of the Vice President; the hire of passenger
20 motor vehicles; and not to exceed \$90,000 pursuant to 3
21 U.S.C. 106(b)(2), \$302,000: *Provided*, That advances, re-
22 payments, or transfers from this appropriation may be
23 made to any department or agency for expenses of car-
24 rying out such activities.

1 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
2 THE PRESIDENT AND FUNDS APPROPRIATED TO
3 THE PRESIDENT

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 201. From funds made available in this Act
6 under the headings “The White House”, “Executive Resi-
7 dence at the White House”, “White House Repair and
8 Restoration”, “Council of Economic Advisers”, “National
9 Security Council and Homeland Security Council”, “Of-
10 fice of Administration”, “Special Assistance to the Presi-
11 dent”, and “Official Residence of the Vice President”, the
12 Director of the Office of Management and Budget (or
13 such other officer as the President may designate in writ-
14 ing), may, with advance approval of the Committees on
15 Appropriations of the House of Representatives and the
16 Senate, transfer not to exceed 10 percent of any such ap-
17 propriation to any other such appropriation, to be merged
18 with and available for the same time and for the same
19 purposes as the appropriation to which transferred: *Pro-*
20 *vided*, That the amount of an appropriation shall not be
21 increased by more than 50 percent by such transfers: *Pro-*
22 *vided further*, That no amount shall be transferred from
23 “Special Assistance to the President” or “Official Resi-
24 dence of the Vice President” without the approval of the
25 Vice President.

1 SEC. 202. Within 90 days after the date of enactment
2 of this section, the Director of the Office of Management
3 and Budget shall submit a report to the Committees on
4 Appropriations of the House of Representatives and the
5 Senate on the costs of implementing the Dodd-Frank Wall
6 Street Reform and Consumer Protection Act (Public Law
7 111–203). Such report shall include—

8 (1) the estimated mandatory and discretionary
9 obligations of funds through fiscal year 2019, by
10 Federal agency and by fiscal year, including—

11 (A) the estimated obligations by cost in-
12 puts such as rent, information technology, con-
13 tracts, and personnel;

14 (B) the methodology and data sources used
15 to calculate such estimated obligations; and

16 (C) the specific section of such Act that re-
17 quires the obligation of funds; and

18 (2) the estimated receipts through fiscal year
19 2019 from assessments, user fees, and other fees by
20 the Federal agency making the collections, by fiscal
21 year, including—

22 (A) the methodology and data sources used
23 to calculate such estimated collections; and

24 (B) the specific section of such Act that
25 authorizes the collection of funds.

1 SEC. 203. (a) During fiscal year 2018, any Executive
2 order or Presidential memorandum issued or revoked by
3 the President shall be accompanied by a written statement
4 from the Director of the Office of Management and Budg-
5 et on the budgetary impact, including costs, benefits, and
6 revenues, of such order or memorandum.

7 (b) Any such statement shall include—

8 (1) a narrative summary of the budgetary im-
9 pact of such order or memorandum on the Federal
10 Government;

11 (2) the impact on mandatory and discretionary
12 obligations and outlays as the result of such order
13 or memorandum, listed by Federal agency, for each
14 year in the 5-fiscal year period beginning in fiscal
15 year 2018; and

16 (3) the impact on revenues of the Federal Gov-
17 ernment as the result of such order or memorandum
18 over the 5-fiscal-year period beginning in fiscal year
19 2018.

20 (c) If an Executive order or Presidential memo-
21 randum is issued during fiscal year 2018 due to a national
22 emergency, the Director of the Office of Management and
23 Budget may issue the statement required by subsection
24 (a) not later than 15 days after the date that such order
25 or memorandum is issued.

1 (d) The requirement for cost estimates for Presi-
2 dential memoranda shall only apply for Presidential
3 memoranda estimated to have a regulatory cost in excess
4 of \$100,000,000.

5 This title may be cited as the “Executive Office of
6 the President Appropriations Act, 2018”.

1 TITLE III
2 THE JUDICIARY
3 SUPREME COURT OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For expenses necessary for the operation of the Su-
6 preme Court, as required by law, excluding care of the
7 building and grounds, including hire of passenger motor
8 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
9 to exceed \$10,000 for official reception and representation
10 expenses; and for miscellaneous expenses, to be expended
11 as the Chief Justice may approve, \$82,028,000, of which
12 \$1,500,000 shall remain available until expended.

13 In addition, there are appropriated such sums as may
14 be necessary under current law for the salaries of the chief
15 justice and associate justices of the court.

16 CARE OF THE BUILDING AND GROUNDS

17 For such expenditures as may be necessary to enable
18 the Architect of the Capitol to carry out the duties im-
19 posed upon the Architect by 40 U.S.C. 6111 and 6112,
20 \$16,153,000, to remain available until expended.

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT
3 SALARIES AND EXPENSES

4 For salaries of officers and employees, and for nec-
5 essary expenses of the court, as authorized by law,
6 \$31,291,000.

7 In addition, there are appropriated such sums as may
8 be necessary under current law for the salaries of the chief
9 judge and judges of the court.

10 UNITED STATES COURT OF INTERNATIONAL TRADE
11 SALARIES AND EXPENSES

12 For salaries of officers and employees of the court,
13 services, and necessary expenses of the court, as author-
14 ized by law, \$18,889,000.

15 In addition, there are appropriated such sums as may
16 be necessary under current law for the salaries of the chief
17 judge and judges of the court.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
19 JUDICIAL SERVICES
20 SALARIES AND EXPENSES

21 For the salaries of judges of the United States Court
22 of Federal Claims, magistrate judges, and all other offi-
23 cers and employees of the Federal Judiciary not otherwise
24 specifically provided for, necessary expenses of the courts,
25 and the purchase, rental, repair, and cleaning of uniforms

1 for Probation and Pretrial Services Office staff, as author-
2 ized by law, \$5,099,061,000 (including the purchase of
3 firearms and ammunition); of which not to exceed
4 \$27,817,000 shall remain available until expended for
5 space alteration projects and for furniture and furnishings
6 related to new space alteration and construction projects.

7 In addition, there are appropriated such sums as may
8 be necessary under current law for the salaries of circuit
9 and district judges (including judges of the territorial
10 courts of the United States), bankruptcy judges, and jus-
11 tices and judges retired from office or from regular active
12 service.

13 In addition, for expenses of the United States Court
14 of Federal Claims associated with processing cases under
15 the National Childhood Vaccine Injury Act of 1986 (Pub-
16 lic Law 99–660), not to exceed \$8,230,000, to be appro-
17 priated from the Vaccine Injury Compensation Trust
18 Fund.

19 DEFENDER SERVICES

20 For the operation of Federal Defender organizations;
21 the compensation and reimbursement of expenses of attor-
22 neys appointed to represent persons under 18 U.S.C.
23 3006A and 3599, and for the compensation and reim-
24 bursement of expenses of persons furnishing investigative,
25 expert, and other services for such representations as au-

1 thORIZED by law; the compensation (in accordance with the
2 maximums under 18 U.S.C. 3006A) and reimbursement
3 of expenses of attorneys appointed to assist the court in
4 criminal cases where the defendant has waived representa-
5 tion by counsel; the compensation and reimbursement of
6 expenses of attorneys appointed to represent jurors in civil
7 actions for the protection of their employment, as author-
8 ized by 28 U.S.C. 1875(d)(1); the compensation and reim-
9 bursement of expenses of attorneys appointed under 18
10 U.S.C. 983(b)(1) in connection with certain judicial civil
11 forfeiture proceedings; the compensation and reimburse-
12 ment of travel expenses of guardians ad litem appointed
13 under 18 U.S.C. 4100(b); and for necessary training and
14 general administrative expenses, \$1,078,713,000 to re-
15 main available until expended.

16 FEES OF JURORS AND COMMISSIONERS

17 For fees and expenses of jurors as authorized by 28
18 U.S.C. 1871 and 1876; compensation of jury commis-
19 sioners as authorized by 28 U.S.C. 1863; and compensa-
20 tion of commissioners appointed in condemnation cases
21 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
22 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$50,944,000,
23 to remain available until expended: *Provided*, That the
24 compensation of land commissioners shall not exceed the

1 daily equivalent of the highest rate payable under 5 U.S.C.
2 5332.

3 COURT SECURITY

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses, not otherwise provided for,
6 incident to the provision of protective guard services for
7 United States courthouses and other facilities housing
8 Federal court operations, and the procurement, installa-
9 tion, and maintenance of security systems and equipment
10 for United States courthouses and other facilities housing
11 Federal court operations, including building ingress-egress
12 control, inspection of mail and packages, directed security
13 patrols, perimeter security, basic security services provided
14 by the Federal Protective Service, and other similar activi-
15 ties as authorized by section 1010 of the Judicial Improve-
16 ment and Access to Justice Act (Public Law 100–702),
17 \$586,999,000, of which not to exceed \$20,000,000 shall
18 remain available until expended, to be expended directly
19 or transferred to the United States Marshals Service,
20 which shall be responsible for administering the Judicial
21 Facility Security Program consistent with standards or
22 guidelines agreed to by the Director of the Administrative
23 Office of the United States Courts and the Attorney Gen-
24 eral.

1 ADMINISTRATIVE OFFICE OF THE UNITED STATES

2 COURTS

3 SALARIES AND EXPENSES

4 For necessary expenses of the Administrative Office
5 of the United States Courts as authorized by law, includ-
6 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
7 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
8 advertising and rent in the District of Columbia and else-
9 where, \$90,423,000, of which not to exceed \$8,500 is au-
10 thorized for official reception and representation expenses.

11 FEDERAL JUDICIAL CENTER

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Judicial Cen-
14 ter, as authorized by Public Law 90–219, \$29,265,000;
15 of which \$1,800,000 shall remain available through Sep-
16 tember 30, 2019, to provide education and training to
17 Federal court personnel; and of which not to exceed
18 \$1,500 is authorized for official reception and representa-
19 tion expenses.

20 UNITED STATES SENTENCING COMMISSION

21 SALARIES AND EXPENSES

22 For the salaries and expenses necessary to carry out
23 the provisions of chapter 58 of title 28, United States
24 Code, \$18,699,000, of which not to exceed \$1,000 is au-
25 thorized for official reception and representation expenses.

1 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 301. Appropriations and authorizations made in
4 this title which are available for salaries and expenses shall
5 be available for services as authorized by 5 U.S.C. 3109.

6 SEC. 302. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the Judi-
8 ciary in this Act may be transferred between such appro-
9 priations, but no such appropriation, except “Courts of
10 Appeals, District Courts, and Other Judicial Services, De-
11 fender Services” and “Courts of Appeals, District Courts,
12 and Other Judicial Services, Fees of Jurors and Commis-
13 sioners”, shall be increased by more than 10 percent by
14 any such transfers: *Provided*, That any transfer pursuant
15 to this section shall be treated as a reprogramming of
16 funds under sections 604 and 608 of this Act and shall
17 not be available for obligation or expenditure except in
18 compliance with the procedures set forth in section 608.

19 SEC. 303. Notwithstanding any other provision of
20 law, the salaries and expenses appropriation for “Courts
21 of Appeals, District Courts, and Other Judicial Services”
22 shall be available for official reception and representation
23 expenses of the Judicial Conference of the United States:
24 *Provided*, That such available funds shall not exceed
25 \$11,000 and shall be administered by the Director of the

1 Administrative Office of the United States Courts in the
2 capacity as Secretary of the Judicial Conference.

3 SEC. 304. Section 3315(a) of title 40, United States
4 Code, shall be applied by substituting “Federal” for “exec-
5 utive” each place it appears.

6 SEC. 305. In accordance with 28 U.S.C. 561–569,
7 and notwithstanding any other provision of law, the
8 United States Marshals Service shall provide, for such
9 courthouses as its Director may designate in consultation
10 with the Director of the Administrative Office of the
11 United States Courts, for purposes of a pilot program, the
12 security services that 40 U.S.C. 1315 authorizes the De-
13 partment of Homeland Security to provide, except for the
14 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
15 ing-specific security services at these courthouses, the Di-
16 rector of the Administrative Office of the United States
17 Courts shall reimburse the United States Marshals Service
18 rather than the Department of Homeland Security.

19 SEC. 306. (a) Section 203(c) of the Judicial Improve-
20 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
21 note), is amended in the matter following paragraph 12—

22 (1) in the second sentence (relating to the Dis-
23 trict of Kansas), by striking “26 years and 6
24 months” and inserting “27 years and 6 months”;
25 and

1 (2) in the sixth sentence (relating to the Dis-
2 trict of Hawaii), by striking “21 years and 6
3 months” and inserting “24 years and 6 months”.

4 (b) Section 406 of the Transportation, Treasury,
5 Housing and Urban Development, the Judiciary, the Dis-
6 trict of Columbia, and Independent Agencies Appropria-
7 tions Act, 2006 (Public Law 109–115; 119 Stat. 2470;
8 28 U.S.C. 133 note) is amended in the second sentence
9 (relating to the eastern District of Missouri) by striking
10 “24 years and 6 months” and inserting “25 years and
11 6 months”.

12 (c) Section 312(c)(2) of the 21st Century Depart-
13 ment of Justice Appropriations Authorization Act (Public
14 Law 107–273; 28 U.S.C. 133 note), is amended—

15 (1) in the first sentence by striking “15 years”
16 and inserting “16 years”;

17 (2) in the second sentence (relating to the cen-
18 tral District of California), by striking “14 years
19 and 6 months” and inserting “15 years and 6
20 months”; and

21 (3) in the third sentence (relating to the west-
22 ern district of North Carolina), by striking “13
23 years” and inserting “14 years”.

1 SEC. 307. (a) Section 1871(b) of title 28, United
2 States Code, is amended in paragraph (1) by striking
3 “\$40” and inserting “\$50”.

4 (b) EFFECTIVE DATE.—The amendment made in
5 subsection (a) shall take effect 45 days after the date of
6 enactment of this Act.

7 This title may be cited as the “Judiciary Appropria-
8 tions Act, 2018”.

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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

1 shall be under the control of the District of Columbia
2 Chief Financial Officer, who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the Office of the
5 Chief Financial Officer shall provide a quarterly financial
6 report to the Committees on Appropriations of the House
7 of Representatives and the Senate for these funds show-
8 ing, by object class, the expenditures made and the pur-
9 pose therefor.

10 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
11 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

12 For a Federal payment of necessary expenses, as de-
13 termined by the Mayor of the District of Columbia in writ-
14 ten consultation with the elected county or city officials
15 of surrounding jurisdictions, \$13,000,000, to remain
16 available until expended, for the costs of providing public
17 safety at events related to the presence of the National
18 Capital in the District of Columbia, including support re-
19 quested by the Director of the United States Secret Serv-
20 ice in carrying out protective duties under the direction
21 of the Secretary of Homeland Security, and for the costs
22 of providing support to respond to immediate and specific
23 terrorist threats or attacks in the District of Columbia or
24 surrounding jurisdictions.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2 COURTS

3 For salaries and expenses for the District of Colum-
4 bia Courts, \$265,400,000 to be allocated as follows: for
5 the District of Columbia Court of Appeals, \$14,000,000,
6 of which not to exceed \$2,500 is for official reception and
7 representation expenses; for the Superior Court of the
8 District of Columbia, \$121,000,000, of which not to ex-
9 ceed \$2,500 is for official reception and representation ex-
10 penses; for the District of Columbia Court System,
11 \$71,500,000, of which not to exceed \$2,500 is for official
12 reception and representation expenses; and \$58,900,000,
13 to remain available until September 30, 2019, for capital
14 improvements for District of Columbia courthouse facili-
15 ties: *Provided*, That funds made available for capital im-
16 provements shall be expended consistent with the District
17 of Columbia Courts master plan study and facilities condi-
18 tion assessment: *Provided further*, That notwithstanding
19 any other provision of law, all amounts under this heading
20 shall be apportioned quarterly by the Office of Manage-
21 ment and Budget and obligated and expended in the same
22 manner as funds appropriated for salaries and expenses
23 of other Federal agencies: *Provided further*, That 30 days
24 after providing written notice to the Committees on Ap-
25 propriations of the House of Representatives and the Sen-

1 ate, the District of Columbia Courts may reallocate not
2 more than \$6,000,000 of the funds provided under this
3 heading among the items and entities funded under this
4 heading: *Provided further*, That the Joint Committee on
5 Judicial Administration in the District of Columbia may,
6 by regulation, establish a program substantially similar to
7 the program set forth in subchapter II of chapter 35 of
8 title 5, United States Code, for employees of the District
9 of Columbia Courts.

10 FEDERAL PAYMENT FOR DEFENDER SERVICES IN
11 DISTRICT OF COLUMBIA COURTS
12 (INCLUDING TRANSFER OF FUNDS)

13 For payments authorized under section 11–2604 and
14 section 11–2605, D.C. Official Code (relating to represen-
15 tation provided under the District of Columbia Criminal
16 Justice Act), payments for counsel appointed in pro-
17 ceedings in the Family Court of the Superior Court of the
18 District of Columbia under chapter 23 of title 16, D.C.
19 Official Code, or pursuant to contractual agreements to
20 provide guardian ad litem representation, training, tech-
21 nical assistance, and such other services as are necessary
22 to improve the quality of guardian ad litem representation,
23 payments for counsel appointed in adoption proceedings
24 under chapter 3 of title 16, D.C. Official Code, and pay-
25 ments authorized under section 21–2060, D.C. Official

1 Code (relating to services provided under the District of
2 Columbia Guardianship, Protective Proceedings, and Du-
3 rable Power of Attorney Act of 1986), \$49,890,000, to
4 remain available until expended: *Provided*, That not more
5 than \$20,000,000 in unobligated funds provided in this
6 account may be transferred to and merged with funds
7 made available under the heading “Federal Payment to
8 the District of Columbia Courts,” to be available for the
9 same period and purposes as funds made available under
10 that heading for capital improvements to District of Co-
11 lumbia courthouse facilities: *Provided*, That funds pro-
12 vided under this heading shall be administered by the
13 Joint Committee on Judicial Administration in the Dis-
14 trict of Columbia: *Provided further*, That, notwithstanding
15 any other provision of law, this appropriation shall be ap-
16 portioned quarterly by the Office of Management and
17 Budget and obligated and expended in the same manner
18 as funds appropriated for expenses of other Federal agen-
19 cies.

20 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
21 FENDER SUPERVISION AGENCY FOR THE DISTRICT
22 OF COLUMBIA

23 For salaries and expenses, including the transfer and
24 hire of motor vehicles, of the Court Services and Offender
25 Supervision Agency for the District of Columbia, as au-

1 thORIZED by the National Capital Revitalization and Self-
2 Government Improvement Act of 1997, \$244,298,000, of
3 which not to exceed \$2,000 is for official reception and
4 representation expenses related to Community Supervision
5 and Pretrial Services Agency programs, of which not to
6 exceed \$25,000 is for dues and assessments relating to
7 the implementation of the Court Services and Offender
8 Supervision Agency Interstate Supervision Act of 2002;
9 of which \$180,840,000 shall be for necessary expenses of
10 Community Supervision and Sex Offender Registration, to
11 include expenses relating to the supervision of adults sub-
12 ject to protection orders or the provision of services for
13 or related to such persons; and of which \$63,458,000 shall
14 be available to the Pretrial Services Agency: *Provided*,
15 That notwithstanding any other provision of law, all
16 amounts under this heading shall be apportioned quarterly
17 by the Office of Management and Budget and obligated
18 and expended in the same manner as funds appropriated
19 for salaries and expenses of other Federal agencies: *Pro-*
20 *vided further*, That amounts under this heading may be
21 used for programmatic incentives for defendants to suc-
22 cessfully complete their terms of supervision.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2 PUBLIC DEFENDER SERVICE

3 For salaries and expenses, including the transfer and
4 hire of motor vehicles, of the District of Columbia Public
5 Defender Service, as authorized by the National Capital
6 Revitalization and Self-Government Improvement Act of
7 1997, \$41,829,000: *Provided*, That notwithstanding any
8 other provision of law, all amounts under this heading
9 shall be apportioned quarterly by the Office of Manage-
10 ment and Budget and obligated and expended in the same
11 manner as funds appropriated for salaries and expenses
12 of Federal agencies.

13 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

14 COORDINATING COUNCIL

15 For a Federal payment to the Criminal Justice Co-
16 ordinating Council, \$2,000,000, to remain available until
17 expended, to support initiatives related to the coordination
18 of Federal and local criminal justice resources in the Dis-
19 trict of Columbia.

20 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

21 For a Federal payment, to remain available until
22 September 30, 2019, to the Commission on Judicial Dis-
23 abilities and Tenure, \$295,000, and for the Judicial Nomi-
24 nation Commission, \$270,000.

1 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

2 For a Federal payment for a school improvement pro-
3 gram in the District of Columbia, \$45,000,000, to remain
4 available until expended, for payments authorized under
5 the Scholarship for Opportunity and Results Act (division
6 C of Public Law 112–10): *Provided*, That, to the extent
7 that funds are available for opportunity scholarships and
8 following the priorities included in section 3006 of such
9 Act, the Secretary of Education shall make scholarships
10 available to students eligible under section 3013(3) of such
11 Act (Public Law 112–10; 125 Stat. 211) including stu-
12 dents who were not offered a scholarship during any pre-
13 vious school year: *Provided further*, That within funds pro-
14 vided for opportunity scholarships \$3,200,000 shall be for
15 the activities specified in sections 3007(b) through
16 3007(d) and 3009 of the Act.

17 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

18 NATIONAL GUARD

19 For a Federal payment to the District of Columbia
20 National Guard, \$435,000, to remain available until ex-
21 pended for the Major General David F. Wherley, Jr. Dis-
22 trict of Columbia National Guard Retention and College
23 Access Program.

1 FEDERAL PAYMENT FOR TESTING AND TREATMENT OF
2 HIV/AIDS

3 For a Federal payment to the District of Columbia
4 for the testing of individuals for, and the treatment of in-
5 dividuals with, human immunodeficiency virus and ac-
6 quired immunodeficiency syndrome in the District of Co-
7 lumbia, \$5,000,000.

8 DISTRICT OF COLUMBIA FUNDS

9 Local funds are appropriated for the District of Co-
10 lumbia for the current fiscal year out of the General Fund
11 of the District of Columbia (“General Fund”) for pro-
12 grams and activities set forth under the heading “PART
13 A—SUMMARY OF EXPENSES” and at the rate set forth
14 under such heading, as included in D.C. Bill 22–242, as
15 amended as of the date of enactment of this Act: *Provided*,
16 That notwithstanding any other provision of law, except
17 as provided in section 450A of the District of Columbia
18 Home Rule Act (section 1–204.50a, D.C. Official Code),
19 sections 816 and 817 of the Financial Services and Gen-
20 eral Government Appropriations Act, 2009 (secs. 47–
21 369.01 and 47–369.02, D.C. Official Code), and provi-
22 sions of this Act, the total amount appropriated in this
23 Act for operating expenses for the District of Columbia
24 for fiscal year 2018 under this heading shall not exceed
25 the estimates included in D.C. Bill 22–242, as amended

1 as of the date of enactment of this Act or the sum of the
2 total revenues of the District of Columbia for such fiscal
3 year: *Provided further*, That the amount appropriated may
4 be increased by proceeds of one-time transactions, which
5 are expended for emergency or unanticipated operating or
6 capital needs: *Provided further*, That such increases shall
7 be approved by enactment of local District law and shall
8 comply with all reserve requirements contained in the Dis-
9 trict of Columbia Home Rule Act: *Provided further*, That
10 the Chief Financial Officer of the District of Columbia
11 shall take such steps as are necessary to assure that the
12 District of Columbia meets these requirements, including
13 the apportioning by the Chief Financial Officer of the ap-
14 propriations and funds made available to the District dur-
15 ing fiscal year 2018, except that the Chief Financial Offi-
16 cer may not reprogram for operating expenses any funds
17 derived from bonds, notes, or other obligations issued for
18 capital projects.

19 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

20 WATER AND SEWER AUTHORITY

21 For a Federal payment to the District of Columbia
22 Water and Sewer Authority, \$14,000,000, to remain avail-
23 able until expended, to continue implementation of the
24 Combined Sewer Overflow Long-Term Plan: *Provided*,

1 That the District of Columbia Water and Sewer Authority
2 provides a 100 percent match for this payment.

3 This title may be cited as the “District of Columbia
4 Appropriations Act, 2018”.

1 TITLE V
2 INDEPENDENT AGENCIES
3 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For necessary expenses of the Administrative Con-
6 ference of the United States, authorized by 5 U.S.C. 591
7 et seq., \$3,100,000, to remain available until September
8 30, 2019, of which not to exceed \$1,000 is for official re-
9 ception and representation expenses.

10 CONSUMER PRODUCT SAFETY COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Consumer Product
13 Safety Commission, including hire of passenger motor ve-
14 hicles, services as authorized by 5 U.S.C. 3109, but at
15 rates for individuals not to exceed the per diem rate equiv-
16 alent to the maximum rate payable under 5 U.S.C. 5376,
17 purchase of nominal awards to recognize non-Federal offi-
18 cials' contributions to Commission activities, and not to
19 exceed \$8,000 for official reception and representation ex-
20 penses, \$126,000,000, of which \$1,100,000 shall remain
21 available until expended to carry out the program, includ-
22 ing administrative costs, required by section 1405 of the
23 Virginia Graeme Baker Pool and Spa Safety Act (Public
24 Law 110–140; 15 U.S.C. 8004).

1 ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT

2 SAFETY COMMISSION

3 SEC. 501. During fiscal year 2018, none of the
4 amounts made available by this Act may be used to final-
5 ize or implement the Safety Standard for Recreational
6 Off-Highway Vehicles published by the Consumer Product
7 Safety Commission in the Federal Register on November
8 19, 2014 (79 Fed. Reg. 68964) until after—

9 (1) the National Academy of Sciences, in con-
10 sultation with the National Highway Traffic Safety
11 Administration and the Department of Defense,
12 completes a study to determine—

13 (A) the technical validity of the lateral sta-
14 bility and vehicle handling requirements pro-
15 posed by such standard for purposes of reduc-
16 ing the risk of Recreational Off-Highway Vehi-
17 cle (referred to in this section as “ROV”) roll-
18 overs in the off-road environment, including the
19 repeatability and reproducibility of testing for
20 compliance with such requirements;

21 (B) the number of ROV rollovers that
22 would be prevented if the proposed require-
23 ments were adopted;

24 (C) whether there is a technical basis for
25 the proposal to provide information on a point-

1 of-sale hangtag about a ROV's rollover resist-
2 ance on a progressive scale; and

3 (D) the effect on the utility of ROVs used
4 by the United States military if the proposed
5 requirements were adopted; and

6 (2) a report containing the results of the study
7 completed under paragraph (1) is delivered to—

8 (A) the Committee on Commerce, Science,
9 and Transportation of the Senate;

10 (B) the Committee on Energy and Com-
11 merce of the House of Representatives;

12 (C) the Committee on Appropriations of
13 the Senate; and

14 (D) the Committee on Appropriations of
15 the House of Representatives.

16 ELECTION ASSISTANCE COMMISSION

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to carry out the Help Amer-
20 ica Vote Act of 2002 (Public Law 107–252), \$10,100,000,
21 of which \$1,500,000 shall be transferred to the National
22 Institute of Standards and Technology for election reform
23 activities authorized under the Help America Vote Act of
24 2002.

1 ELECTION REFORM PROGRAM

2 Notwithstanding section 104(c)(2)(B) of the Help
3 America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)),
4 \$380,000,000 is provided to the Election Assistance Com-
5 mission for necessary expenses to make payments to
6 States for activities to improve the administration of elec-
7 tions for Federal office, including to enhance election tech-
8 nology and make election security improvements, as au-
9 thorized by sections 101, 103, and 104 of such Act: *Pro-*
10 *vided*, That each reference to the “Administrator of Gen-
11 eral Services” or the “Administrator” in sections 101 and
12 103 shall be deemed to refer to the “Election Assistance
13 Commission”: *Provided further*, That each reference to
14 “\$5,000,000” in section 103 shall be deemed to refer to
15 “\$3,000,000” and each reference to “\$1,000,000” in sec-
16 tion 103 shall be deemed to refer to “\$600,000”: *Provided*
17 *further*, That not later than 45 days after the date of en-
18 actment of this Act, the Election Assistance Commission
19 shall make the payments to states under this heading:
20 *Provided further*, That not later than two years after re-
21 ceiving a payment under this heading, a state shall make
22 available funds for such activities in an amount equal to
23 5 percent of the total amount of the payment made to
24 the State under this heading.

1 FEDERAL COMMUNICATIONS COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Communica-
4 tions Commission, as authorized by law, including uni-
5 forms and allowances therefor, as authorized by 5 U.S.C.
6 5901–5902; not to exceed \$4,000 for official reception and
7 representation expenses; purchase and hire of motor vehi-
8 cles; special counsel fees; and services as authorized by
9 5 U.S.C. 3109, \$322,035,000, to remain available until
10 expended: *Provided*, That \$322,035,000 of offsetting col-
11 lections shall be assessed and collected pursuant to section
12 9 of title I of the Communications Act of 1934, shall be
13 retained and used for necessary expenses and shall remain
14 available until expended: *Provided further*, That the sum
15 herein appropriated shall be reduced as such offsetting
16 collections are received during fiscal year 2018 so as to
17 result in a final fiscal year 2018 appropriation estimated
18 at \$0: *Provided further*, That any offsetting collections re-
19 ceived in excess of \$322,035,000 in fiscal year 2018 shall
20 not be available for obligation: *Provided further*, That re-
21 maining offsetting collections from prior years collected in
22 excess of the amount specified for collection in each such
23 year and otherwise becoming available on October 1, 2017,
24 shall not be available for obligation: *Provided further*,
25 That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds

1 from the use of a competitive bidding system that may
2 be retained and made available for obligation shall not ex-
3 ceed \$111,150,000 for fiscal year 2018: *Provided further*,
4 That, of the amount appropriated under this heading, not
5 less than \$11,020,000 shall be for the salaries and ex-
6 penses of the Office of Inspector General.

7 ADMINISTRATIVE PROVISIONS—FEDERAL

8 COMMUNICATIONS COMMISSION

9 SEC. 510. None of the funds appropriated by this Act
10 may be used by the Federal Communications Commission
11 to modify, amend, or change its rules or regulations for
12 universal service support payments to implement the Feb-
13 ruary 27, 2004 recommendations of the Federal-State
14 Joint Board on Universal Service regarding single connec-
15 tion or primary line restrictions on universal service sup-
16 port payments.

17 SEC. 511. Section 6403 of the Middle Class Tax Re-
18 lief and Job Creation Act of 2012 (47 U.S.C. 1452) is
19 amended by adding at the end the following:

20 “(j) RESERVE SOURCE FOR PAYMENT OF RELOCA-
21 TION COSTS.—

22 “(1) FUNDING.—There are hereby authorized
23 to be appropriated, and appropriated, to the TV
24 Broadcaster Relocation Fund established by sub-

1 section (d), out of any monies in the Treasury not
2 otherwise appropriated—

3 “(A) for fiscal year 2018, \$600,000,000,
4 to remain available, notwithstanding subsection
5 (d)(4), until not later than July 3, 2023, pursu-
6 ant to this subsection; and

7 “(B) for fiscal year 2019, \$400,000,000,
8 to remain available, notwithstanding subsection
9 (d)(4), until not later than July 3, 2023, pursu-
10 ant to this subsection.

11 “(2) AVAILABILITY OF FUNDS.—

12 “(A) IN GENERAL.—If the Commission
13 makes the certification described in subpara-
14 graph (B), amounts made available to the TV
15 Broadcaster Relocation Fund by paragraph (1)
16 shall be available to the Commission to make—

17 “(i) reimbursements pursuant to sub-
18 section (b)(4)(A)(i) or (b)(4)(A)(ii), includ-
19 ing not more than \$350,000,000 for this
20 purpose from funds made available by
21 paragraph (1)(A);

22 “(ii) payments required by subsection
23 (k), including not more than \$150,000,000
24 for this purpose from funds made available
25 by paragraph (1)(A);

1 “(iii) payments required by subsection
2 (1), including not more than \$50,000,000
3 for this purpose from funds made available
4 by paragraph (1)(A); and

5 “(iv) payments solely for the purposes
6 of consumer education relating to the reor-
7 ganization of broadcast television spectrum
8 under subsection (b), including
9 \$50,000,000 for this purpose from funds
10 made available by paragraph (1)(A).

11 “(B) CERTIFICATION.—The certification
12 described in this subparagraph is a certification
13 from the Commission to the Secretary of the
14 Treasury that the funds available prior to the
15 date of enactment of this subsection in the TV
16 Broadcaster Relocation Fund are likely to be
17 insufficient to reimburse reasonably incurred
18 costs described in subsection (b)(4)(A)(i) or
19 (b)(4)(A)(ii).

20 “(C) AVAILABILITY FOR PAYMENTS AFTER
21 APRIL 13, 2020.—

22 “(i) FOR PAYMENTS TO BROADCAST
23 TELEVISION LICENSEES AND MVPDS.—
24 Notwithstanding subsection (b)(4)(D), the
25 Commission may make payments pursuant

1 to subsection (b)(4)(A)(i) or (b)(4)(A)(ii)
2 from amounts made available to the TV
3 Broadcaster Relocation Fund by para-
4 graph (1) after April 13, 2020, if, before
5 making any such payments after such
6 date, the Commission submits to Congress
7 a certification that such payments are nec-
8 essary to reimburse reasonably incurred
9 costs described in such subsection.

10 “(ii) FOR PAYMENTS TO TELEVISION
11 TRANSLATOR STATIONS AND LOW POWER
12 TELEVISION STATIONS.—Amounts made
13 available to the TV Broadcaster Relocation
14 Fund by paragraph (1) shall not be avail-
15 able to the Commission to make payments
16 required by subsection (k) after April 13,
17 2020, unless, before making any such pay-
18 ments after such date, the Commission
19 submits to Congress a certification that
20 such payments are necessary to reimburse
21 costs reasonably incurred by a television
22 translator station or low power television
23 station (as such terms are defined in sub-
24 section (k)) on or after January 1, 2017,
25 in order for such station to relocate its tel-

1 evision service from one channel to another
2 channel or otherwise modify its facility as
3 a result of the reorganization of broadcast
4 television spectrum under subsection (b).

5 “(iii) FOR PAYMENTS TO FM BROAD-
6 CAST STATIONS.—Amounts made available
7 to the TV Broadcaster Relocation Fund by
8 paragraph (1) shall not be available to the
9 Commission to make payments required by
10 subsection (1) after April 13, 2020, unless,
11 before making any such payments after
12 such date, the Commission submits to Con-
13 gress a certification that such payments
14 are necessary to reimburse costs reason-
15 ably incurred by an FM broadcast station
16 (as defined in subsection (1)) for facilities
17 necessary for such station to reasonably
18 minimize disruption of service as a result
19 of the reorganization of broadcast tele-
20 vision spectrum under subsection (b).

21 “(3) UNUSED FUNDS RESCINDED AND DEPOS-
22 ITED INTO THE GENERAL FUND OF THE TREAS-
23 URY.—

24 “(A) RESCISSION AND DEPOSIT.—If any
25 unobligated amounts made available to the TV

1 Broadcaster Relocation Fund by paragraph (1)
2 remain in the Fund after the date described in
3 subparagraph (B), such amounts shall be re-
4 scinded and deposited into the general fund of
5 the Treasury, where such amounts shall be
6 dedicated for the sole purpose of deficit reduc-
7 tion.

8 “(B) DATE DESCRIBED.—The date de-
9 scribed in this subparagraph is the earlier of—

10 “(i) the date of a certification by the
11 Commission under subparagraph (C) that
12 all reimbursements pursuant to subsections
13 (b)(4)(A)(i) and (b)(4)(A)(ii) have been
14 made and that all reimbursements pursu-
15 ant to subsections (k) and (l) have been
16 made; or

17 “(ii) July 3, 2023.

18 “(C) CERTIFICATION.—If all reimburse-
19 ments pursuant to subsections (b)(4)(A)(i) and
20 (b)(4)(A)(ii) and all reimbursements pursuant
21 to subsections (k) and (l) have been made be-
22 fore July 3, 2023, the Commission shall submit
23 to the Secretary of the Treasury a certification
24 that all such reimbursements have been made.

1 “(4) ADMINISTRATIVE COSTS.—The amount of
2 auction proceeds that the salaries and expenses ac-
3 count of the Commission is required to retain under
4 section 309(j)(8)(B) of the Communications Act of
5 1934 (47 U.S.C. 309(j)(8)(B)), including from the
6 proceeds of the forward auction under this section,
7 shall be sufficient to cover the administrative costs
8 incurred by the Commission in making any reim-
9 bursements out of the TV Broadcaster Relocation
10 Fund from amounts made available to that Fund by
11 paragraph (1).

12 “(k) PAYMENT OF RELOCATION COSTS OF TELE-
13 VISION TRANSLATOR STATIONS AND LOW POWER TELE-
14 VISION STATIONS.—

15 “(1) PAYMENT REQUIRED.—From amounts
16 made available under subsection (j)(2), the Commis-
17 sion shall reimburse costs reasonably incurred by a
18 television translator station or low power television
19 station on or after January 1, 2017, in order for
20 such station to relocate its television service from
21 one channel to another channel or otherwise modify
22 its facility as a result of the reorganization of broad-
23 cast television spectrum under subsection (b). Only
24 stations that are eligible to file and do file an appli-
25 cation in the Commission’s Special Displacement

1 Window are eligible to seek reimbursement under
2 this paragraph.

3 “(2) LIMITATION.—The Commission may not
4 make reimbursements under paragraph (1) for lost
5 revenues.

6 “(3) DUPLICATIVE PAYMENTS PROHIBITED.—
7 In the case of a low power television station that has
8 been accorded primary status as a Class A television
9 licensee under section 73.6001(a) of title 47, Code
10 of Federal Regulations—

11 “(A) if the licensee of such station has re-
12 ceived reimbursement with respect to such sta-
13 tion under subsection (b)(4)(A)(i) (including
14 from amounts made available under subsection
15 (j)(2)(A)(i)), or from any other source, such
16 station may not receive reimbursement under
17 paragraph (1); and

18 “(B) if such station has received reim-
19 bursement under paragraph (1), the licensee of
20 such station may not receive reimbursement
21 with respect to such station under subsection
22 (b)(4)(A)(i).

23 “(4) ADDITIONAL LIMITATION.—The Commis-
24 sion may not make reimbursement under paragraph
25 (1) for costs incurred to resolve mutually exclusive

1 applications, including costs incurred in any auction
2 of available channels.

3 “(5) DEFINITIONS.—In this subsection:

4 “(A) LOW POWER TELEVISION STATION.—

5 The term ‘low power television station’ means a
6 low power TV station (as defined in section
7 74.701 of title 47, Code of Federal Regula-
8 tions) that was licensed and transmitting for at
9 least 9 of the 12 months prior to April 13,
10 2017. For purposes of the preceding sentence,
11 the operation of analog and digital companion
12 facilities may be combined.

13 “(B) TELEVISION TRANSLATOR STA-

14 TION.—The term ‘television translator station’
15 means a television broadcast translator station
16 (as defined in section 74.701 of title 47, Code
17 of Federal Regulations) that was licensed and
18 transmitting for at least 9 of the 12 months
19 prior to April 13, 2017. For purposes of the
20 preceding sentence, the operation of analog and
21 digital companion facilities may be combined.

22 “(1) PAYMENT OF RELOCATION COSTS OF FM
23 BROADCAST STATIONS.—

24 “(1) PAYMENT REQUIRED.—

1 “(A) IN GENERAL.—From amounts made
2 available under subsection (j)(2), the Commis-
3 sion shall reimburse costs reasonably incurred
4 by an FM broadcast station for facilities nec-
5 essary for such station to reasonably minimize
6 disruption of service as a result of the reorga-
7 nization of broadcast television spectrum under
8 subsection (b).

9 “(B) LIMITATION.—The Commission may
10 not make reimbursements under subparagraph
11 (A) for lost revenues.

12 “(C) DUPLICATIVE PAYMENTS PROHIB-
13 ITED.—If an FM broadcast station has received
14 a payment for interim facilities from the li-
15 censee of a television broadcast station that was
16 reimbursed for such payment under subsection
17 (b)(4)(A)(i) (including from amounts made
18 available under subsection (j)(2)(A)(i)), or from
19 any other source, such FM broadcast station
20 may not receive any reimbursements under sub-
21 paragraph (A).

22 “(2) FM BROADCAST STATION DEFINED.—In
23 this subsection, the term ‘FM broadcast station’ has
24 the meaning given such term in section 73.310 of
25 title 47, Code of Federal Regulations, and includes

1 an FM translator, which has the meaning given the
2 term ‘FM translator’ in section 74.1201 of such
3 title.

4 “(m) RULEMAKING.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this subsection, the Com-
7 mission shall complete a rulemaking to implement
8 subsections (k) and (l).

9 “(2) MATTERS FOR INCLUSION.—The rule-
10 making completed under paragraph (1) shall include
11 the development of lists of reasonable eligible costs
12 to be reimbursed by the Commission pursuant to
13 subsections (k) and (l), and procedures for the sub-
14 mission and review of cost estimates and other mate-
15 rials related to those costs consistent with the regu-
16 lations developed by the Commission pursuant to
17 subsection (b)(4).

18 “(n) RULE OF CONSTRUCTION.—

19 “(1) Nothing in subsections (j) through (m)
20 shall alter the final transition phase completion date
21 established by the Commission for full power and
22 Class A television stations.”.

1 FEDERAL DEPOSIT INSURANCE CORPORATION

2 OFFICE OF THE INSPECTOR GENERAL

3 For necessary expenses of the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, \$39,136,000, to be derived from the
6 Deposit Insurance Fund or, only when appropriate, the
7 FSLIC Resolution Fund.

8 FEDERAL ELECTION COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses to carry out the provisions
11 of the Federal Election Campaign Act of 1971,
12 \$71,250,000, of which not to exceed \$5,000 shall be avail-
13 able for reception and representation expenses.

14 FEDERAL LABOR RELATIONS AUTHORITY

15 SALARIES AND EXPENSES

16 For necessary expenses to carry out functions of the
17 Federal Labor Relations Authority, pursuant to Reorga-
18 nization Plan Numbered 2 of 1978, and the Civil Service
19 Reform Act of 1978, including services authorized by 5
20 U.S.C. 3109, and including hire of experts and consult-
21 ants, hire of passenger motor vehicles, and including offi-
22 cial reception and representation expenses (not to exceed
23 \$1,500) and rental of conference rooms in the District of
24 Columbia and elsewhere, \$26,200,000: *Provided*, That
25 public members of the Federal Service Impasses Panel

1 may be paid travel expenses and per diem in lieu of sub-
2 sistence as authorized by law (5 U.S.C. 5703) for persons
3 employed intermittently in the Government service, and
4 compensation as authorized by 5 U.S.C. 3109: *Provided*
5 *further*, That, notwithstanding 31 U.S.C. 3302, funds re-
6 ceived from fees charged to non-Federal participants at
7 labor-management relations conferences shall be credited
8 to and merged with this account, to be available without
9 further appropriation for the costs of carrying out these
10 conferences.

11 FEDERAL TRADE COMMISSION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Trade Com-
14 mission, including uniforms or allowances therefor, as au-
15 thorized by 5 U.S.C. 5901–5902; services as authorized
16 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
17 not to exceed \$2,000 for official reception and representa-
18 tion expenses, \$306,317,000, to remain available until ex-
19 pended: *Provided*, That not to exceed \$300,000 shall be
20 available for use to contract with a person or persons for
21 collection services in accordance with the terms of 31
22 U.S.C. 3718: *Provided further*, That, notwithstanding any
23 other provision of law, not to exceed \$126,000,000 of off-
24 setting collections derived from fees collected for
25 premerger notification filings under the Hart-Scott-Ro-

1 dino Antitrust Improvements Act of 1976 (15 U.S.C.
2 18a), regardless of the year of collection, shall be retained
3 and used for necessary expenses in this appropriation:
4 *Provided further*, That, notwithstanding any other provi-
5 sion of law, not to exceed \$16,000,000 in offsetting collec-
6 tions derived from fees sufficient to implement and enforce
7 the Telemarketing Sales Rule, promulgated under the
8 Telemarketing and Consumer Fraud and Abuse Preven-
9 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
10 account, and be retained and used for necessary expenses
11 in this appropriation: *Provided further*, That the sum here-
12 in appropriated from the general fund shall be reduced
13 as such offsetting collections are received during fiscal
14 year 2018, so as to result in a final fiscal year 2018 appro-
15 priation from the general fund estimated at not more than
16 \$164,317,000: *Provided further*, That none of the funds
17 made available to the Federal Trade Commission may be
18 used to implement subsection (e)(2)(B) of section 43 of
19 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 LIMITATIONS ON AVAILABILITY OF REVENUE

5 (INCLUDING TRANSFERS OF FUNDS)

6 Amounts in the Fund, including revenues and collec-
7 tions deposited into the Fund, shall be available for nec-
8 essary expenses of real property management and related
9 activities not otherwise provided for, including operation,
10 maintenance, and protection of federally owned and leased
11 buildings; rental of buildings in the District of Columbia;
12 restoration of leased premises; moving governmental agen-
13 cies (including space adjustments and telecommunications
14 relocation expenses) in connection with the assignment, al-
15 location, and transfer of space; contractual services inci-
16 dent to cleaning or servicing buildings, and moving; repair
17 and alteration of federally owned buildings, including
18 grounds, approaches, and appurtenances; care and safe-
19 guarding of sites; maintenance, preservation, demolition,
20 and equipment; acquisition of buildings and sites by pur-
21 chase, condemnation, or as otherwise authorized by law;
22 acquisition of options to purchase buildings and sites; con-
23 version and extension of federally owned buildings; pre-
24 liminary planning and design of projects by contract or
25 otherwise; construction of new buildings (including equip-

1 ment for such buildings); and payment of principal, inter-
2 est, and any other obligations for public buildings acquired
3 by installment purchase and purchase contract; in the ag-
4 gregate amount of \$9,073,938,000, of which—

5 (1) \$692,069,000 shall remain available until
6 expended for construction and acquisition (including
7 funds for sites and expenses, and associated design
8 and construction services) as follows:

9 (A) \$132,979,000 shall be for the Alexan-
10 dria Bay, New York, Land Port of Entry;

11 (B) \$121,848,000 shall be for the San
12 Diego, California, Otay Mesa Land Port of
13 Entry;

14 (C) \$137,242,000 shall be for the Harris-
15 burg, Pennsylvania, United States Courthouse,
16 as requested by the Federal Judiciary;

17 (D) \$110,000,000 shall be for the Hunts-
18 ville, Alabama, United States Courthouse, as
19 requested by the Federal Judiciary;

20 (E) \$190,000,000 shall be for the Fort
21 Lauderdale, Florida, United States Courthouse,
22 as requested by the Federal Judiciary:

23 *Provided*, That each of the foregoing limits of costs
24 on new construction and acquisition projects may be
25 exceeded to the extent that savings are effected in

1 other such projects, but not to exceed 10 percent of
2 the amounts included in a transmitted prospectus, if
3 required, unless advance approval is obtained from
4 the Committees on Appropriations of a greater
5 amount;

6 (2) \$666,335,000 shall remain available until
7 expended for repairs and alterations, including asso-
8 ciated design and construction services, of which—

9 (A) \$289,245,000 is for Major Repairs and
10 Alterations;

11 (B) \$312,090,000 is for Basic Repairs and
12 Alterations; and

13 (C) \$65,000,000 is for Special Emphasis
14 Programs, of which—

15 (i) \$25,000,000 is for Fire and Life
16 Safety;

17 (ii) \$20,000,000 is for Judiciary Cap-
18 ital Security; and

19 (iii) \$20,000,000 is for Consolidation
20 Activities: *Provided*, That consolidation
21 projects result in reduced annual rent paid
22 by the tenant agency: *Provided further*,
23 That no consolidation project exceed
24 \$10,000,000 in costs: *Provided further*,
25 That consolidation projects are approved

1 by each of the committees specified in sec-
2 tion 3307(a) of title 40, United States
3 Code: *Provided further*, That preference is
4 given to consolidation projects that achieve
5 a utilization rate of 130 usable square feet
6 or less per person for office space: *Pro-*
7 *vided further*, That the obligation of funds
8 under this paragraph for consolidation ac-
9 tivities may not be made until 10 days
10 after a proposed spending plan and expla-
11 nation for each project to be undertaken,
12 including estimated savings, has been sub-
13 mitted to the Committees on Appropria-
14 tions of the House of Representatives and
15 the Senate:

16 *Provided*, That funds made available in this or any
17 previous Act in the Federal Buildings Fund for Re-
18 pairs and Alterations shall, for prospectus projects,
19 be limited to the amount identified for each project,
20 except each project in this or any previous Act may
21 be increased by an amount not to exceed 10 percent
22 unless advance approval is obtained from the Com-
23 mittees on Appropriations of a greater amount: *Pro-*
24 *vided further*, That additional projects for which
25 prospectuses have been fully approved may be fund-

1 ed under this category only if advance approval is
2 obtained from the Committees on Appropriations:
3 *Provided further*, That the amounts provided in this
4 or any prior Act for “Repairs and Alterations” may
5 be used to fund costs associated with implementing
6 security improvements to buildings necessary to
7 meet the minimum standards for security in accord-
8 ance with current law and in compliance with the re-
9 programming guidelines of the appropriate Commit-
10 tees of the House and Senate: *Provided further*, That
11 the difference between the funds appropriated and
12 expended on any projects in this or any prior Act,
13 under the heading “Repairs and Alterations”, may
14 be transferred to Basic Repairs and Alterations or
15 used to fund authorized increases in prospectus
16 projects: *Provided further*, That the amount provided
17 in this or any prior Act for Basic Repairs and Alter-
18 ations may be used to pay claims against the Gov-
19 ernment arising from any projects under the heading
20 “Repairs and Alterations” or used to fund author-
21 ized increases in prospectus projects;

22 (3) \$5,493,768,000 for rental of space to re-
23 main available until expended; and

24 (4) \$2,221,766,000 for building operations to
25 remain available until expended, of which

1 \$1,146,089,000 is for building services, and
2 \$1,075,677,000 is for salaries and expenses: *Pro-*
3 *vided*, That not to exceed 5 percent of any appro-
4 priation made available under this paragraph for
5 building operations may be transferred between and
6 merged with such appropriations upon notification
7 to the Committees on Appropriations of the House
8 of Representatives and the Senate, but no such ap-
9 propriation shall be increased by more than 5 per-
10 cent by any such transfers: *Provided further*, That
11 section 521 of this title shall not apply with respect
12 to funds made available under this heading for
13 building operations: *Provided further*, That the total
14 amount of funds made available from this Fund to
15 the General Services Administration shall not be
16 available for expenses of any construction, repair, al-
17 teration and acquisition project for which a pro-
18 spectus, if required by 40 U.S.C. 3307(a), has not
19 been approved, except that necessary funds may be
20 expended for each project for required expenses for
21 the development of a proposed prospectus: *Provided*
22 *further*, That funds available in the Federal Build-
23 ings Fund may be expended for emergency repairs
24 when advance approval is obtained from the Com-
25 mittees on Appropriations: *Provided further*, That

1 amounts necessary to provide reimbursable special
2 services to other agencies under 40 U.S.C. 592(b)(2)
3 and amounts to provide such reimbursable fencing,
4 lighting, guard booths, and other facilities on private
5 or other property not in Government ownership or
6 control as may be appropriate to enable the United
7 States Secret Service to perform its protective func-
8 tions pursuant to 18 U.S.C. 3056, shall be available
9 from such revenues and collections: *Provided further,*
10 That revenues and collections and any other sums
11 accruing to this Fund during fiscal year 2018, ex-
12 cluding reimbursements under 40 U.S.C. 592(b)(2),
13 in excess of the aggregate new obligational authority
14 authorized for Real Property Activities of the Fed-
15 eral Buildings Fund in this Act shall remain in the
16 Fund and shall not be available for expenditure ex-
17 cept as authorized in appropriations Acts.

18 GENERAL ACTIVITIES

19 GOVERNMENT-WIDE POLICY

20 For expenses authorized by law, not otherwise pro-
21 vided for, for Government-wide policy and evaluation ac-
22 tivities associated with the management of real and per-
23 sonal property assets and certain administrative services;
24 Government-wide policy support responsibilities relating to
25 acquisition, travel, motor vehicles, information technology

1 management, and related technology activities; and serv-
2 ices as authorized by 5 U.S.C. 3109; \$53,499,000.

3 OPERATING EXPENSES

4 For expenses authorized by law, not otherwise pro-
5 vided for, for Government-wide activities associated with
6 utilization and donation of surplus personal property; dis-
7 posal of real property; agency-wide policy direction, man-
8 agement, and communications; and services as authorized
9 by 5 U.S.C. 3109; \$45,645,000, of which \$24,357,000 is
10 for Real and Personal Property Management and Dis-
11 posal; \$21,288,000 is for the Office of the Administrator,
12 of which not to exceed \$7,500 is for official reception and
13 representation expenses.

14 CIVILIAN BOARD OF CONTRACT APPEALS

15 For expenses authorized by law, not otherwise pro-
16 vided for, for the activities associated with the Civilian
17 Board of Contract Appeals, \$8,795,000.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General and service authorized by 5 U.S.C. 3109,
21 \$65,000,000: *Provided*, That not to exceed \$50,000 shall
22 be available for payment for information and detection of
23 fraud against the Government, including payment for re-
24 covery of stolen Government property: *Provided further*,
25 That not to exceed \$2,500 shall be available for awards

1 to employees of other Federal agencies and private citizens
2 in recognition of efforts and initiatives resulting in en-
3 hanced Office of Inspector General effectiveness.

4 ALLOWANCES AND OFFICE STAFF FOR FORMER
5 PRESIDENTS

6 For carrying out the provisions of the Act of August
7 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138,
8 \$4,754,000.

9 FEDERAL CITIZEN SERVICES FUND
10 (INCLUDING TRANSFERS OF FUNDS)

11 For necessary expenses of the Office of Products and
12 Programs, including services authorized by 40 U.S.C. 323
13 and 44 U.S.C. 3604; and for necessary expenses in sup-
14 port of interagency projects that enable the Federal Gov-
15 ernment to enhance its ability to conduct activities elec-
16 tronically, through the development and implementation of
17 innovative uses of information technology; \$50,000,000, to
18 be deposited into the Federal Citizen Services Fund: *Pro-*
19 *vided*, That the previous amount may be transferred to
20 Federal agencies to carry out the purpose of the Federal
21 Citizen Services Fund: *Provided further*, That the appro-
22 priations, revenues, reimbursements, and collections de-
23 posited into the Fund shall be available until expended for
24 necessary expenses of Federal Citizen Services and other
25 activities that enable the Federal Government to enhance

1 its ability to conduct activities electronically in the aggre-
2 gate amount not to exceed \$100,000,000: *Provided fur-*
3 *ther*, That appropriations, revenues, reimbursements, and
4 collections accruing to this Fund during fiscal year 2018
5 in excess of such amount shall remain in the Fund and
6 shall not be available for expenditure except as authorized
7 in appropriations Acts: *Provided further*, That any appro-
8 priations provided to the Electronic Government Fund
9 that remain unobligated may be transferred to the Federal
10 Citizen Services Fund: *Provided further*, That the transfer
11 authorities provided herein shall be in addition to any
12 other transfer authority provided in this Act.

13 TECHNOLOGY MODERNIZATION FUND

14 For the Technology Modernization Fund,
15 \$100,000,000, to remain available until expended, for
16 technology-related modernization activities.

17 ASSET PROCEEDS AND SPACE MANAGEMENT FUND

18 For carrying out the purposes of the Federal Assets
19 Sale and Transfer Act of 2016 (Public Law 114–287),
20 \$5,000,000, to be deposited into the Asset Proceeds and
21 Space Management Fund, to remain available until ex-
22 pended.

23 ENVIRONMENTAL REVIEW IMPROVEMENT FUND

24 For necessary expenses of the Environmental Review
25 Improvement Fund established pursuant to 42 U.S.C.

1 4370m-8(d), \$1,000,000, to remain available until ex-
2 pended.

3 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

4 ADMINISTRATION

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 520. Funds available to the General Services
7 Administration shall be available for the hire of passenger
8 motor vehicles.

9 SEC. 521. Funds in the Federal Buildings Fund
10 made available for fiscal year 2018 for Federal Buildings
11 Fund activities may be transferred between such activities
12 only to the extent necessary to meet program require-
13 ments: *Provided*, That any proposed transfers shall be ap-
14 proved in advance by the Committees on Appropriations
15 of the House of Representatives and the Senate.

16 SEC. 522. Except as otherwise provided in this title,
17 funds made available by this Act shall be used to transmit
18 a fiscal year 2019 request for United States Courthouse
19 construction only if the request: (1) meets the design guide
20 standards for construction as established and approved by
21 the General Services Administration, the Judicial Con-
22 ference of the United States, and the Office of Manage-
23 ment and Budget; (2) reflects the priorities of the Judicial
24 Conference of the United States as set out in its approved
25 Courthouse Project Priorities plan; and (3) includes a

1 standardized courtroom utilization study of each facility
2 to be constructed, replaced, or expanded.

3 SEC. 523. None of the funds provided in this Act may
4 be used to increase the amount of occupiable square feet,
5 provide cleaning services, security enhancements, or any
6 other service usually provided through the Federal Build-
7 ings Fund, to any agency that does not pay the rate per
8 square foot assessment for space and services as deter-
9 mined by the General Services Administration in consider-
10 ation of the Public Buildings Amendments Act of 1972
11 (Public Law 92–313).

12 SEC. 524. From funds made available under the
13 heading Federal Buildings Fund, Limitations on Avail-
14 ability of Revenue, claims against the Government of less
15 than \$250,000 arising from direct construction projects
16 and acquisition of buildings may be liquidated from sav-
17 ings effected in other construction projects with prior noti-
18 fication to the Committees on Appropriations of the House
19 of Representatives and the Senate.

20 SEC. 525. In any case in which the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Environment and Pub-
23 lic Works of the Senate adopt a resolution granting lease
24 authority pursuant to a prospectus transmitted to Con-
25 gress by the Administrator of the General Services Admin-

1 istration under 40 U.S.C. 3307, the Administrator shall
2 ensure that the delineated area of procurement is identical
3 to the delineated area included in the prospectus for all
4 lease agreements, except that, if the Administrator deter-
5 mines that the delineated area of the procurement should
6 not be identical to the delineated area included in the pro-
7 spectus, the Administrator shall provide an explanatory
8 statement to each of such committees and the Committees
9 on Appropriations of the House of Representatives and the
10 Senate prior to exercising any lease authority provided in
11 the resolution.

12 SEC. 526. With respect to each project funded under
13 the heading “Major Repairs and Alterations” or “Judici-
14 ary Capital Security Program”, and with respect to E-
15 Government projects funded under the heading “Federal
16 Citizen Services Fund”, the Administrator of General
17 Services shall submit a spending plan and explanation for
18 each project to be undertaken to the Committees on Ap-
19 propriations of the House of Representatives and the Sen-
20 ate not later than 60 days after the date of enactment
21 of this Act.

22 SEC. 527. Section 16 of the Federal Assets Sale and
23 Transfer Act of 2016 (Public Law 114–287) is amend-
24 ed—

1 MERIT SYSTEMS PROTECTION BOARD

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out functions of the
5 Merit Systems Protection Board pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978, the Civil Service Reform
7 Act of 1978, and the Whistleblower Protection Act of
8 1989 (5 U.S.C. 5509 note), including services as author-
9 ized by 5 U.S.C. 3109, rental of conference rooms in the
10 District of Columbia and elsewhere, hire of passenger
11 motor vehicles, direct procurement of survey printing, and
12 not to exceed \$2,000 for official reception and representa-
13 tion expenses, \$44,490,000, to remain available until Sep-
14 tember 30, 2019, and in addition not to exceed
15 \$2,345,000, to remain available until September 30, 2019,
16 for administrative expenses to adjudicate retirement ap-
17 peals to be transferred from the Civil Service Retirement
18 and Disability Fund in amounts determined by the Merit
19 Systems Protection Board.

20 MORRIS K. UDALL AND STEWART L. UDALL

21 FOUNDATION

22 MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 For payment to the Morris K. Udall and Stewart L.
25 Udall Trust Fund, pursuant to the Morris K. Udall and

1 Stewart L. Udall Foundation Act (20 U.S.C. 5601 et
2 seq.), \$1,975,000, to remain available until expended, of
3 which, notwithstanding sections 8 and 9 of such Act: (1)
4 up to \$50,000 shall be used to conduct financial audits
5 pursuant to the Accountability of Tax Dollars Act of 2002
6 (Public Law 107–289); and (2) up to \$1,000,000 shall
7 be available to carry out the activities authorized by sec-
8 tion 6(7) of Public Law 102–259 and section 817(a) of
9 Public Law 106–568 (20 U.S.C. 5604(7)): *Provided*, That
10 of the total amount made available under this heading
11 \$200,000 shall be transferred to the Office of Inspector
12 General of the Department of the Interior, to remain
13 available until expended, for audits and investigations of
14 the Morris K. Udall and Stewart L. Udall Foundation,
15 consistent with the Inspector General Act of 1978 (5
16 U.S.C. App.).

17 ENVIRONMENTAL DISPUTE RESOLUTION FUND

18 For payment to the Environmental Dispute Resolu-
19 tion Fund to carry out activities authorized in the Envi-
20 ronmental Policy and Conflict Resolution Act of 1998,
21 \$3,366,000, to remain available until expended.

22 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

23 OPERATING EXPENSES

24 For necessary expenses in connection with the admin-
25 istration of the National Archives and Records Adminis-

1 tration and archived Federal records and related activities,
2 as provided by law, and for expenses necessary for the re-
3 view and declassification of documents, the activities of
4 the Public Interest Declassification Board, the operations
5 and maintenance of the electronic records archives, the
6 hire of passenger motor vehicles, and for uniforms or al-
7 lowances therefor, as authorized by law (5 U.S.C. 5901),
8 including maintenance, repairs, and cleaning,
9 \$384,911,000, of which \$7,500,000 shall remain available
10 until expended for the repair, alteration, and improvement
11 of an additional leased facility to provide adequate storage
12 for holdings of the House of Representatives and the Sen-
13 ate.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Reform Act of 2008, Public Law 110–409, 122
18 Stat. 4302–16 (2008), and the Inspector General Act of
19 1978 (5 U.S.C. App.), and for the hire of passenger motor
20 vehicles, \$4,801,000.

21 REPAIRS AND RESTORATION

22 For the repair, alteration, and improvement of ar-
23 chives facilities, and to provide adequate storage for hold-
24 ings, \$7,500,000, to remain available until expended.

1 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

2 COMMISSION

3 GRANTS PROGRAM

4 For necessary expenses for allocations and grants for
5 historical publications and records as authorized by 44
6 U.S.C. 2504, \$6,000,000, to remain available until ex-
7 pended.

8 NATIONAL CREDIT UNION ADMINISTRATION

9 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

10 For the Community Development Revolving Loan
11 Fund program as authorized by 42 U.S.C. 9812, 9822
12 and 9910, \$2,000,000 shall be available until September
13 30, 2019, for technical assistance to low-income des-
14 ignated credit unions.

15 OFFICE OF GOVERNMENT ETHICS

16 SALARIES AND EXPENSES

17 For necessary expenses to carry out functions of the
18 Office of Government Ethics pursuant to the Ethics in
19 Government Act of 1978, the Ethics Reform Act of 1989,
20 and the Stop Trading on Congressional Knowledge Act of
21 2012, including services as authorized by 5 U.S.C. 3109,
22 rental of conference rooms in the District of Columbia and
23 elsewhere, hire of passenger motor vehicles, and not to ex-
24 ceed \$1,500 for official reception and representation ex-
25 penses, \$16,439,000.

1 OFFICE OF PERSONNEL MANAGEMENT

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF TRUST FUNDS)

4 For necessary expenses to carry out functions of the
5 Office of Personnel Management (OPM) pursuant to Re-
6 organization Plan Numbered 2 of 1978 and the Civil Serv-
7 ice Reform Act of 1978, including services as authorized
8 by 5 U.S.C. 3109; medical examinations performed for
9 veterans by private physicians on a fee basis; rental of con-
10 ference rooms in the District of Columbia and elsewhere;
11 hire of passenger motor vehicles; not to exceed \$2,500 for
12 official reception and representation expenses; advances
13 for reimbursements to applicable funds of OPM and the
14 Federal Bureau of Investigation for expenses incurred
15 under Executive Order No. 10422 of January 9, 1953,
16 as amended; and payment of per diem and/or subsistence
17 allowances to employees where Voting Rights Act activities
18 require an employee to remain overnight at his or her post
19 of duty, \$129,341,000: *Provided*, That of the total amount
20 made available under this heading, not to exceed
21 \$21,000,000 shall remain available until September 30,
22 2019, for information technology infrastructure mod-
23 ernization and Trust Fund Federal Financial System mi-
24 gration or modernization, and shall be in addition to funds
25 otherwise made available for such purposes upon submit-

1 ting to the Committees on Appropriations of the Senate
2 and House of Representatives the plan of expenditure as
3 required by the “Consolidated Appropriations Act, 2017”:
4 *Provided further*, That the amount made available by the
5 previous proviso may not be obligated until the Director
6 of the Office of Personnel Management submits to the
7 Committees on Appropriations of the Senate and the
8 House of Representatives within 90 days of enactment a
9 plan for expenditure of such amount, prepared in con-
10 sultation with the Director of the Office of Management
11 and Budget, the Administrator of the United States Dig-
12 ital Service, and the Secretary of Homeland Security,
13 that—

14 (1) identifies the full scope and cost of the IT
15 systems remediation and stabilization project;

16 (2) meets the capital planning and investment
17 control review requirements established by the Office
18 of Management and Budget, including Circular A-
19 11, part 7;

20 (3) includes a Major IT Business Case under
21 the requirements established by the Office of Man-
22 agement and Budget Exhibit 300;

23 (4) complies with the acquisition rules, require-
24 ments, guidelines, and systems acquisition manage-
25 ment practices of the Government;

1 (5) complies with all Office of Management and
2 Budget, Department of Homeland Security and Na-
3 tional Institute of Standards and Technology re-
4 quirements related to securing the agency's informa-
5 tion system as described in 44 U.S.C. 3554; and

6 (6) is reviewed and commented upon within 60
7 days of plan development by the Inspector General
8 of the Office of Personnel Management, and such
9 comments are submitted to the Director of the Of-
10 fice of Personnel Management before the date of
11 such submission:

12 *Provided further*, That of the total amount made available
13 under this heading, \$584,000 may be made available for
14 strengthening the capacity and capabilities of the acquisi-
15 tion workforce (as defined by the Office of Federal Pro-
16 curement Policy Act, as amended (41 U.S.C. 4001 et
17 seq.)), including the recruitment, hiring, training, and re-
18 tention of such workforce and information technology in
19 support of acquisition workforce effectiveness or for man-
20 agement solutions to improve acquisition management;
21 and in addition \$131,414,000 for administrative expenses,
22 to be transferred from the appropriate trust funds of OPM
23 without regard to other statutes, including direct procure-
24 ment of printed materials, for the retirement and insur-
25 ance programs: *Provided further*, That the provisions of

1 this appropriation shall not affect the authority to use ap-
2 plicable trust funds as provided by sections 8348(a)(1)(B),
3 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title
4 5, United States Code: *Provided further*, That no part of
5 this appropriation shall be available for salaries and ex-
6 penses of the Legal Examining Unit of OPM established
7 pursuant to Executive Order No. 9358 of July 1, 1943,
8 or any successor unit of like purpose: *Provided further*,
9 That the President's Commission on White House Fel-
10 lows, established by Executive Order No. 11183 of Octo-
11 ber 3, 1964, may, during fiscal year 2018, accept dona-
12 tions of money, property, and personal services: *Provided*
13 *further*, That such donations, including those from prior
14 years, may be used for the development of publicity mate-
15 rials to provide information about the White House Fel-
16 lows, except that no such donations shall be accepted for
17 travel or reimbursement of travel expenses, or for the sala-
18 ries of employees of such Commission.

19 OFFICE OF INSPECTOR GENERAL
20 SALARIES AND EXPENSES
21 (INCLUDING TRANSFER OF TRUST FUNDS)

22 For necessary expenses of the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, including services as authorized by
25 5 U.S.C. 3109, hire of passenger motor vehicles,

1 \$5,000,000, and in addition, not to exceed \$25,000,000
2 for administrative expenses to audit, investigate, and pro-
3 vide other oversight of the Office of Personnel Manage-
4 ment's retirement and insurance programs, to be trans-
5 ferred from the appropriate trust funds of the Office of
6 Personnel Management, as determined by the Inspector
7 General: *Provided*, That the Inspector General is author-
8 ized to rent conference rooms in the District of Columbia
9 and elsewhere.

10 OFFICE OF SPECIAL COUNSEL

11 SALARIES AND EXPENSES

12 For necessary expenses to carry out functions of the
13 Office of Special Counsel pursuant to Reorganization Plan
14 Numbered 2 of 1978, the Civil Service Reform Act of
15 1978 (Public Law 95-454), the Whistleblower Protection
16 Act of 1989 (Public Law 101-12) as amended by Public
17 Law 107-304, the Whistleblower Protection Enhancement
18 Act of 2012 (Public Law 112-199), and the Uniformed
19 Services Employment and Reemployment Rights Act of
20 1994 (Public Law 103-353), including services as author-
21 ized by 5 U.S.C. 3109, payment of fees and expenses for
22 witnesses, rental of conference rooms in the District of Co-
23 lumbia and elsewhere, and hire of passenger motor vehi-
24 cles; \$26,535,000.

1 POSTAL REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Postal Regulatory
5 Commission in carrying out the provisions of the Postal
6 Accountability and Enhancement Act (Public Law 109–
7 435), \$15,200,000, to be derived by transfer from the
8 Postal Service Fund and expended as authorized by sec-
9 tion 603(a) of such Act.

10 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

11 SALARIES AND EXPENSES

12 For necessary expenses of the Privacy and Civil Lib-
13 erties Oversight Board, as authorized by section 1061 of
14 the Intelligence Reform and Terrorism Prevention Act of
15 2004 (42 U.S.C. 2000ee), \$8,000,000, to remain available
16 until September 30, 2019.

17 PUBLIC BUILDINGS REFORM BOARD

18 SALARIES AND EXPENSES

19 For salaries and expenses of the Public Buildings Re-
20 form Board in carrying out the Federal Assets Sale and
21 Transfer Act of 2016 (Public Law 114–287), \$5,000,000,
22 to remain available until expended.

1 SECURITIES AND EXCHANGE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Securities and Ex-
4 change Commission, including services as authorized by
5 5 U.S.C. 3109, the rental of space (to include multiple
6 year leases) in the District of Columbia and elsewhere, and
7 not to exceed \$3,500 for official reception and representa-
8 tion expenses, \$1,652,000,000, to remain available until
9 expended; of which funding for information technology ini-
10 tiatives shall be increased over the fiscal year 2017 level
11 by not less than \$45,000,000; of which not less than
12 \$14,748,358 shall be for the Office of Inspector General;
13 of which not to exceed \$75,000 shall be available for a
14 permanent secretariat for the International Organization
15 of Securities Commissions; and of which not to exceed
16 \$100,000 shall be available for expenses for consultations
17 and meetings hosted by the Commission with foreign gov-
18 ernmental and other regulatory officials, members of their
19 delegations and staffs to exchange views concerning secu-
20 rities matters, such expenses to include necessary logistic
21 and administrative expenses and the expenses of Commis-
22 sion staff and foreign invitees in attendance including: (1)
23 incidental expenses such as meals; (2) travel and transpor-
24 tation; and (3) related lodging or subsistence; and of

1 which not less than \$68,950,000 shall be for the Division
2 of Economic and Risk Analysis.

3 In addition to the foregoing appropriation, for costs
4 associated with relocation under a replacement lease for
5 the Commission's headquarters facilities, not to exceed
6 \$244,507,052, to remain available until expended: *Pro-*
7 *vided*, That for purposes of calculating the fee rate under
8 section 31(j) of the Securities Exchange Act of 1934 (15
9 U.S.C. 78ee(j)) for fiscal year 2018, all amounts appro-
10 priated under this heading shall be deemed to be the reg-
11 ular appropriation to the Commission for fiscal year 2018:
12 *Provided further*, That fees and charges authorized by sec-
13 tion 31 of the Securities Exchange Act of 1934 (15 U.S.C.
14 78ee) shall be credited to this account as offsetting collec-
15 tions: *Provided further*, That not to exceed
16 \$1,652,000,000 of such offsetting collections shall be
17 available until expended for necessary expenses of this ac-
18 count and not to exceed \$244,507,052 of such offsetting
19 collections shall be available until expended for costs under
20 this heading associated with relocation under a replace-
21 ment lease for the Commission's headquarters facilities:
22 *Provided further*, That the total amount appropriated
23 under this heading from the general fund for fiscal year
24 2018 shall be reduced as such offsetting fees are received
25 so as to result in a final total fiscal year 2018 appropria-

1 tion from the general fund estimated at not more than
2 \$0: *Provided further*, That if any amount of the appropria-
3 tion for costs associated with relocation under a replace-
4 ment lease for the Commission's headquarters facilities is
5 subsequently de-obligated by the Commission, such
6 amount that was derived from the general fund shall be
7 returned to the general fund, and such amounts that were
8 derived from fees or assessments collected for such pur-
9 pose shall be paid to each national securities exchange and
10 national securities association, respectively, in proportion
11 to any fees or assessments paid by such national securities
12 exchange or national securities association under section
13 31 of the Securities Exchange Act of 1934 (15 U.S.C.
14 78ee) in fiscal year 2018.

15 SELECTIVE SERVICE SYSTEM

16 SALARIES AND EXPENSES

17 For necessary expenses of the Selective Service Sys-
18 tem, including expenses of attendance at meetings and of
19 training for uniformed personnel assigned to the Selective
20 Service System, as authorized by 5 U.S.C. 4101–4118 for
21 civilian employees; hire of passenger motor vehicles; serv-
22 ices as authorized by 5 U.S.C. 3109; and not to exceed
23 \$750 for official reception and representation expenses;
24 \$22,900,000: *Provided*, That during the current fiscal
25 year, the President may exempt this appropriation from

1 the provisions of 31 U.S.C. 1341, whenever the President
2 deems such action to be necessary in the interest of na-
3 tional defense: *Provided further*, That none of the funds
4 appropriated by this Act may be expended for or in con-
5 nection with the induction of any person into the Armed
6 Forces of the United States.

7 SMALL BUSINESS ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses, not otherwise provided for,
10 of the Small Business Administration, including hire of
11 passenger motor vehicles as authorized by sections 1343
12 and 1344 of title 31, United States Code, and not to ex-
13 ceed \$3,500 for official reception and representation ex-
14 penses, \$268,500,000, of which not less than \$12,000,000
15 shall be available for examinations, reviews, and other
16 lender oversight activities: *Provided*, That the Adminis-
17 trator is authorized to charge fees to cover the cost of pub-
18 lications developed by the Small Business Administration,
19 and certain loan program activities, including fees author-
20 ized by section 5(b) of the Small Business Act: *Provided*
21 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
22 received from all such activities shall be credited to this
23 account, to remain available until expended, for carrying
24 out these purposes without further appropriations: *Pro-*
25 *vided further*, That the Small Business Administration

1 may accept gifts in an amount not to exceed \$4,000,000
2 and may co-sponsor activities, each in accordance with sec-
3 tion 132(a) of division K of Public Law 108–447, during
4 fiscal year 2018: *Provided further*, That \$6,100,000 shall
5 be available for the Loan Modernization and Accounting
6 System, to be available until September 30, 2019: *Pro-*
7 *vided further*, That \$3,000,000 shall be for the Federal
8 and State Technology Partnership Program under section
9 34 of the Small Business Act (15 U.S.C. 657d).

10 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

11 For necessary expenses of programs supporting en-
12 trepreneurial and small business development,
13 \$247,100,000, to remain available until September 30,
14 2019: *Provided*, That \$130,000,000 shall be available to
15 fund grants for performance in fiscal year 2018 or fiscal
16 year 2019 as authorized by section 21 of the Small Busi-
17 ness Act: *Provided further*, That \$31,000,000 shall be for
18 marketing, management, and technical assistance under
19 section 7(m) of the Small Business Act (15 U.S.C.
20 636(m)(4)) by intermediaries that make microloans under
21 the microloan program: *Provided further*, That
22 \$18,000,000 shall be available for grants to States to
23 carry out export programs that assist small business con-
24 cerns authorized under section 22(l) of the Small Business
25 Act (15 U.S.C. 649(l)).

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$19,900,000.

5 OFFICE OF ADVOCACY

6 For necessary expenses of the Office of Advocacy in
7 carrying out the provisions of title II of Public Law 94–
8 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-
9 bility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to
10 remain available until expended.

11 BUSINESS LOANS PROGRAM ACCOUNT

12 (INCLUDING TRANSFER OF FUNDS)

13 For the cost of direct loans, \$3,438,172, to remain
14 available until expended: *Provided*, That such costs, in-
15 cluding the cost of modifying such loans, shall be as de-
16 fined in section 502 of the Congressional Budget Act of
17 1974: *Provided further*, That subject to section 502 of the
18 Congressional Budget Act of 1974, during fiscal year
19 2018 commitments to guarantee loans under section 503
20 of the Small Business Investment Act of 1958 shall not
21 exceed \$7,500,000,000: *Provided further*, That during fis-
22 cal year 2018 commitments for general business loans au-
23 thorized under section 7(a) of the Small Business Act
24 shall not exceed \$29,000,000,000 for a combination of
25 amortizing term loans and the aggregated maximum line

1 of credit provided by revolving loans: *Provided further,*
2 That during fiscal year 2018 commitments for loans au-
3 thorized under subparagraph (C) of section 502(7) of The
4 Small Business Investment Act of 1958 (15 U.S.C.
5 696(7)) shall not exceed \$7,500,000,000: *Provided further,*
6 That during fiscal year 2018 commitments to guarantee
7 loans for debentures under section 303(b) of the Small
8 Business Investment Act of 1958 shall not exceed
9 \$4,000,000,000: *Provided further,* That during fiscal year
10 2018, guarantees of trust certificates authorized by sec-
11 tion 5(g) of the Small Business Act shall not exceed a
12 principal amount of \$12,000,000,000. In addition, for ad-
13 ministrative expenses to carry out the direct and guaran-
14 teed loan programs, \$152,782,000, which may be trans-
15 ferred to and merged with the appropriations for Salaries
16 and Expenses.

17 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

18 ADMINISTRATION

19 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

20 SEC. 530. Not to exceed 5 percent of any appropria-
21 tion made available for the current fiscal year for the
22 Small Business Administration in this Act may be trans-
23 ferred between such appropriations, but no such appro-
24 priation shall be increased by more than 10 percent by
25 any such transfers: *Provided,* That any transfer pursuant

1 to this paragraph shall be treated as a reprogramming of
2 funds under section 608 of this Act and shall not be avail-
3 able for obligation or expenditure except in compliance
4 with the procedures set forth in that section.

5 SEC. 531. Of the unobligated balances available for
6 the Immediate Disaster Assistance Program authorized by
7 section 42 of the Small Business Act (15 U.S. C. 657n)
8 and the Expedited Disaster Assistance Loan Program au-
9 thorized by section 12085 of Public Law 110–246,
10 \$2,600,000 are hereby permanently cancelled: Provided,
11 That no amounts may be cancelled from amounts that
12 were designated by the Congress as an emergency require-
13 ment pursuant to the Concurrent Resolution on the Budg-
14 et or the Balanced Budget and Emergency Deficit Control
15 Act of 1985.

16 SEC. 532. Section 7(m)(4)(E) of the Small Business
17 Act (15 U.S.C. 636(m)(4)(E)) is amended by striking “25
18 percent” each place such term appears and inserting “50
19 percent”.

20 UNITED STATES POSTAL SERVICE

21 PAYMENT TO THE POSTAL SERVICE FUND

22 For payment to the Postal Service Fund for revenue
23 forgone on free and reduced rate mail, pursuant to sub-
24 sections (c) and (d) of section 2401 of title 39, United
25 States Code, \$58,118,000: *Provided*, That mail for over-

1 seas voting and mail for the blind shall continue to be free:
2 *Provided further*, That 6-day delivery and rural delivery
3 of mail shall continue at not less than the 1983 level: *Pro-*
4 *vided further*, That none of the funds made available to
5 the Postal Service by this Act shall be used to implement
6 any rule, regulation, or policy of charging any officer or
7 employee of any State or local child support enforcement
8 agency, or any individual participating in a State or local
9 program of child support enforcement, a fee for informa-
10 tion requested or provided concerning an address of a
11 postal customer: *Provided further*, That none of the funds
12 provided in this Act shall be used to consolidate or close
13 small rural and other small post offices.

14 OFFICE OF INSPECTOR GENERAL

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, \$245,000,000, to be derived by
20 transfer from the Postal Service Fund and expended as
21 authorized by section 603(b)(3) of the Postal Account-
22 ability and Enhancement Act (Public Law 109–435).

1 UNITED STATES TAX COURT

2 SALARIES AND EXPENSES

3 For necessary expenses, including contract reporting
4 and other services as authorized by 5 U.S.C. 3109,
5 \$50,739,887, of which \$500,000 shall remain available
6 until expended: *Provided*, That travel expenses of the
7 judges shall be paid upon the written certificate of the
8 judge.

1 TITLE VI

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 601. None of the funds in this Act shall be used
4 for the planning or execution of any program to pay the
5 expenses of, or otherwise compensate, non-Federal parties
6 intervening in regulatory or adjudicatory proceedings
7 funded in this Act.

8 SEC. 602. None of the funds appropriated in this Act
9 shall remain available for obligation beyond the current
10 fiscal year, nor may any be transferred to other appropria-
11 tions, unless expressly so provided herein.

12 SEC. 603. The expenditure of any appropriation
13 under this Act for any consulting service through procure-
14 ment contract pursuant to 5 U.S.C. 3109, shall be limited
15 to those contracts where such expenditures are a matter
16 of public record and available for public inspection, except
17 where otherwise provided under existing law, or under ex-
18 isting Executive order issued pursuant to existing law.

19 SEC. 604. None of the funds made available in this
20 Act may be transferred to any department, agency, or in-
21 strumentality of the United States Government, except
22 pursuant to a transfer made by, or transfer authority pro-
23 vided in, this Act or any other appropriations Act.

1 SEC. 605. None of the funds made available by this
2 Act shall be available for any activity or for paying the
3 salary of any Government employee where funding an ac-
4 tivity or paying a salary to a Government employee would
5 result in a decision, determination, rule, regulation, or pol-
6 icy that would prohibit the enforcement of section 307 of
7 the Tariff Act of 1930 (19 U.S.C. 1307).

8 SEC. 606. No funds appropriated pursuant to this
9 Act may be expended by an entity unless the entity agrees
10 that in expending the assistance the entity will comply
11 with chapter 83 of title 41, United States Code.

12 SEC. 607. No funds appropriated or otherwise made
13 available under this Act shall be made available to any
14 person or entity that has been convicted of violating chap-
15 ter 83 of title 41, United States Code.

16 SEC. 608. Except as otherwise provided in this Act,
17 none of the funds provided in this Act, provided by pre-
18 vious appropriations Acts to the agencies or entities fund-
19 ed in this Act that remain available for obligation or ex-
20 penditure in fiscal year 2018, or provided from any ac-
21 counts in the Treasury derived by the collection of fees
22 and available to the agencies funded by this Act, shall be
23 available for obligation or expenditure through a re-
24 programming of funds that: (1) creates a new program;
25 (2) eliminates a program, project, or activity; (3) increases

1 funds or personnel for any program, project, or activity
2 for which funds have been denied or restricted by the Con-
3 gress; (4) proposes to use funds directed for a specific ac-
4 tivity by the Committee on Appropriations of either the
5 House of Representatives or the Senate for a different
6 purpose; (5) augments existing programs, projects, or ac-
7 tivities in excess of \$5,000,000 or 10 percent, whichever
8 is less; (6) reduces existing programs, projects, or activi-
9 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
10 creates or reorganizes offices, programs, or activities un-
11 less prior approval is received from the Committees on Ap-
12 propriations of the House of Representatives and the Sen-
13 ate: *Provided*, That prior to any significant reorganization
14 or restructuring of offices, programs, or activities, each
15 agency or entity funded in this Act shall consult with the
16 Committees on Appropriations of the House of Represent-
17 atives and the Senate: *Provided further*, That not later
18 than 60 days after the date of enactment of this Act, each
19 agency funded by this Act shall submit a report to the
20 Committees on Appropriations of the House of Represent-
21 atives and the Senate to establish the baseline for applica-
22 tion of reprogramming and transfer authorities for the
23 current fiscal year: *Provided further*, That at a minimum
24 the report shall include: (1) a table for each appropriation
25 with a separate column to display the President's budget

1 request, adjustments made by Congress, adjustments due
2 to enacted rescissions, if appropriate, and the fiscal year
3 enacted level; (2) a delineation in the table for each appro-
4 priation both by object class and program, project, and
5 activity as detailed in the budget appendix for the respec-
6 tive appropriation; and (3) an identification of items of
7 special congressional interest: *Provided further*, That the
8 amount appropriated or limited for salaries and expenses
9 for an agency shall be reduced by \$100,000 per day for
10 each day after the required date that the report has not
11 been submitted to the Congress.

12 SEC. 609. Except as otherwise specifically provided
13 by law, not to exceed 50 percent of unobligated balances
14 remaining available at the end of fiscal year 2018 from
15 appropriations made available for salaries and expenses
16 for fiscal year 2018 in this Act, shall remain available
17 through September 30, 2019, for each such account for
18 the purposes authorized: *Provided*, That a request shall
19 be submitted to the Committees on Appropriations of the
20 House of Representatives and the Senate for approval
21 prior to the expenditure of such funds: *Provided further*,
22 That these requests shall be made in compliance with re-
23 programming guidelines.

1 SEC. 610. (a) None of the funds made available in
2 this Act may be used by the Executive Office of the Presi-
3 dent to request—

4 (1) any official background investigation report
5 on any individual from the Federal Bureau of Inves-
6 tigation; or

7 (2) a determination with respect to the treat-
8 ment of an organization as described in section
9 501(c) of the Internal Revenue Code of 1986 and
10 exempt from taxation under section 501(a) of such
11 Code from the Department of the Treasury or the
12 Internal Revenue Service.

13 (b) Subsection (a) shall not apply—

14 (1) in the case of an official background inves-
15 tigation report, if such individual has given express
16 written consent for such request not more than 6
17 months prior to the date of such request and during
18 the same presidential administration; or

19 (2) if such request is required due to extraor-
20 dinary circumstances involving national security.

21 SEC. 611. The cost accounting standards promul-
22 gated under chapter 15 of title 41, United States Code
23 shall not apply with respect to a contract under the Fed-
24 eral Employees Health Benefits Program established
25 under chapter 89 of title 5, United States Code.

1 SEC. 612. For the purpose of resolving litigation and
2 implementing any settlement agreements regarding the
3 nonforeign area cost-of-living allowance program, the Of-
4 fice of Personnel Management may accept and utilize
5 (without regard to any restriction on unanticipated travel
6 expenses imposed in an Appropriations Act) funds made
7 available to the Office of Personnel Management pursuant
8 to court approval.

9 SEC. 613. No funds appropriated by this Act shall
10 be available to pay for an abortion, or the administrative
11 expenses in connection with any health plan under the
12 Federal employees health benefits program which provides
13 any benefits or coverage for abortions.

14 SEC. 614. The provision of section 613 shall not
15 apply where the life of the mother would be endangered
16 if the fetus were carried to term, or the pregnancy is the
17 result of an act of rape or incest.

18 SEC. 615. In order to promote Government access to
19 commercial information technology, the restriction on pur-
20 chasing nondomestic articles, materials, and supplies set
21 forth in chapter 83 of title 41, United States Code (popu-
22 larly known as the Buy American Act), shall not apply
23 to the acquisition by the Federal Government of informa-
24 tion technology (as defined in section 11101 of title 40,

1 United States Code), that is a commercial item (as defined
2 in section 103 of title 41, United States Code).

3 SEC. 616. Notwithstanding section 1353 of title 31,
4 United States Code, no officer or employee of any regu-
5 latory agency or commission funded by this Act may ac-
6 cept on behalf of that agency, nor may such agency or
7 commission accept, payment or reimbursement from a
8 non-Federal entity for travel, subsistence, or related ex-
9 penses for the purpose of enabling an officer or employee
10 to attend and participate in any meeting or similar func-
11 tion relating to the official duties of the officer or em-
12 ployee when the entity offering payment or reimbursement
13 is a person or entity subject to regulation by such agency
14 or commission, or represents a person or entity subject
15 to regulation by such agency or commission, unless the
16 person or entity is an organization described in section
17 501(c)(3) of the Internal Revenue Code of 1986 and ex-
18 empt from tax under section 501(a) of such Code.

19 SEC. 617. Notwithstanding section 708 of this Act,
20 funds made available to the Commodity Futures Trading
21 Commission and the Securities and Exchange Commission
22 by this or any other Act may be used for the interagency
23 funding and sponsorship of a joint advisory committee to
24 advise on emerging regulatory issues.

1 SEC. 618. (a)(1) Notwithstanding any other provision
2 of law, an Executive agency covered by this Act otherwise
3 authorized to enter into contracts for either leases or the
4 construction or alteration of real property for office, meet-
5 ing, storage, or other space must consult with the General
6 Services Administration before issuing a solicitation for of-
7 fers of new leases or construction contracts, and in the
8 case of succeeding leases, before entering into negotiations
9 with the current lessor.

10 (2) Any such agency with authority to enter into an
11 emergency lease may do so during any period declared by
12 the President to require emergency leasing authority with
13 respect to such agency.

14 (b) For purposes of this section, the term “Executive
15 agency covered by this Act” means any Executive agency
16 provided funds by this Act, but does not include the Gen-
17 eral Services Administration or the United States Postal
18 Service.

19 SEC. 619. (a) There are appropriated for the fol-
20 lowing activities the amounts required under current law:

21 (1) Compensation of the President (3 U.S.C.
22 102).

23 (2) Payments to—

24 (A) the Judicial Officers’ Retirement Fund

25 (28 U.S.C. 377(o));

1 (B) the Judicial Survivors' Annuities Fund
2 (28 U.S.C. 376(c)); and

3 (C) the United States Court of Federal
4 Claims Judges' Retirement Fund (28 U.S.C.
5 178(l)).

6 (3) Payment of Government contributions—

7 (A) with respect to the health benefits of
8 retired employees, as authorized by chapter 89
9 of title 5, United States Code, and the Retired
10 Federal Employees Health Benefits Act (74
11 Stat. 849); and

12 (B) with respect to the life insurance bene-
13 fits for employees retiring after December 31,
14 1989 (5 U.S.C. ch. 87).

15 (4) Payment to finance the unfunded liability of
16 new and increased annuity benefits under the Civil
17 Service Retirement and Disability Fund (5 U.S.C.
18 8348).

19 (5) Payment of annuities authorized to be paid
20 from the Civil Service Retirement and Disability
21 Fund by statutory provisions other than subchapter
22 III of chapter 83 or chapter 84 of title 5, United
23 States Code.

24 (b) Nothing in this section may be construed to ex-
25 empt any amount appropriated by this section from any

1 otherwise applicable limitation on the use of funds con-
2 tained in this Act.

3 SEC. 620. In addition to amounts made available in
4 prior fiscal years, the Public Company Accounting Over-
5 sight Board (Board) shall have authority to obligate funds
6 for the scholarship program established by section
7 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law
8 107–204) in an amount not to exceed \$1,000,000 of funds
9 collected by the Board between January 1, 2017 and De-
10 cember 31, 2017, including accrued interest, as a result
11 of the assessment of monetary penalties. Funds available
12 for obligation in fiscal year 2018 shall remain available
13 until expended.

14 SEC. 621. None of the funds made available in this
15 Act may be used by the Federal Trade Commission to
16 complete the draft report entitled “Interagency Working
17 Group on Food Marketed to Children: Preliminary Pro-
18 posed Nutrition Principles to Guide Industry Self-Regu-
19 latory Efforts” unless the Interagency Working Group on
20 Food Marketed to Children complies with Executive Order
21 No. 13563.

22 SEC. 622. None of the funds made available by this
23 Act may be used to pay the salaries and expenses for the
24 following positions:

1 (1) Director, White House Office of Health Re-
2 form.

3 (2) Assistant to the President for Energy and
4 Climate Change.

5 (3) Senior Advisor to the Secretary of the
6 Treasury assigned to the Presidential Task Force on
7 the Auto Industry and Senior Counselor for Manu-
8 facturing Policy.

9 (4) White House Director of Urban Affairs.

10 SEC. 623. None of the funds in this Act may be used
11 for the Director of the Office of Personnel Management
12 to award a contract, enter an extension of, or exercise an
13 option on a contract to a contractor conducting the final
14 quality review processes for background investigation
15 fieldwork services or background investigation support
16 services that, as of the date of the award of the contract,
17 are being conducted by that contractor.

18 SEC. 624. (a) The head of each executive branch
19 agency funded by this Act shall ensure that the Chief In-
20 formation Officer of the agency has the authority to par-
21 ticipate in decisions regarding the budget planning process
22 related to information technology.

23 (b) Amounts appropriated for any executive branch
24 agency funded by this Act that are available for informa-
25 tion technology shall be allocated within the agency, con-

1 sistent with the provisions of appropriations Acts and
2 budget guidelines and recommendations from the Director
3 of the Office of Management and Budget, in such manner
4 as specified by, or approved by, the Chief Information Of-
5 ficer of the agency in consultation with the Chief Financial
6 Officer of the agency and budget officials.

7 SEC. 625. None of the funds made available in this
8 Act may be used in contravention of chapter 29, 31, or
9 33 of title 44, United States Code.

10 SEC. 626. None of the funds made available in this
11 Act may be used by a governmental entity to require the
12 disclosure by a provider of electronic communication serv-
13 ice to the public or remote computing service of the con-
14 tents of a wire or electronic communication that is in elec-
15 tronic storage with the provider (as such terms are defined
16 in sections 2510 and 2711 of title 18, United States Code)
17 in a manner that violates the Fourth Amendment to the
18 Constitution of the United States.

19 SEC. 627. None of the funds appropriated by this Act
20 may be used by the Federal Communications Commission
21 to modify, amend, or change the rules or regulations of
22 the Commission for universal service high-cost support for
23 competitive eligible telecommunications carriers in a way
24 that is inconsistent with paragraph (e)(5) or (e)(6) of sec-
25 tion 54.307 of title 47, Code of Federal Regulations, as

1 in effect on July 15, 2015: *Provided*, That this section
2 shall not prohibit the Commission from considering, devel-
3 oping, or adopting other support mechanisms as an alter-
4 native to Mobility Fund Phase II.

5 SEC. 628. No funds provided in this Act shall be used
6 to deny an Inspector General funded under this Act timely
7 access to any records, documents, or other materials avail-
8 able to the department or agency over which that Inspec-
9 tor General has responsibilities under the Inspector Gen-
10 eral Act of 1978, or to prevent or impede that Inspector
11 General's access to such records, documents, or other ma-
12 terials, under any provision of law, except a provision of
13 law that expressly refers to the Inspector General and ex-
14 pressly limits the Inspector General's right of access. A
15 department or agency covered by this section shall provide
16 its Inspector General with access to all such records, docu-
17 ments, and other materials in a timely manner. Each In-
18 spector General shall ensure compliance with statutory
19 limitations on disclosure relevant to the information pro-
20 vided by the establishment over which that Inspector Gen-
21 eral has responsibilities under the Inspector General Act
22 of 1978. Each Inspector General covered by this section
23 shall report to the Committees on Appropriations of the
24 House of Representatives and the Senate within 5 cal-
25 endar days any failures to comply with this requirement.

1 SEC. 629. (a) None of the funds made available in
2 this Act may be used to maintain or establish a computer
3 network unless such network blocks the viewing,
4 downloading, and exchanging of pornography.

5 (b) Nothing in subsection (a) shall limit the use of
6 funds necessary for any Federal, State, tribal, or local law
7 enforcement agency or any other entity carrying out crimi-
8 nal investigations, prosecution, adjudication activities, or
9 other law enforcement- or victim assistance-related activ-
10 ity.

11 SEC. 630. Section 633(a) of title VI of division E of
12 the Consolidated Appropriations Act, 2017 (Public Law
13 115–31) is amended—

14 (1) by inserting “and” at the end of paragraph

15 (1);

16 (2) by striking paragraph (2); and

17 (3) by redesignating paragraph (3) as para-
18 graph (2).

19 SEC. 631. None of the funds made available by this
20 Act shall be used by the Securities and Exchange Commis-
21 sion to finalize, issue, or implement any rule, regulation,
22 or order regarding the disclosure of political contributions,
23 contributions to tax exempt organizations, or dues paid
24 to trade associations.

1 SEC. 632. (a) The United States courthouse located
2 at 501 East Court Street in Jackson, Mississippi, shall
3 be known and designated as the “Thad Cochran United
4 States Courthouse”.

5 (b) Any reference in a law, map, regulation, docu-
6 ment, paper, or other record of the United States to the
7 United States courthouse referred to in subsection (a)
8 shall be deemed to be a reference to the “Thad Cochran
9 United States Courthouse”.

10

TITLE VII

11 GENERAL PROVISIONS—GOVERNMENT-WIDE

12 DEPARTMENTS, AGENCIES, AND CORPORATIONS

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 701. No department, agency, or instrumentality
15 of the United States receiving appropriated funds under
16 this or any other Act for fiscal year 2018 shall obligate
17 or expend any such funds, unless such department, agen-
18 cy, or instrumentality has in place, and will continue to
19 administer in good faith, a written policy designed to en-
20 sure that all of its workplaces are free from the illegal
21 use, possession, or distribution of controlled substances
22 (as defined in the Controlled Substances Act (21 U.S.C.
23 802)) by the officers and employees of such department,
24 agency, or instrumentality.

1 SEC. 702. Unless otherwise specifically provided, the
2 maximum amount allowable during the current fiscal year
3 in accordance with subsection 1343(c) of title 31, United
4 States Code, for the purchase of any passenger motor ve-
5 hicle (exclusive of buses, ambulances, law enforcement ve-
6 hicles, protective vehicles, and undercover surveillance ve-
7 hicles), is hereby fixed at \$19,947 except station wagons
8 for which the maximum shall be \$19,997: *Provided*, That
9 these limits may be exceeded by not to exceed \$7,250 for
10 police-type vehicles: *Provided further*, That the limits set
11 forth in this section may not be exceeded by more than
12 5 percent for electric or hybrid vehicles purchased for
13 demonstration under the provisions of the Electric and
14 Hybrid Vehicle Research, Development, and Demonstra-
15 tion Act of 1976: *Provided further*, That the limits set
16 forth in this section may be exceeded by the incremental
17 cost of clean alternative fuels vehicles acquired pursuant
18 to Public Law 101–549 over the cost of comparable con-
19 ventionally fueled vehicles: *Provided further*, That the lim-
20 its set forth in this section shall not apply to any vehicle
21 that is a commercial item and which operates on alter-
22 native fuel, including but not limited to electric, plug-in
23 hybrid electric, and hydrogen fuel cell vehicles.

24 SEC. 703. Appropriations of the executive depart-
25 ments and independent establishments for the current fis-

1 cal year available for expenses of travel, or for the ex-
2 penses of the activity concerned, are hereby made available
3 for quarters allowances and cost-of-living allowances, in
4 accordance with 5 U.S.C. 5922–5924.

5 SEC. 704. Unless otherwise specified in law during
6 the current fiscal year, no part of any appropriation con-
7 tained in this or any other Act shall be used to pay the
8 compensation of any officer or employee of the Govern-
9 ment of the United States (including any agency the ma-
10 jority of the stock of which is owned by the Government
11 of the United States) whose post of duty is in the conti-
12 nental United States unless such person: (1) is a citizen
13 of the United States; (2) is a person who is lawfully admit-
14 ted for permanent residence and is seeking citizenship as
15 outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who
16 is admitted as a refugee under 8 U.S.C. 1157 or is grant-
17 ed asylum under 8 U.S.C. 1158 and has filed a declaration
18 of intention to become a lawful permanent resident and
19 then a citizen when eligible; or (4) is a person who owes
20 allegiance to the United States: *Provided*, That for pur-
21 poses of this section, affidavits signed by any such person
22 shall be considered prima facie evidence that the require-
23 ments of this section with respect to his or her status are
24 being complied with: *Provided further*, That for purposes
25 of subsections (2) and (3) such affidavits shall be sub-

1 mitted prior to employment and updated thereafter as nec-
2 essary: *Provided further*, That any person making a false
3 affidavit shall be guilty of a felony, and upon conviction,
4 shall be fined no more than \$4,000 or imprisoned for not
5 more than 1 year, or both: *Provided further*, That the
6 above penal clause shall be in addition to, and not in sub-
7 stitution for, any other provisions of existing law: *Provided*
8 *further*, That any payment made to any officer or em-
9 ployee contrary to the provisions of this section shall be
10 recoverable in action by the Federal Government: *Provided*
11 *further*, That this section shall not apply to any person
12 who is an officer or employee of the Government of the
13 United States on the date of enactment of this Act, or
14 to international broadcasters employed by the Broad-
15 casting Board of Governors, or to temporary employment
16 of translators, or to temporary employment in the field
17 service (not to exceed 60 days) as a result of emergencies:
18 *Provided further*, That this section does not apply to the
19 employment as Wildland firefighters for not more than
20 120 days of nonresident aliens employed by the Depart-
21 ment of the Interior or the USDA Forest Service pursuant
22 to an agreement with another country.

23 SEC. 705. Appropriations available to any depart-
24 ment or agency during the current fiscal year for nec-
25 essary expenses, including maintenance or operating ex-

1 penses, shall also be available for payment to the General
2 Services Administration for charges for space and services
3 and those expenses of renovation and alteration of build-
4 ings and facilities which constitute public improvements
5 performed in accordance with the Public Buildings Act of
6 1959 (73 Stat. 479), the Public Buildings Amendments
7 of 1972 (86 Stat. 216), or other applicable law.

8 SEC. 706. In addition to funds provided in this or
9 any other Act, all Federal agencies are authorized to re-
10 ceive and use funds resulting from the sale of materials,
11 including Federal records disposed of pursuant to a
12 records schedule recovered through recycling or waste pre-
13 vention programs. Such funds shall be available until ex-
14 pended for the following purposes:

15 (1) Acquisition, waste reduction and prevention,
16 and recycling programs as described in Executive
17 Order No. 13693 (March 19, 2015), including any
18 such programs adopted prior to the effective date of
19 the Executive order.

20 (2) Other Federal agency environmental man-
21 agement programs, including, but not limited to, the
22 development and implementation of hazardous waste
23 management and pollution prevention programs.

1 (3) Other employee programs as authorized by
2 law or as deemed appropriate by the head of the
3 Federal agency.

4 SEC. 707. Funds made available by this or any other
5 Act for administrative expenses in the current fiscal year
6 of the corporations and agencies subject to chapter 91 of
7 title 31, United States Code, shall be available, in addition
8 to objects for which such funds are otherwise available,
9 for rent in the District of Columbia; services in accordance
10 with 5 U.S.C. 3109; and the objects specified under this
11 head, all the provisions of which shall be applicable to the
12 expenditure of such funds unless otherwise specified in the
13 Act by which they are made available: *Provided*, That in
14 the event any functions budgeted as administrative ex-
15 penses are subsequently transferred to or paid from other
16 funds, the limitations on administrative expenses shall be
17 correspondingly reduced.

18 SEC. 708. No part of any appropriation contained in
19 this or any other Act shall be available for interagency
20 financing of boards (except Federal Executive Boards),
21 commissions, councils, committees, or similar groups
22 (whether or not they are interagency entities) which do
23 not have a prior and specific statutory approval to receive
24 financial support from more than one agency or instru-
25 mentality.

1 SEC. 709. None of the funds made available pursuant
2 to the provisions of this or any other Act shall be used
3 to implement, administer, or enforce any regulation which
4 has been disapproved pursuant to a joint resolution duly
5 adopted in accordance with the applicable law of the
6 United States.

7 SEC. 710. During the period in which the head of
8 any department or agency, or any other officer or civilian
9 employee of the Federal Government appointed by the
10 President of the United States, holds office, no funds may
11 be obligated or expended in excess of \$5,000 to furnish
12 or redecorate the office of such department head, agency
13 head, officer, or employee, or to purchase furniture or
14 make improvements for any such office, unless advance
15 notice of such furnishing or redecoration is transmitted
16 to the Committees on Appropriations of the House of Rep-
17 resentatives and the Senate. For the purposes of this sec-
18 tion, the term “office” shall include the entire suite of of-
19 fices assigned to the individual, as well as any other space
20 used primarily by the individual or the use of which is
21 directly controlled by the individual.

22 SEC. 711. Notwithstanding 31 U.S.C. 1346, or sec-
23 tion 708 of this Act, funds made available for the current
24 fiscal year by this or any other Act shall be available for
25 the interagency funding of national security and emer-

1 agency preparedness telecommunications initiatives which
2 benefit multiple Federal departments, agencies, or enti-
3 ties, as provided by Executive Order No. 13618 (July 6,
4 2012).

5 SEC. 712. (a) None of the funds made available by
6 this or any other Act may be obligated or expended by
7 any department, agency, or other instrumentality of the
8 Federal Government to pay the salaries or expenses of any
9 individual appointed to a position of a confidential or pol-
10 icy-determining character that is excepted from the com-
11 petitive service under section 3302 of title 5, United
12 States Code, (pursuant to schedule C of subpart C of part
13 213 of title 5 of the Code of Federal Regulations) unless
14 the head of the applicable department, agency, or other
15 instrumentality employing such schedule C individual cer-
16 tifies to the Director of the Office of Personnel Manage-
17 ment that the schedule C position occupied by the indi-
18 vidual was not created solely or primarily in order to detail
19 the individual to the White House.

20 (b) The provisions of this section shall not apply to
21 Federal employees or members of the armed forces de-
22 tailed to or from an element of the intelligence community
23 (as that term is defined under section 3(4) of the National
24 Security Act of 1947 (50 U.S.C. 3003(4))).

1 SEC. 713. No part of any appropriation contained in
2 this or any other Act shall be available for the payment
3 of the salary of any officer or employee of the Federal
4 Government, who—

5 (1) prohibits or prevents, or attempts or threat-
6 ens to prohibit or prevent, any other officer or em-
7 ployee of the Federal Government from having any
8 direct oral or written communication or contact with
9 any Member, committee, or subcommittee of the
10 Congress in connection with any matter pertaining
11 to the employment of such other officer or employee
12 or pertaining to the department or agency of such
13 other officer or employee in any way, irrespective of
14 whether such communication or contact is at the ini-
15 tiative of such other officer or employee or in re-
16 sponse to the request or inquiry of such Member,
17 committee, or subcommittee; or

18 (2) removes, suspends from duty without pay,
19 demotes, reduces in rank, seniority, status, pay, or
20 performance or efficiency rating, denies promotion
21 to, relocates, reassigns, transfers, disciplines, or dis-
22 criminate in regard to any employment right, enti-
23 tlement, or benefit, or any term or condition of em-
24 ployment of, any other officer or employee of the
25 Federal Government, or attempts or threatens to

1 commit any of the foregoing actions with respect to
2 such other officer or employee, by reason of any
3 communication or contact of such other officer or
4 employee with any Member, committee, or sub-
5 committee of the Congress as described in paragraph
6 (1).

7 SEC. 714. (a) None of the funds made available in
8 this or any other Act may be obligated or expended for
9 any employee training that—

10 (1) does not meet identified needs for knowl-
11 edge, skills, and abilities bearing directly upon the
12 performance of official duties;

13 (2) contains elements likely to induce high lev-
14 els of emotional response or psychological stress in
15 some participants;

16 (3) does not require prior employee notification
17 of the content and methods to be used in the train-
18 ing and written end of course evaluation;

19 (4) contains any methods or content associated
20 with religious or quasi-religious belief systems or
21 “new age” belief systems as defined in Equal Em-
22 ployment Opportunity Commission Notice N-
23 915.022, dated September 2, 1988; or

1 (5) is offensive to, or designed to change, par-
2 ticipants' personal values or lifestyle outside the
3 workplace.

4 (b) Nothing in this section shall prohibit, restrict, or
5 otherwise preclude an agency from conducting training
6 bearing directly upon the performance of official duties.

7 SEC. 715. No part of any funds appropriated in this
8 or any other Act shall be used by an agency of the execu-
9 tive branch, other than for normal and recognized execu-
10 tive-legislative relationships, for publicity or propaganda
11 purposes, and for the preparation, distribution or use of
12 any kit, pamphlet, booklet, publication, radio, television,
13 or film presentation designed to support or defeat legisla-
14 tion pending before the Congress, except in presentation
15 to the Congress itself.

16 SEC. 716. None of the funds appropriated by this or
17 any other Act may be used by an agency to provide a Fed-
18 eral employee's home address to any labor organization
19 except when the employee has authorized such disclosure
20 or when such disclosure has been ordered by a court of
21 competent jurisdiction.

22 SEC. 717. None of the funds made available in this
23 or any other Act may be used to provide any non-public
24 information such as mailing, telephone or electronic mail-
25 ing lists to any person or any organization outside of the

1 Federal Government without the approval of the Commit-
2 tees on Appropriations of the House of Representatives
3 and the Senate.

4 SEC. 718. No part of any appropriation contained in
5 this or any other Act shall be used directly or indirectly,
6 including by private contractor, for publicity or propa-
7 ganda purposes within the United States not heretofore
8 authorized by Congress.

9 SEC. 719. (a) In this section, the term “agency”—

10 (1) means an Executive agency, as defined
11 under 5 U.S.C. 105; and

12 (2) includes a military department, as defined
13 under section 102 of such title, the United States
14 Postal Service, and the Postal Regulatory Commis-
15 sion.

16 (b) Unless authorized in accordance with law or regu-
17 lations to use such time for other purposes, an employee
18 of an agency shall use official time in an honest effort
19 to perform official duties. An employee not under a leave
20 system, including a Presidential appointee exempted under
21 5 U.S.C. 6301(2), has an obligation to expend an honest
22 effort and a reasonable proportion of such employee’s time
23 in the performance of official duties.

24 SEC. 720. Notwithstanding 31 U.S.C. 1346 and sec-
25 tion 708 of this Act, funds made available for the current

1 fiscal year by this or any other Act to any department
2 or agency, which is a member of the Federal Accounting
3 Standards Advisory Board (FASAB), shall be available to
4 finance an appropriate share of FASAB administrative
5 costs.

6 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
7 tion 708 of this Act, the head of each Executive depart-
8 ment and agency is hereby authorized to transfer to or
9 reimburse “General Services Administration, Government-
10 wide Policy” with the approval of the Director of the Of-
11 fice of Management and Budget, funds made available for
12 the current fiscal year by this or any other Act, including
13 rebates from charge card and other contracts: *Provided*,
14 That these funds shall be administered by the Adminis-
15 trator of General Services to support Government-wide
16 and other multi-agency financial, information technology,
17 procurement, and other management innovations, initia-
18 tives, and activities, including improving coordination and
19 reducing duplication, as approved by the Director of the
20 Office of Management and Budget, in consultation with
21 the appropriate interagency and multi-agency groups des-
22 ignated by the Director (including the President’s Man-
23 agement Council for overall management improvement ini-
24 tiatives, the Chief Financial Officers Council for financial
25 management initiatives, the Chief Information Officers

1 Council for information technology initiatives, the Chief
2 Human Capital Officers Council for human capital initia-
3 tives, the Chief Acquisition Officers Council for procure-
4 ment initiatives, and the Performance Improvement Coun-
5 cil for performance improvement initiatives): *Provided fur-*
6 *ther*, That the total funds transferred or reimbursed shall
7 not exceed \$15,000,000 to improve coordination, reduce
8 duplication, and for other activities related to Federal
9 Government Priority Goals established by 31 U.S.C. 1120,
10 and not to exceed \$17,000,000 for Government-Wide inno-
11 vations, initiatives, and activities: *Provided further*, That
12 the funds transferred to or for reimbursement of “General
13 Services Administration, Government-wide Policy” during
14 fiscal year 2018 shall remain available for obligation
15 through September 30, 2019: *Provided further*, That such
16 transfers or reimbursements may only be made after 15
17 days following notification of the Committees on Appro-
18 priations of the House of Representatives and the Senate
19 by the Director of the Office of Management and Budget.

20 SEC. 722. Notwithstanding any other provision of
21 law, a woman may breastfeed her child at any location
22 in a Federal building or on Federal property, if the woman
23 and her child are otherwise authorized to be present at
24 the location.

1 SEC. 723. Notwithstanding 31 U.S.C. 1346, or sec-
2 tion 708 of this Act, funds made available for the current
3 fiscal year by this or any other Act shall be available for
4 the interagency funding of specific projects, workshops,
5 studies, and similar efforts to carry out the purposes of
6 the National Science and Technology Council (authorized
7 by Executive Order No. 12881), which benefit multiple
8 Federal departments, agencies, or entities: *Provided*, That
9 the Office of Management and Budget shall provide a re-
10 port describing the budget of and resources connected with
11 the National Science and Technology Council to the Com-
12 mittees on Appropriations, the House Committee on
13 Science and Technology, and the Senate Committee on
14 Commerce, Science, and Transportation 90 days after en-
15 actment of this Act.

16 SEC. 724. Any request for proposals, solicitation,
17 grant application, form, notification, press release, or
18 other publications involving the distribution of Federal
19 funds shall comply with any relevant requirements in part
20 200 of title 2, Code of Federal Regulations: *Provided*,
21 That this section shall apply to direct payments, formula
22 funds, and grants received by a State receiving Federal
23 funds.

24 SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY
25 MONITORING OF INDIVIDUALS' INTERNET USE.—None of

1 the funds made available in this or any other Act may
2 be used by any Federal agency—

3 (1) to collect, review, or create any aggregation
4 of data, derived from any means, that includes any
5 personally identifiable information relating to an in-
6 dividual's access to or use of any Federal Govern-
7 ment Internet site of the agency; or

8 (2) to enter into any agreement with a third
9 party (including another government agency) to col-
10 lect, review, or obtain any aggregation of data, de-
11 rived from any means, that includes any personally
12 identifiable information relating to an individual's
13 access to or use of any nongovernmental Internet
14 site.

15 (b) EXCEPTIONS.—The limitations established in
16 subsection (a) shall not apply to—

17 (1) any record of aggregate data that does not
18 identify particular persons;

19 (2) any voluntary submission of personally iden-
20 tifiable information;

21 (3) any action taken for law enforcement, regu-
22 latory, or supervisory purposes, in accordance with
23 applicable law; or

24 (4) any action described in subsection (a)(1)
25 that is a system security action taken by the oper-

1 ator of an Internet site and is necessarily incident
2 to providing the Internet site services or to pro-
3 tecting the rights or property of the provider of the
4 Internet site.

5 (c) DEFINITIONS.—For the purposes of this section:

6 (1) The term “regulatory” means agency ac-
7 tions to implement, interpret or enforce authorities
8 provided in law.

9 (2) The term “supervisory” means examina-
10 tions of the agency’s supervised institutions, includ-
11 ing assessing safety and soundness, overall financial
12 condition, management practices and policies and
13 compliance with applicable standards as provided in
14 law.

15 SEC. 726. (a) None of the funds appropriated by this
16 Act may be used to enter into or renew a contract which
17 includes a provision providing prescription drug coverage,
18 except where the contract also includes a provision for con-
19 traceptive coverage.

20 (b) Nothing in this section shall apply to a contract
21 with—

22 (1) any of the following religious plans:

23 (A) Personal Care’s HMO; and

24 (B) OSF HealthPlans, Inc.; and

1 (2) any existing or future plan, if the carrier
2 for the plan objects to such coverage on the basis of
3 religious beliefs.

4 (c) In implementing this section, any plan that enters
5 into or renews a contract under this section may not sub-
6 ject any individual to discrimination on the basis that the
7 individual refuses to prescribe or otherwise provide for
8 contraceptives because such activities would be contrary
9 to the individual's religious beliefs or moral convictions.

10 (d) Nothing in this section shall be construed to re-
11 quire coverage of abortion or abortion-related services.

12 SEC. 727. The United States is committed to ensur-
13 ing the health of its Olympic, Pan American, and
14 Paralympic athletes, and supports the strict adherence to
15 anti-doping in sport through testing, adjudication, edu-
16 cation, and research as performed by nationally recognized
17 oversight authorities.

18 SEC. 728. Notwithstanding any other provision of
19 law, funds appropriated for official travel to Federal de-
20 partments and agencies may be used by such departments
21 and agencies, if consistent with Office of Management and
22 Budget Circular A-126 regarding official travel for Gov-
23 ernment personnel, to participate in the fractional aircraft
24 ownership pilot program.

1 SEC. 729. Notwithstanding any other provision of
2 law, none of the funds appropriated or made available
3 under this or any other appropriations Act may be used
4 to implement or enforce restrictions or limitations on the
5 Coast Guard Congressional Fellowship Program, or to im-
6 plement the proposed regulations of the Office of Per-
7 sonnel Management to add sections 300.311 through
8 300.316 to part 300 of title 5 of the Code of Federal Reg-
9 ulations, published in the Federal Register, volume 68,
10 number 174, on September 9, 2003 (relating to the detail
11 of executive branch employees to the legislative branch).

12 SEC. 730. Notwithstanding any other provision of
13 law, no executive branch agency shall purchase, construct,
14 or lease any additional facilities, except within or contig-
15 uous to existing locations, to be used for the purpose of
16 conducting Federal law enforcement training without the
17 advance approval of the Committees on Appropriations of
18 the House of Representatives and the Senate, except that
19 the Federal Law Enforcement Training Center is author-
20 ized to obtain the temporary use of additional facilities
21 by lease, contract, or other agreement for training which
22 cannot be accommodated in existing Center facilities.

23 SEC. 731. Unless otherwise authorized by existing
24 law, none of the funds provided in this or any other Act
25 may be used by an executive branch agency to produce

1 any prepackaged news story intended for broadcast or dis-
2 tribution in the United States, unless the story includes
3 a clear notification within the text or audio of the pre-
4 packaged news story that the prepackaged news story was
5 prepared or funded by that executive branch agency.

6 SEC. 732. None of the funds made available in this
7 Act may be used in contravention of section 552a of title
8 5, United States Code (popularly known as the Privacy
9 Act), and regulations implementing that section.

10 SEC. 733. (a) IN GENERAL.—None of the funds ap-
11 propriated or otherwise made available by this or any
12 other Act may be used for any Federal Government con-
13 tract with any foreign incorporated entity which is treated
14 as an inverted domestic corporation under section 835(b)
15 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
16 or any subsidiary of such an entity.

17 (b) WAIVERS.—

18 (1) IN GENERAL.—Any Secretary shall waive
19 subsection (a) with respect to any Federal Govern-
20 ment contract under the authority of such Secretary
21 if the Secretary determines that the waiver is re-
22 quired in the interest of national security.

23 (2) REPORT TO CONGRESS.—Any Secretary
24 issuing a waiver under paragraph (1) shall report
25 such issuance to Congress.

1 (c) EXCEPTION.—This section shall not apply to any
2 Federal Government contract entered into before the date
3 of the enactment of this Act, or to any task order issued
4 pursuant to such contract.

5 SEC. 734. During fiscal year 2018, for each employee
6 who—

7 (1) retires under section 8336(d)(2) or
8 8414(b)(1)(B) of title 5, United States Code; or

9 (2) retires under any other provision of sub-
10 chapter III of chapter 83 or chapter 84 of such title
11 5 and receives a payment as an incentive to sepa-
12 rate, the separating agency shall remit to the Civil
13 Service Retirement and Disability Fund an amount
14 equal to the Office of Personnel Management’s aver-
15 age unit cost of processing a retirement claim for
16 the preceding fiscal year. Such amounts shall be
17 available until expended to the Office of Personnel
18 Management and shall be deemed to be an adminis-
19 trative expense under section 8348(a)(1)(B) of title
20 5, United States Code.

21 SEC. 735. (a) None of the funds made available in
22 this or any other Act may be used to recommend or re-
23 quire any entity submitting an offer for a Federal contract
24 to disclose any of the following information as a condition
25 of submitting the offer:

1 (1) Any payment consisting of a contribution,
2 expenditure, independent expenditure, or disburse-
3 ment for an electioneering communication that is
4 made by the entity, its officers or directors, or any
5 of its affiliates or subsidiaries to a candidate for
6 election for Federal office or to a political com-
7 mittee, or that is otherwise made with respect to any
8 election for Federal office.

9 (2) Any disbursement of funds (other than a
10 payment described in paragraph (1)) made by the
11 entity, its officers or directors, or any of its affiliates
12 or subsidiaries to any person with the intent or the
13 reasonable expectation that the person will use the
14 funds to make a payment described in paragraph
15 (1).

16 (b) In this section, each of the terms “contribution”,
17 “expenditure”, “independent expenditure”, “election-
18 eering communication”, “candidate”, “election”, and
19 “Federal office” has the meaning given such term in the
20 Federal Election Campaign Act of 1971 (52 U.S.C. 30101
21 et seq.).

22 SEC. 736. None of the funds made available in this
23 or any other Act may be used to pay for the painting of
24 a portrait of an officer or employee of the Federal govern-
25 ment, including the President, the Vice President, a mem-

1 ber of Congress (including a Delegate or a Resident Com-
2 missioner to Congress), the head of an executive branch
3 agency (as defined in section 133 of title 41, United States
4 Code), or the head of an office of the legislative branch.

5 SEC. 737. (a)(1) Notwithstanding any other provision
6 of law, and except as otherwise provided in this section,
7 no part of any of the funds appropriated for fiscal year
8 2018, by this or any other Act, may be used to pay any
9 prevailing rate employee described in section
10 5342(a)(2)(A) of title 5, United States Code—

11 (A) during the period from the date of expira-
12 tion of the limitation imposed by the comparable sec-
13 tion for the previous fiscal years until the normal ef-
14 fective date of the applicable wage survey adjust-
15 ment that is to take effect in fiscal year 2018, in an
16 amount that exceeds the rate payable for the appli-
17 cable grade and step of the applicable wage schedule
18 in accordance with such section; and

19 (B) during the period consisting of the remain-
20 der of fiscal year 2018, in an amount that exceeds,
21 as a result of a wage survey adjustment, the rate
22 payable under subparagraph (A) by more than the
23 sum of—

24 (i) the percentage adjustment taking effect
25 in fiscal year 2018 under section 5303 of title

1 5, United States Code, in the rates of pay
2 under the General Schedule; and

3 (ii) the difference between the overall aver-
4 age percentage of the locality-based com-
5 parability payments taking effect in fiscal year
6 2018 under section 5304 of such title (whether
7 by adjustment or otherwise), and the overall av-
8 erage percentage of such payments which was
9 effective in the previous fiscal year under such
10 section.

11 (2) Notwithstanding any other provision of law, no
12 prevailing rate employee described in subparagraph (B) or
13 (C) of section 5342(a)(2) of title 5, United States Code,
14 and no employee covered by section 5348 of such title,
15 may be paid during the periods for which paragraph (1)
16 is in effect at a rate that exceeds the rates that would
17 be payable under paragraph (1) were paragraph (1) appli-
18 cable to such employee.

19 (3) For the purposes of this subsection, the rates pay-
20 able to an employee who is covered by this subsection and
21 who is paid from a schedule not in existence on September
22 30, 2017, shall be determined under regulations pre-
23 scribed by the Office of Personnel Management.

24 (4) Notwithstanding any other provision of law, rates
25 of premium pay for employees subject to this subsection

1 may not be changed from the rates in effect on September
2 30, 2017, except to the extent determined by the Office
3 of Personnel Management to be consistent with the pur-
4 pose of this subsection.

5 (5) This subsection shall apply with respect to pay
6 for service performed after September 30, 2017.

7 (6) For the purpose of administering any provision
8 of law (including any rule or regulation that provides pre-
9 mium pay, retirement, life insurance, or any other em-
10 ployee benefit) that requires any deduction or contribu-
11 tion, or that imposes any requirement or limitation on the
12 basis of a rate of salary or basic pay, the rate of salary
13 or basic pay payable after the application of this sub-
14 section shall be treated as the rate of salary or basic pay.

15 (7) Nothing in this subsection shall be considered to
16 permit or require the payment to any employee covered
17 by this subsection at a rate in excess of the rate that would
18 be payable were this subsection not in effect.

19 (8) The Office of Personnel Management may provide
20 for exceptions to the limitations imposed by this sub-
21 section if the Office determines that such exceptions are
22 necessary to ensure the recruitment or retention of quali-
23 fied employees.

24 (b) Notwithstanding subsection (a), the adjustment
25 in rates of basic pay for the statutory pay systems that

1 take place in fiscal year 2018 under sections 5344 and
2 5348 of title 5, United States Code, shall be—

3 (1) not less than the percentage received by em-
4 ployees in the same location whose rates of basic pay
5 are adjusted pursuant to the statutory pay systems
6 under sections 5303 and 5304 of title 5, United
7 States Code: *Provided*, That prevailing rate employ-
8 ees at locations where there are no employees whose
9 pay is increased pursuant to sections 5303 and 5304
10 of title 5, United States Code, and prevailing rate
11 employees described in section 5343(a)(5) of title 5,
12 United States Code, shall be considered to be located
13 in the pay locality designated as “Rest of United
14 States” pursuant to section 5304 of title 5, United
15 States Code, for purposes of this subsection; and

16 (2) effective as of the first day of the first ap-
17 plicable pay period beginning after September 30,
18 2017.

19 SEC. 738. (a) The Vice President may not receive a
20 pay raise in calendar year 2018, notwithstanding the rate
21 adjustment made under section 104 of title 3, United
22 States Code, or any other provision of law.

23 (b) An employee serving in an Executive Schedule po-
24 sition, or in a position for which the rate of pay is fixed
25 by statute at an Executive Schedule rate, may not receive

1 a pay rate increase in calendar year 2018, notwith-
2 standing schedule adjustments made under section 5318
3 of title 5, United States Code, or any other provision of
4 law, except as provided in subsection (g), (h), or (i). This
5 subsection applies only to employees who are holding a po-
6 sition under a political appointment.

7 (c) A chief of mission or ambassador at large may
8 not receive a pay rate increase in calendar year 2018, not-
9 withstanding section 401 of the Foreign Service Act of
10 1980 (Public Law 96–465) or any other provision of law,
11 except as provided in subsection (g), (h), or (i).

12 (d) Notwithstanding sections 5382 and 5383 of title
13 5, United States Code, a pay rate increase may not be
14 received in calendar year 2018 (except as provided in sub-
15 section (g), (h), or (i)) by—

16 (1) a noncareer appointee in the Senior Execu-
17 tive Service paid a rate of basic pay at or above level
18 IV of the Executive Schedule; or

19 (2) a limited term appointee or limited emer-
20 gency appointee in the Senior Executive Service
21 serving under a political appointment and paid a
22 rate of basic pay at or above level IV of the Execu-
23 tive Schedule.

24 (e) Any employee paid a rate of basic pay (including
25 any locality-based payments under section 5304 of title

1 5, United States Code, or similar authority) at or above
2 level IV of the Executive Schedule who serves under a po-
3 litical appointment may not receive a pay rate increase
4 in calendar year 2018, notwithstanding any other provi-
5 sion of law, except as provided in subsection (g), (h), or
6 (i). This subsection does not apply to employees in the
7 General Schedule pay system or the Foreign Service pay
8 system, or to employees appointed under section 3161 of
9 title 5, United States Code, or to employees in another
10 pay system whose position would be classified at GS-15
11 or below if chapter 51 of title 5, United States Code, ap-
12 plied to them.

13 (f) Nothing in subsections (b) through (e) shall pre-
14 vent employees who do not serve under a political appoint-
15 ment from receiving pay increases as otherwise provided
16 under applicable law.

17 (g) A career appointee in the Senior Executive Serv-
18 ice who receives a Presidential appointment and who
19 makes an election to retain Senior Executive Service basic
20 pay entitlements under section 3392 of title 5, United
21 States Code, is not subject to this section.

22 (h) A member of the Senior Foreign Service who re-
23 ceives a Presidential appointment to any position in the
24 executive branch and who makes an election to retain Sen-
25 ior Foreign Service pay entitlements under section 302(b)

1 of the Foreign Service Act of 1980 (Public Law 96–465)
2 is not subject to this section.

3 (i) Notwithstanding subsections (b) through (e), an
4 employee in a covered position may receive a pay rate in-
5 crease upon an authorized movement to a different cov-
6 ered position with higher-level duties and a pre-established
7 higher level or range of pay, except that any such increase
8 must be based on the rates of pay and applicable pay limi-
9 tations in effect on December 31, 2013.

10 (j) Notwithstanding any other provision of law, for
11 an individual who is newly appointed to a covered position
12 during the period of time subject to this section, the initial
13 pay rate shall be based on the rates of pay and applicable
14 pay limitations in effect on December 31, 2013.

15 (k) If an employee affected by subsections (b)
16 through (e) is subject to a biweekly pay period that begins
17 in calendar year 2018 but ends in calendar year 2019,
18 the bar on the employee’s receipt of pay rate increases
19 shall apply through the end of that pay period.

20 SEC. 739. (a) The head of any Executive branch de-
21 partment, agency, board, commission, or office funded by
22 this or any other appropriations Act shall submit annual
23 reports to the Inspector General or senior ethics official
24 for any entity without an Inspector General, regarding the
25 costs and contracting procedures related to each con-

1 ference held by any such department, agency, board, com-
2 mission, or office during fiscal year 2018 for which the
3 cost to the United States Government was more than
4 \$100,000.

5 (b) Each report submitted shall include, for each con-
6 ference described in subsection (a) held during the applica-
7 ble period—

8 (1) a description of its purpose;

9 (2) the number of participants attending;

10 (3) a detailed statement of the costs to the
11 United States Government, including—

12 (A) the cost of any food or beverages;

13 (B) the cost of any audio-visual services;

14 (C) the cost of employee or contractor
15 travel to and from the conference; and

16 (D) a discussion of the methodology used
17 to determine which costs relate to the con-
18 ference; and

19 (4) a description of the contracting procedures
20 used including—

21 (A) whether contracts were awarded on a
22 competitive basis; and

23 (B) a discussion of any cost comparison
24 conducted by the departmental component or

1 office in evaluating potential contractors for the
2 conference.

3 (c) Within 15 days after the end of a quarter, the
4 head of any such department, agency, board, commission,
5 or office shall notify the Inspector General or senior ethics
6 official for any entity without an Inspector General, of the
7 date, location, and number of employees attending a con-
8 ference held by any Executive branch department, agency,
9 board, commission, or office funded by this or any other
10 appropriations Act during fiscal year 2018 for which the
11 cost to the United States Government was more than
12 \$20,000.

13 (d) A grant or contract funded by amounts appro-
14 priated by this or any other appropriations Act may not
15 be used for the purpose of defraying the costs of a con-
16 ference described in subsection (c) that is not directly and
17 programmatically related to the purpose for which the
18 grant or contract was awarded, such as a conference held
19 in connection with planning, training, assessment, review,
20 or other routine purposes related to a project funded by
21 the grant or contract.

22 (e) None of the funds made available in this or any
23 other appropriations Act may be used for travel and con-
24 ference activities that are not in compliance with Office
25 of Management and Budget Memorandum M-12-12

1 dated May 11, 2012 or any subsequent revisions to that
2 memorandum.

3 SEC. 740. None of the funds made available in this
4 or any other appropriations Act may be used to increase,
5 eliminate, or reduce funding for a program, project, or ac-
6 tivity as proposed in the President’s budget request for
7 a fiscal year until such proposed change is subsequently
8 enacted in an appropriation Act, or unless such change
9 is made pursuant to the reprogramming or transfer provi-
10 sions of this or any other appropriations Act.

11 SEC. 741. None of the funds made available by this
12 or any other Act may be used to implement, administer,
13 enforce, or apply the rule entitled “Competitive Area”
14 published by the Office of Personnel Management in the
15 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
16 et seq.).

17 SEC. 742. None of the funds appropriated or other-
18 wise made available by this or any other Act may be used
19 to begin or announce a study or public-private competition
20 regarding the conversion to contractor performance of any
21 function performed by Federal employees pursuant to Of-
22 fice of Management and Budget Circular A-76 or any
23 other administrative regulation, directive, or policy.

24 SEC. 743. (a) None of the funds appropriated or oth-
25 erwise made available by this or any other Act may be

1 available for a contract, grant, or cooperative agreement
2 with an entity that requires employees or contractors of
3 such entity seeking to report fraud, waste, or abuse to sign
4 internal confidentiality agreements or statements prohib-
5 iting or otherwise restricting such employees or contrac-
6 tors from lawfully reporting such waste, fraud, or abuse
7 to a designated investigative or law enforcement represent-
8 ative of a Federal department or agency authorized to re-
9 ceive such information.

10 (b) The limitation in subsection (a) shall not con-
11 travene requirements applicable to Standard Form 312,
12 Form 4414, or any other form issued by a Federal depart-
13 ment or agency governing the nondisclosure of classified
14 information.

15 SEC. 744. (a) No funds appropriated in this or any
16 other Act may be used to implement or enforce the agree-
17 ments in Standard Forms 312 and 4414 of the Govern-
18 ment or any other nondisclosure policy, form, or agree-
19 ment if such policy, form, or agreement does not contain
20 the following provisions: “These provisions are consistent
21 with and do not supersede, conflict with, or otherwise alter
22 the employee obligations, rights, or liabilities created by
23 existing statute or Executive order relating to (1) classi-
24 fied information, (2) communications to Congress, (3) the
25 reporting to an Inspector General of a violation of any

1 law, rule, or regulation, or mismanagement, a gross waste
2 of funds, an abuse of authority, or a substantial and spe-
3 cific danger to public health or safety, or (4) any other
4 whistleblower protection. The definitions, requirements,
5 obligations, rights, sanctions, and liabilities created by
6 controlling Executive orders and statutory provisions are
7 incorporated into this agreement and are controlling.”:
8 *Provided*, That notwithstanding the preceding provision of
9 this section, a nondisclosure policy form or agreement that
10 is to be executed by a person connected with the conduct
11 of an intelligence or intelligence-related activity, other
12 than an employee or officer of the United States Govern-
13 ment, may contain provisions appropriate to the particular
14 activity for which such document is to be used. Such form
15 or agreement shall, at a minimum, require that the person
16 will not disclose any classified information received in the
17 course of such activity unless specifically authorized to do
18 so by the United States Government. Such nondisclosure
19 forms shall also make it clear that they do not bar disclo-
20 sures to Congress, or to an authorized official of an execu-
21 tive agency or the Department of Justice, that are essen-
22 tial to reporting a substantial violation of law.

23 (b) A nondisclosure agreement may continue to be
24 implemented and enforced notwithstanding subsection (a)

1 if it complies with the requirements for such agreement
2 that were in effect when the agreement was entered into.

3 (c) No funds appropriated in this or any other Act
4 may be used to implement or enforce any agreement en-
5 tered into during fiscal year 2014 which does not contain
6 substantially similar language to that required in sub-
7 section (a).

8 SEC. 745. None of the funds made available by this
9 or any other Act may be used to enter into a contract,
10 memorandum of understanding, or cooperative agreement
11 with, make a grant to, or provide a loan or loan guarantee
12 to, any corporation that has any unpaid Federal tax liabil-
13 ity that has been assessed, for which all judicial and ad-
14 ministrative remedies have been exhausted or have lapsed,
15 and that is not being paid in a timely manner pursuant
16 to an agreement with the authority responsible for col-
17 lecting the tax liability, where the awarding agency is
18 aware of the unpaid tax liability, unless a Federal agency
19 has considered suspension or debarment of the corporation
20 and has made a determination that this further action is
21 not necessary to protect the interests of the Government.

22 SEC. 746. None of the funds made available by this
23 or any other Act may be used to enter into a contract,
24 memorandum of understanding, or cooperative agreement
25 with, make a grant to, or provide a loan or loan guarantee

1 to, any corporation that was convicted of a felony criminal
2 violation under any Federal law within the preceding 24
3 months, where the awarding agency is aware of the convic-
4 tion, unless a Federal agency has considered suspension
5 or debarment of the corporation and has made a deter-
6 mination that this further action is not necessary to pro-
7 tect the interests of the Government.

8 SEC. 747. (a) During fiscal year 2018, on the date
9 on which a request is made for a transfer of funds in ac-
10 cordance with section 1017 of Public Law 111–203, the
11 Bureau of Consumer Financial Protection shall notify the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate, the Committee on Financial Serv-
14 ices of the House of Representatives, and the Committee
15 on Banking, Housing, and Urban Affairs of the Senate
16 of such request.

17 (b) Any notification required by this section shall be
18 made available on the Bureau’s public Web site.

19 SEC. 748. If, for fiscal year 2018, new budget author-
20 ity provided in appropriations Acts exceeds the discre-
21 tionary spending limit for any category set forth in section
22 251(c) of the Balanced Budget and Emergency Deficit
23 Control Act of 1985 due to estimating differences with the
24 Congressional Budget Office, an adjustment to the discre-
25 tionary spending limit in such category for fiscal year

1 2018 shall be made by the Director of the Office of Man-
2 agement and Budget in the amount of the excess but the
3 total of all such adjustments shall not exceed 0.2 percent
4 of the sum of the adjusted discretionary spending limits
5 for all categories for that fiscal year.

6 SEC. 749. Except as expressly provided otherwise,
7 any reference to “this Act” contained in any title other
8 than title IV or VIII shall not apply to such title IV or
9 VIII.

1 TITLE VIII
2 GENERAL PROVISIONS—DISTRICT OF
3 COLUMBIA
4 (INCLUDING TRANSFERS OF FUNDS)

5 SEC. 801. There are appropriated from the applicable
6 funds of the District of Columbia such sums as may be
7 necessary for making refunds and for the payment of legal
8 settlements or judgments that have been entered against
9 the District of Columbia government.

10 SEC. 802. None of the Federal funds provided in this
11 Act shall be used for publicity or propaganda purposes or
12 implementation of any policy including boycott designed
13 to support or defeat legislation pending before Congress
14 or any State legislature.

15 SEC. 803. (a) None of the Federal funds provided
16 under this Act to the agencies funded by this Act, both
17 Federal and District government agencies, that remain
18 available for obligation or expenditure in fiscal year 2018,
19 or provided from any accounts in the Treasury of the
20 United States derived by the collection of fees available
21 to the agencies funded by this Act, shall be available for
22 obligation or expenditures for an agency through a re-
23 programming of funds which—

24 (1) creates new programs;

1 (2) eliminates a program, project, or responsi-
2 bility center;

3 (3) establishes or changes allocations specifi-
4 cally denied, limited or increased under this Act;

5 (4) increases funds or personnel by any means
6 for any program, project, or responsibility center for
7 which funds have been denied or restricted;

8 (5) re-establishes any program or project pre-
9 viously deferred through reprogramming;

10 (6) augments any existing program, project, or
11 responsibility center through a reprogramming of
12 funds in excess of \$3,000,000 or 10 percent, which-
13 ever is less; or

14 (7) increases by 20 percent or more personnel
15 assigned to a specific program, project or responsi-
16 bility center,

17 unless prior approval is received from the Committees on
18 Appropriations of the House of Representatives and the
19 Senate.

20 (b) The District of Columbia government is author-
21 ized to approve and execute reprogramming and transfer
22 requests of local funds under this title through November
23 7, 2018.

24 SEC. 804. None of the Federal funds provided in this
25 Act may be used by the District of Columbia to provide

1 for salaries, expenses, or other costs associated with the
2 offices of United States Senator or United States Rep-
3 resentative under section 4(d) of the District of Columbia
4 Statehood Constitutional Convention Initiatives of 1979
5 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

6 SEC. 805. Except as otherwise provided in this sec-
7 tion, none of the funds made available by this Act or by
8 any other Act may be used to provide any officer or em-
9 ployee of the District of Columbia with an official vehicle
10 unless the officer or employee uses the vehicle only in the
11 performance of the officer’s or employee’s official duties.
12 For purposes of this section, the term “official duties”
13 does not include travel between the officer’s or employee’s
14 residence and workplace, except in the case of—

15 (1) an officer or employee of the Metropolitan
16 Police Department who resides in the District of Co-
17 lumbia or is otherwise designated by the Chief of the
18 Department;

19 (2) at the discretion of the Fire Chief, an offi-
20 cer or employee of the District of Columbia Fire and
21 Emergency Medical Services Department who re-
22 sides in the District of Columbia and is on call 24
23 hours a day;

24 (3) at the discretion of the Director of the De-
25 partment of Corrections, an officer or employee of

1 the District of Columbia Department of Corrections
2 who resides in the District of Columbia and is on
3 call 24 hours a day;

4 (4) at the discretion of the Chief Medical Ex-
5 aminer, an officer or employee of the Office of the
6 Chief Medical Examiner who resides in the District
7 of Columbia and is on call 24 hours a day;

8 (5) at the discretion of the Director of the
9 Homeland Security and Emergency Management
10 Agency, an officer or employee of the Homeland Se-
11 curity and Emergency Management Agency who re-
12 sides in the District of Columbia and is on call 24
13 hours a day;

14 (6) the Mayor of the District of Columbia; and

15 (7) the Chairman of the Council of the District
16 of Columbia.

17 SEC. 806. (a) None of the Federal funds contained
18 in this Act may be used by the District of Columbia Attor-
19 ney General or any other officer or entity of the District
20 government to provide assistance for any petition drive or
21 civil action which seeks to require Congress to provide for
22 voting representation in Congress for the District of Co-
23 lumbia.

24 (b) Nothing in this section bars the District of Co-
25 lumbia Attorney General from reviewing or commenting

1 on briefs in private lawsuits, or from consulting with offi-
2 cials of the District government regarding such lawsuits.

3 SEC. 807. None of the Federal funds contained in
4 this Act may be used to distribute any needle or syringe
5 for the purpose of preventing the spread of blood borne
6 pathogens in any location that has been determined by the
7 local public health or local law enforcement authorities to
8 be inappropriate for such distribution.

9 SEC. 808. Nothing in this Act may be construed to
10 prevent the Council or Mayor of the District of Columbia
11 from addressing the issue of the provision of contraceptive
12 coverage by health insurance plans, but it is the intent
13 of Congress that any legislation enacted on such issue
14 should include a “conscience clause” which provides excep-
15 tions for religious beliefs and moral convictions.

16 SEC. 809. (a) None of the Federal funds contained
17 in this Act may be used to enact or carry out any law,
18 rule, or regulation to legalize or otherwise reduce penalties
19 associated with the possession, use, or distribution of any
20 schedule I substance under the Controlled Substances Act
21 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
22 rivative.

23 (b) No funds available for obligation or expenditure
24 by the District of Columbia government under any author-
25 ity may be used to enact any law, rule, or regulation to

1 legalize or otherwise reduce penalties associated with the
2 possession, use, or distribution of any schedule I substance
3 under the Controlled Substances Act (21 U.S.C. 801 et
4 seq.) or any tetrahydrocannabinols derivative for rec-
5 reational purposes.

6 SEC. 810. No funds available for obligation or ex-
7 penditure by the District of Columbia government under
8 any authority shall be expended for any abortion except
9 where the life of the mother would be endangered if the
10 fetus were carried to term or where the pregnancy is the
11 result of an act of rape or incest.

12 SEC. 811. (a) No later than 30 calendar days after
13 the date of the enactment of this Act, the Chief Financial
14 Officer for the District of Columbia shall submit to the
15 appropriate committees of Congress, the Mayor, and the
16 Council of the District of Columbia, a revised appropriated
17 funds operating budget in the format of the budget that
18 the District of Columbia government submitted pursuant
19 to section 442 of the District of Columbia Home Rule Act
20 (D.C. Official Code, sec. 1–204.42), for all agencies of the
21 District of Columbia government for fiscal year 2018 that
22 is in the total amount of the approved appropriation and
23 that realigns all budgeted data for personal services and
24 other-than-personal services, respectively, with anticipated
25 actual expenditures.

1 (b) This section shall apply only to an agency for
2 which the Chief Financial Officer for the District of Co-
3 lumbia certifies that a reallocation is required to address
4 unanticipated changes in program requirements.

5 SEC. 812. No later than 30 calendar days after the
6 date of the enactment of this Act, the Chief Financial Offi-
7 cer for the District of Columbia shall submit to the appro-
8 priate committees of Congress, the Mayor, and the Council
9 for the District of Columbia, a revised appropriated funds
10 operating budget for the District of Columbia Public
11 Schools that aligns schools budgets to actual enrollment.
12 The revised appropriated funds budget shall be in the for-
13 mat of the budget that the District of Columbia govern-
14 ment submitted pursuant to section 442 of the District
15 of Columbia Home Rule Act (D.C. Official Code, sec. 1–
16 204.42).

17 SEC. 813. (a) Amounts appropriated in this Act as
18 operating funds may be transferred to the District of Co-
19 lumbia’s enterprise and capital funds and such amounts,
20 once transferred, shall retain appropriation authority con-
21 sistent with the provisions of this Act.

22 (b) The District of Columbia government is author-
23 ized to reprogram or transfer for operating expenses any
24 local funds transferred or reprogrammed in this or the
25 four prior fiscal years from operating funds to capital

1 funds, and such amounts, once transferred or repro-
2 grammed, shall retain appropriation authority consistent
3 with the provisions of this Act.

4 (c) The District of Columbia government may not
5 transfer or reprogram for operating expenses any funds
6 derived from bonds, notes, or other obligations issued for
7 capital projects.

8 SEC. 814. None of the Federal funds appropriated
9 in this Act shall remain available for obligation beyond
10 the current fiscal year, nor may any be transferred to
11 other appropriations, unless expressly so provided herein.

12 SEC. 815. Except as otherwise specifically provided
13 by law or under this Act, not to exceed 50 percent of unob-
14 ligated balances remaining available at the end of fiscal
15 year 2018 from appropriations of Federal funds made
16 available for salaries and expenses for fiscal year 2018 in
17 this Act, shall remain available through September 30,
18 2019, for each such account for the purposes authorized:
19 *Provided*, That a request shall be submitted to the Com-
20 mittees on Appropriations of the House of Representatives
21 and the Senate for approval prior to the expenditure of
22 such funds: *Provided further*, That these requests shall be
23 made in compliance with reprogramming guidelines out-
24 lined in section 803 of this Act.

1 SEC. 816. (a)(1) During fiscal year 2019, during a
2 period in which neither a District of Columbia continuing
3 resolution or a regular District of Columbia appropriation
4 bill is in effect, local funds are appropriated in the amount
5 provided for any project or activity for which local funds
6 are provided in the Act referred to in paragraph (2) (sub-
7 ject to any modifications enacted by the District of Colum-
8 bia as of the beginning of the period during which this
9 subsection is in effect) at the rate set forth by such Act.

10 (2) The Act referred to in this paragraph is the Act
11 of the Council of the District of Columbia pursuant to
12 which a proposed budget is approved for fiscal year 2019
13 which (subject to the requirements of the District of Co-
14 lumbia Home Rule Act) will constitute the local portion
15 of the annual budget for the District of Columbia govern-
16 ment for fiscal year 2019 for purposes of section 446 of
17 the District of Columbia Home Rule Act (sec. 1–204.46,
18 D.C. Official Code).

19 (b) Appropriations made by subsection (a) shall cease
20 to be available—

21 (1) during any period in which a District of Co-
22 lumbia continuing resolution for fiscal year 2019 is
23 in effect; or

1 (2) upon the enactment into law of the regular
2 District of Columbia appropriation bill for fiscal year
3 2019.

4 (c) An appropriation made by subsection (a) is pro-
5 vided under the authority and conditions as provided
6 under this Act and shall be available to the extent and
7 in the manner that would be provided by this Act.

8 (d) An appropriation made by subsection (a) shall
9 cover all obligations or expenditures incurred for such
10 project or activity during the portion of fiscal year 2019
11 for which this section applies to such project or activity.

12 (e) This section shall not apply to a project or activity
13 during any period of fiscal year 2019 if any other provi-
14 sion of law (other than an authorization of appropria-
15 tions)—

16 (1) makes an appropriation, makes funds avail-
17 able, or grants authority for such project or activity
18 to continue for such period; or

19 (2) specifically provides that no appropriation
20 shall be made, no funds shall be made available, or
21 no authority shall be granted for such project or ac-
22 tivity to continue for such period.

23 (f) Nothing in this section shall be construed to affect
24 obligations of the government of the District of Columbia
25 mandated by other law.

1 SEC. 817. Except as expressly provided otherwise,
2 any reference to “this Act” contained in this title or in
3 title IV shall be treated as referring only to the provisions
4 of this title or of title IV.

5 This division may be cited as the “Financial Services
6 and General Government Appropriations Act, 2018”.

1 **DIVISION F—DEPARTMENT OF HOME-**
2 **LAND SECURITY APPROPRIATIONS**
3 **ACT, 2018**

4 TITLE I

5 DEPARTMENTAL MANAGEMENT, OPERATIONS,
6 INTELLIGENCE, AND OVERSIGHT

7 OFFICE OF THE SECRETARY AND EXECUTIVE

8 MANAGEMENT

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Office of the Secretary
11 and for executive management for operations and support,
12 \$139,602,000: *Provided*, That not to exceed \$30,000 shall
13 be for official reception and representation expenses: *Pro-*
14 *vided further*, That of the funds provided under this head-
15 ing, \$2,000,000 shall be withheld from obligation until the
16 Secretary complies with section 107 of this Act.

17 MANAGEMENT DIRECTORATE

18 OPERATIONS AND SUPPORT

19 For necessary expenses of the Management Direc-
20 torate for operations and support, \$710,297,000, of which
21 \$227,516,000 shall remain available until September 30,
22 2019: *Provided*, That not to exceed \$2,000 shall be for
23 official reception and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Management Direc-
3 torate for procurement, construction, and improvements,
4 \$29,569,000, to remain available until September 30,
5 2019.

6 RESEARCH AND DEVELOPMENT

7 For necessary expenses of the Management Direc-
8 torate for research and development, \$2,545,000, to re-
9 main available until September 30, 2019.

10 INTELLIGENCE, ANALYSIS, AND OPERATIONS

11 COORDINATION

12 OPERATIONS AND SUPPORT

13 For necessary expenses of the Office of Intelligence
14 and Analysis and the Office of Operations Coordination
15 for operations and support, \$245,905,000, of which
16 \$77,915,000 shall remain available until September 30,
17 2019: *Provided*, That not to exceed \$3,825 shall be for
18 official reception and representation expenses and not to
19 exceed \$2,000,000 is available for facility needs associated
20 with secure space at fusion centers, including improve-
21 ments to buildings.

22 OFFICE OF INSPECTOR GENERAL

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Office of Inspector
25 General for operations and support, \$168,000,000: *Pro-*

1 *vided*, That not to exceed \$300,000 may be used for cer-
2 tain confidential operational expenses, including the pay-
3 ment of informants, to be expended at the direction of the
4 Inspector General.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 101. Hereafter, the Secretary of Homeland Se-
7 curity shall submit to the Committees on Appropriations
8 of the Senate and the House of Representatives, at the
9 time the President's budget proposal is submitted pursu-
10 ant to section 1105(a) of title 31, United States Code,
11 the Future Years Homeland Security Program, as author-
12 ized by section 874 of the Homeland Security Act of 2002
13 (6 U.S.C. 454).

14 SEC. 102. Not later than 30 days after the last day
15 of each month, the Chief Financial Officer of the Depart-
16 ment of Homeland Security shall submit to the Commit-
17 tees on Appropriations of the Senate and the House of
18 Representatives a monthly budget and staffing report that
19 includes total obligations of the Department for that
20 month and for the fiscal year at the appropriation and
21 program, project, and activity levels, by the source year
22 of the appropriation.

23 SEC. 103. (a) Notwithstanding section 518 of division
24 F of the Consolidated Appropriations Act, 2016 (Public
25 Law 114–113), the Secretary of Homeland Security shall

1 submit a report not later than October 15, 2018, to the
2 Inspector General of the Department of Homeland Secu-
3 rity listing all grants and contracts awarded by any means
4 other than full and open competition during fiscal years
5 2017 and 2018.

6 (b) The Inspector General shall review the report re-
7 quired by subsection (a) to assess departmental compli-
8 ance with applicable laws and regulations and report the
9 results of that review to the Committees on Appropriations
10 of the Senate and the House of Representatives not later
11 than February 15, 2019.

12 SEC. 104. The Secretary of Homeland Security shall
13 require that all contracts of the Department of Homeland
14 Security that provide award fees link such fees to success-
15 ful acquisition outcomes, which shall be specified in terms
16 of cost, schedule, and performance.

17 SEC. 105. The Secretary of Homeland Security, in
18 consultation with the Secretary of the Treasury, shall no-
19 tify the Committees on Appropriations of the Senate and
20 the House of Representatives of any proposed transfers
21 of funds available under section 9703(g)(4)(B) of title 31,
22 United States Code (as added by Public Law 102–393)
23 from the Department of the Treasury Forfeiture Fund to
24 any agency within the Department of Homeland Security:
25 *Provided*, That none of the funds identified for such a

1 transfer may be obligated until the Committees on Appro-
2 priations of the Senate and the House of Representatives
3 are notified of the proposed transfers.

4 SEC. 106. All official costs associated with the use
5 of Government aircraft by Department of Homeland Secu-
6 rity personnel to support official travel of the Secretary
7 and the Deputy Secretary shall be paid from amounts
8 made available for the Office of the Secretary.

9 SEC. 107. (a) Not later than 30 days after the date
10 of enactment of this Act, the Secretary of Homeland Secu-
11 rity shall submit to the Committees on Appropriations of
12 the Senate and the House of Representatives, the Commit-
13 tees on the Judiciary of the Senate and the House of Rep-
14 resentatives, the Committee on Homeland Security and
15 Governmental Affairs of the Senate, and the Committee
16 on Homeland Security of the House of Representatives,
17 a report for fiscal year 2017 on visa overstay data by
18 country as required by section 1376 of title 8, United
19 States Code: *Provided*, That the report on visa overstay
20 data shall also include—

21 (1) overstays from all nonimmigrant visa cat-
22 egories under the immigration laws, delineated by
23 each of the classes and sub-classes of such cat-
24 egories; and

1 (2) numbers as well as rates of overstays for
2 each class and sub-class of such nonimmigrant cat-
3 egories on a per-country basis.

4 (b) The Secretary of Homeland Security shall publish
5 on the Department's website the metrics developed to
6 measure the effectiveness of security between the ports of
7 entry, including the methodology and data supporting the
8 resulting measures.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Customs and Border
7 Protection for operations and support, including the trans-
8 portation of unaccompanied minor aliens; the provision of
9 air and marine support to Federal, State, and local agen-
10 cies in the enforcement or administration of laws enforced
11 by the Department of Homeland Security; at the discre-
12 tion of the Secretary of Homeland Security, the provision
13 of such support to Federal, State, and local agencies in
14 other law enforcement and emergency humanitarian ef-
15 forts; the purchase and lease of up to 7,500 (6,500 for
16 replacement only) police-type vehicles; the purchase, main-
17 tenance, or operation of marine vessels, aircraft, and un-
18 manned aerial systems; and contracting with individuals
19 for personal services abroad; \$11,485,164,000; of which
20 \$3,274,000 shall be derived from the Harbor Maintenance
21 Trust Fund for administrative expenses related to the col-
22 lection of the Harbor Maintenance Fee pursuant to section
23 9505(c)(3) of the Internal Revenue Code of 1986 (26
24 U.S.C. 9505(c)(3)) and notwithstanding section
25 1511(e)(1) of the Homeland Security Act of 2002 (6

1 U.S.C. 551(e)(1)); of which \$681,441,500 shall be avail-
2 able until September 30, 2019; and of which such sums
3 as become available in the Customs User Fee Account, ex-
4 cept sums subject to section 13031(f)(3) of the Consoli-
5 dated Omnibus Budget Reconciliation Act of 1985 (19
6 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
7 *vided*, That not to exceed \$34,425 shall be for official re-
8 ception and representation expenses: *Provided further*,
9 That not to exceed \$15,000,000 may be transferred to the
10 Bureau of Indian Affairs for the maintenance and repair
11 of roads on Native American reservations, as required by
12 the Border Patrol: *Provided further*, That not to exceed
13 \$150,000 shall be available for payment for rental space
14 in connection with preclearance operations: *Provided fur-*
15 *ther*, That not to exceed \$1,000,000 shall be for awards
16 of compensation to informants, to be accounted for solely
17 under the certificate of the Secretary of Homeland Secu-
18 rity.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of U.S. Customs and Border
21 Protection for procurement, construction, and improve-
22 ments, including procurements to buy marine vessels, air-
23 craft, and unmanned aerial systems, \$2,281,357,000, of
24 which \$846,343,000 shall remain available until Sep-

1 tember 30, 2020, and of which \$1,435,014,000 shall re-
2 main available until September 30, 2022.

3 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
4 OPERATIONS AND SUPPORT

5 For necessary expenses of U.S. Immigration and
6 Customs Enforcement for operations and support, includ-
7 ing the purchase and lease of up to 3,790 (2,350 for re-
8 placement only) police-type vehicles; overseas vetted units;
9 and maintenance, minor construction, and minor leasehold
10 improvements at owned and leased facilities;
11 \$6,993,975,000; of which \$6,000,000 shall remain avail-
12 able until expended for efforts to enforce laws against
13 forced child labor; of which \$33,700,000 shall remain
14 available until September 30, 2019; of which not less than
15 \$15,000,000 shall be available for investigation of intellec-
16 tual property rights violations, including operation of the
17 National Intellectual Property Rights Coordination Cen-
18 ter; of which not less than \$9,000,000 shall be available
19 for facilities repair and maintenance projects; of which not
20 less than \$84,000,000 shall be available for vehicle fleet
21 recapitalization; and of which not less than
22 \$4,110,337,000 shall be for enforcement, detention, and
23 removal operations, including transportation of unaccom-
24 panied minor aliens: *Provided*, That not to exceed \$11,475
25 shall be for official reception and representation expenses:

1 *Provided further*, That not to exceed \$10,000,000 shall be
2 available until expended for conducting special operations
3 under section 3131 of the Customs Enforcement Act of
4 1986 (19 U.S.C. 2081): *Provided further*, That not to ex-
5 ceed \$2,000,000 shall be for awards of compensation to
6 informants, to be accounted for solely under the certificate
7 of the Secretary of Homeland Security: *Provided further*,
8 That not to exceed \$11,216,000 shall be available to fund
9 or reimburse other Federal agencies for the costs associ-
10 ated with the care, maintenance, and repatriation of
11 smuggled aliens unlawfully present in the United States:
12 *Provided further*, That of the amounts made available
13 under this heading, \$5,000,000 shall be withheld from ob-
14 ligation until the Secretary of Homeland Security submits
15 to the Committees on Appropriations of the Senate and
16 the House of Representatives the report required under
17 section 212 of this Act.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of U.S. Immigration and
20 Customs Enforcement for procurement, construction, and
21 improvements, \$81,899,000, to remain available until Sep-
22 tember 30, 2020; of which not less than \$29,000,000 shall
23 be available for facilities repair and maintenance projects.

1 TRANSPORTATION SECURITY ADMINISTRATION
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Transportation Secu-
4 rity Administration for operations and support,
5 \$7,207,851,000, to remain available until September 30,
6 2019: *Provided*, That not to exceed \$7,650 shall be for
7 official reception and representation expenses: *Provided*
8 *further*, That security service fees authorized under section
9 44940 of title 49, United States Code, shall be credited
10 to this appropriation as offsetting collections and shall be
11 available only for aviation security: *Provided further*, That
12 the sum appropriated under this heading from the general
13 fund shall be reduced on a dollar-for-dollar basis as such
14 offsetting collections are received during fiscal year 2018
15 so as to result in a final fiscal year appropriation from
16 the general fund estimated at not more than
17 \$4,737,851,000.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the Transportation Secu-
20 rity Administration for procurement, construction, and
21 improvements, \$167,314,000, to remain available until
22 September 30, 2020.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Transportation Secu-
25 rity Administration for research and development,

1 \$20,190,000, to remain available until September 30,
2 2019.

3 COAST GUARD

4 OPERATING EXPENSES

5 For necessary expenses for the operations and main-
6 tenance of the Coast Guard, not otherwise provided for;
7 purchase or lease of not to exceed 25 passenger motor ve-
8 hicles, which shall be for replacement only; purchase or
9 lease of small boats for contingent and emergent require-
10 ments (at a unit cost of not more than \$700,000) and
11 repairs and service-life replacements, not to exceed a total
12 of \$31,000,000; purchase or lease of boats necessary for
13 overseas deployments and activities; payments pursuant to
14 section 156 of Public Law 97-377 (42 U.S.C. 402 note;
15 96 Stat. 1920); and recreation and welfare;
16 \$7,373,313,000; of which \$503,000,000 shall be for de-
17 fense-related activities, of which \$163,000,000 is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985 and shall be available only
22 if the President subsequently so designates all such
23 amounts and transmits such designations to the Congress;
24 and of which \$24,500,000 shall be derived from the Oil
25 Spill Liability Trust Fund to carry out the purposes of

1 section 1012(a)(5) of the Oil Pollution Act of 1990 (33
2 U.S.C. 2712(a)(5)): *Provided*, That not to exceed \$23,000
3 shall be for official reception and representation expenses:
4 *Provided further*, That \$25,000,000 shall be withheld from
5 obligation for Coast Guard Headquarters Directorates
6 until a future-years capital investment plan for fiscal years
7 2019 through 2023 is submitted to the Committees on Ap-
8 propriations of the Senate and the House of Representa-
9 tives pursuant to section 220 of this Act.

10 ENVIRONMENTAL COMPLIANCE AND RESTORATION

11 For necessary expenses to carry out the environ-
12 mental compliance and restoration functions of the Coast
13 Guard under chapter 19 of title 14, United States Code,
14 \$13,397,000, to remain available until September 30,
15 2022.

16 RESERVE TRAINING

17 For necessary expenses of the Coast Guard Reserve;
18 operations and maintenance of the Coast Guard Reserve
19 Program; personnel and training costs; and equipment
20 and services; \$114,875,000.

21 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

22 For necessary expenses of the Coast Guard for acqui-
23 sition, construction, renovation, and improvement of aids
24 to navigation, shore facilities (including facilities at De-
25 partment of Defense installations used by the Coast

1 Guard), vessels, and aircraft, including equipment related
2 thereto, \$2,694,745,000; of which \$20,000,000 shall be
3 derived from the Oil Spill Liability Trust Fund to carry
4 out the purposes of section 1012(a)(5) of the Oil Pollution
5 Act of 1990 (33 U.S.C. 2712(a)(5)); and of which
6 \$2,573,000,000 shall be available until September 30,
7 2022, of which \$95,000,000 shall be immediately available
8 and allotted to contract for long lead time materials for
9 the eleventh National Security Cutter notwithstanding the
10 availability of funds for production or post-production
11 costs.

12 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

13 For necessary expenses of the Coast Guard for re-
14 search, development, test, and evaluation; and for mainte-
15 nance, rehabilitation, lease, and operation of facilities and
16 equipment; \$29,141,000, to remain available until Sep-
17 tember 30, 2020, of which \$500,000 shall be derived from
18 the Oil Spill Liability Trust Fund to carry out the pur-
19 poses of section 1012(a)(5) of the Oil Pollution Act of
20 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
21 be credited to and used for the purposes of this appropria-
22 tion funds received from State and local governments,
23 other public authorities, private sources, and foreign coun-
24 tries for expenses incurred for research, development, test-
25 ing, and evaluation.

1 RETIRED PAY

2 For retired pay, including the payment of obligations
3 otherwise chargeable to lapsed appropriations for this pur-
4 pose, payments under the Retired Serviceman's Family
5 Protection and Survivor Benefits Plans, payment for ca-
6 reer status bonuses, payment of continuation pay under
7 section 356 of title 37, United States Code, concurrent
8 receipts, combat-related special compensation, and pay-
9 ments for medical care of retired personnel and their de-
10 pendants under chapter 55 of title 10, United States Code,
11 \$1,676,117,000, to remain available until expended.

12 UNITED STATES SECRET SERVICE

13 OPERATIONS AND SUPPORT

14 For necessary expenses of the United States Secret
15 Service for operations and support, including purchase of
16 not to exceed 652 vehicles for police-type use for replace-
17 ment only; hire of passenger motor vehicles; purchase of
18 motorcycles made in the United States; hire of aircraft;
19 rental of buildings in the District of Columbia; fencing,
20 lighting, guard booths, and other facilities on private or
21 other property not in Government ownership or control,
22 as may be necessary to perform protective functions; con-
23 duct of and participation in firearms matches; presen-
24 tation of awards; conduct of behavioral research in sup-
25 port of protective intelligence and operations; payment in

1 advance for commercial accommodations as may be nec-
2 essary to perform protective functions; and payment, with-
3 out regard to section 5702 of title 5, United States Code,
4 of subsistence expenses of employees who are on protective
5 missions, whether at or away from their duty stations;
6 \$1,915,794,000; of which \$39,692,000 shall remain avail-
7 able until September 30, 2019, of which \$6,000,000 shall
8 be for a grant for activities related to investigations of
9 missing and exploited children; and of which \$9,866,000
10 shall be for premium pay in excess of the annual equiva-
11 lent of the limitation on the rate of pay contained in sec-
12 tion 5547(a) of title 5, United States Code, pursuant to
13 section 2 of the Overtime Pay for Protective Services Act
14 of 2016 (5 U.S.C. 5547 note), as amended by the Secret
15 Service Recruitment and Retention Act of 2018: *Provided*,
16 That not to exceed \$19,125 shall be for official reception
17 and representation expenses: *Provided further*, That not
18 to exceed \$100,000 shall be to provide technical assistance
19 and equipment to foreign law enforcement organizations
20 in counterfeit investigations.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For necessary expenses of the United States Secret
23 Service for procurement, construction, and improvements,
24 \$90,480,000, to remain available until September 30,
25 2020.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the United States Secret
3 Service for research and development, \$250,000, to re-
4 main available until September 30, 2019.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 201. (a) For fiscal year 2018, the overtime limi-
7 tation prescribed in section 5(c)(1) of the Act of February
8 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$45,000; and not-
9 withstanding any other provision of law, none of the funds
10 appropriated by this Act shall be available to compensate
11 any employee of U.S. Customs and Border Protection for
12 overtime, from whatever source, in an amount that ex-
13 ceeds such limitation, except in individual cases deter-
14 mined by the Secretary of Homeland Security, or the des-
15 ignee of the Secretary, to be necessary for national secu-
16 rity purposes, to prevent excessive costs, or in cases of
17 immigration emergencies.

18 (b) None of the funds made available by this Act for
19 the following accounts shall be available to compensate
20 any employee for overtime in an annual amount in excess
21 of \$45,000:

22 (1) “U.S. Immigration and Customs Enforce-
23 ment—Operations and Support”, except that the
24 Secretary of Homeland Security, or the designee of
25 the Secretary, may waive such amount as necessary

1 for national security purposes and in cases of immi-
2 gration emergencies.

3 (2) “United States Secret Service—Operations
4 and Support”, except that the Secretary of Home-
5 land Security, or the designee of the Secretary, may
6 waive such amount as necessary for national security
7 purposes.

8 SEC. 202. Funding made available under the heading
9 “U.S. Customs and Border Protection—Operations and
10 Support” and “U.S. Customs and Border Protection—
11 Procurement, Construction, and Improvements” shall be
12 available for customs expenses when necessary to maintain
13 operations and prevent adverse personnel actions in Puer-
14 to Rico in addition to funding provided by 48 U.S.C. 740.

15 SEC. 203. Hereafter, no U.S. Customs and Border
16 Protection aircraft or other related equipment, with the
17 exception of aircraft that are one of a kind and have been
18 identified as excess to U.S. Customs and Border Protec-
19 tion requirements and aircraft that have been damaged
20 beyond repair, shall be transferred to any other Federal
21 agency, department, or office outside of the Department
22 of Homeland Security without prior notice to the Commit-
23 tees on Appropriations of the Senate and the House of
24 Representatives.

1 SEC. 204. As authorized by section 601(b) of the
2 United States-Colombia Trade Promotion Agreement Im-
3 plementation Act (Public Law 112–42), fees collected
4 from passengers arriving from Canada, Mexico, or an ad-
5 jacent island pursuant to section 13031(a)(5) of the Con-
6 solidated Omnibus Budget Reconciliation Act of 1985 (19
7 U.S.C. 58c(a)(5)) shall be available until expended.

8 SEC. 205. For an additional amount for “U.S. Cus-
9 toms and Border Protection—Operations and Support”,
10 \$31,000,000, to remain available until expended, to be re-
11 duced by amounts collected and credited to this appropria-
12 tion in fiscal year 2018 from amounts authorized to be
13 collected by section 286(i) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm
15 Security and Rural Investment Act of 2002 (7 U.S.C.
16 8311), and section 817 of the Trade Facilitation and
17 Trade Enforcement Act of 2015 (Public Law 114–25), or
18 other such authorizing language: *Provided*, That to the ex-
19 tent that amounts realized from such collections exceed
20 \$31,000,000, those amounts in excess of \$31,000,000
21 shall be credited to this appropriation, to remain available
22 until expended.

23 SEC. 206. None of the funds made available in this
24 Act for U.S. Customs and Border Protection may be used
25 to prevent an individual not in the business of importing

1 a prescription drug (within the meaning of section 801(g)
2 of the Federal Food, Drug, and Cosmetic Act) from im-
3 porting a prescription drug from Canada that complies
4 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
5 That this section shall apply only to individuals trans-
6 porting on their person a personal-use quantity of the pre-
7 scription drug, not to exceed a 90-day supply: *Provided*
8 *further*, That the prescription drug may not be—

9 (1) a controlled substance, as defined in section
10 102 of the Controlled Substances Act (21 U.S.C.
11 802); or

12 (2) a biological product, as defined in section
13 351 of the Public Health Service Act (42 U.S.C.
14 262).

15 SEC. 207. Notwithstanding any other provision of
16 law, none of the funds provided in this or any other Act
17 shall be used to approve a waiver of the navigation and
18 vessel-inspection laws pursuant to section 501(b) of title
19 46, United States Code, for the transportation of crude
20 oil distributed from and to the Strategic Petroleum Re-
21 serve until the Secretary of Homeland Security, after con-
22 sultation with the Secretaries of the Departments of En-
23 ergy and Transportation and representatives from the
24 United States flag maritime industry, takes adequate
25 measures to ensure the use of United States flag vessels:

1 *Provided*, That the Secretary shall notify the Committees
2 on Appropriations of the Senate and the House of Rep-
3 resentatives, the Committee on Commerce, Science, and
4 Transportation of the Senate, and the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives within 2 business days of any request for
7 waivers of navigation and vessel-inspection laws pursuant
8 to section 501(b) of title 46, United States Code, with re-
9 spect to such transportation, and the disposition of such
10 requests.

11 SEC. 208. (a) Beginning on the date of enactment
12 of this Act, the Secretary of Homeland Security shall
13 not—

14 (1) establish, collect, or otherwise impose any
15 new border crossing fee on individuals crossing the
16 Southern border or the Northern border at a land
17 port of entry; or

18 (2) conduct any study relating to the imposition
19 of a border crossing fee.

20 (b) In this section, the term “border crossing fee”
21 means a fee that every pedestrian, cyclist, and driver and
22 passenger of a private motor vehicle is required to pay
23 for the privilege of crossing the Southern border or the
24 Northern border at a land port of entry.

1 SEC. 209. Without regard to the limitation as to time
2 and condition of section 503(d) of this Act, the Secretary
3 may reprogram within and transfer funds to “U.S. Immi-
4 gration and Customs Enforcement—Operations and Sup-
5 port” as necessary to ensure the detention of aliens
6 prioritized for removal.

7 SEC. 210. None of the funds provided under the
8 heading “U.S. Immigration and Customs Enforcement—
9 Operations and Support” may be used to continue a dele-
10 gation of law enforcement authority authorized under sec-
11 tion 287(g) of the Immigration and Nationality Act (8
12 U.S.C. 1357(g)) if the Department of Homeland Security
13 Inspector General determines that the terms of the agree-
14 ment governing the delegation of authority have been ma-
15 terially violated.

16 SEC. 211. None of the funds provided under the
17 heading “U.S. Immigration and Customs Enforcement—
18 Operations and Support” may be used to continue any
19 contract for the provision of detention services if the two
20 most recent overall performance evaluations received by
21 the contracted facility are less than “adequate” or the
22 equivalent median score in any subsequent performance
23 evaluation system.

24 SEC. 212. The Secretary of Homeland Security shall
25 submit a report to the Committees on Appropriations of

1 the Senate and the House of Representatives that (a)
2 identifies any instance during fiscal year 2017 or 2018
3 in which payments have been made by U.S. Immigration
4 and Customs Enforcement, or employees of U.S. Immigra-
5 tion and Customs Enforcement have erroneously entered
6 into financial obligations, for activities in violation of sub-
7 part D of part 550 of title 5, Code of Federal Regulations;
8 (b) includes specific actions the Office of the Chief Finan-
9 cial Officer and the Office of the Principal Legal Advisor
10 will take to improve agency-wide understanding of such
11 subpart D; and (c) includes a certification by the Director
12 of U.S. Immigration and Customs Enforcement that the
13 Office of the Chief Financial Officer and the Office of the
14 Principal Legal Advisor have developed a plan and imple-
15 mented training necessary for strengthening internal con-
16 trols necessary to avoid violations of such subpart D.

17 SEC. 213. (a) Notwithstanding any other provision
18 of law, for employees of U.S. Immigration and Customs
19 Enforcement and their dependents eligible for Payments
20 During Evacuation in accordance with title 5, Code of
21 Federal Regulations, part 550, from August 23, 2017,
22 through December 1, 2017, as a result of Hurricanes Har-
23 vey, Irma, and Maria, the requirement of section
24 550.405(b)(2) of such title to reduce subsistence expenses
25 to 60 percent of the applicable rate shall not apply.

1 (b) The Secretary of Homeland Security may author-
2 ize reimbursement for lodging, meals, and incidental ex-
3 penses for such employees and their dependents using the
4 actual expense method set forth in subpart D of part 301-
5 11 of title 41, Code of Federal Regulations, subject to the
6 cap of 300 percent of the applicable maximum per diem
7 rate, as provided in such section.

8 SEC. 214. Members of the United States House of
9 Representatives and the United States Senate, including
10 the leadership; the heads of Federal agencies and commis-
11 sions, including the Secretary, Deputy Secretary, Under
12 Secretaries, and Assistant Secretaries of the Department
13 of Homeland Security; the United States Attorney Gen-
14 eral, Deputy Attorney General, Assistant Attorneys Gen-
15 eral, and the United States Attorneys; and senior mem-
16 bers of the Executive Office of the President, including
17 the Director of the Office of Management and Budget,
18 shall not be exempt from Federal passenger and baggage
19 screening.

20 SEC. 215. Any award by the Transportation Security
21 Administration to deploy explosives detection systems
22 shall be based on risk, the airport's current reliance on
23 other screening solutions, lobby congestion resulting in in-
24 creased security concerns, high injury rates, airport readi-
25 ness, and increased cost effectiveness.

1 SEC. 216. Notwithstanding section 44923 of title 49,
2 United States Code, for fiscal year 2018, any funds in
3 the Aviation Security Capital Fund established by section
4 44923(h) of title 49, United States Code, may be used
5 for the procurement and installation of explosives detec-
6 tion systems or for the issuance of other transaction agree-
7 ments for the purpose of funding projects described in sec-
8 tion 44923(a) of such title.

9 SEC. 217. None of the funds made available by this
10 or any other Act may be used by the Administrator of
11 the Transportation Security Administration to implement,
12 administer, or enforce, in abrogation of the responsibility
13 described in section 44903(n)(1) of title 49, United States
14 Code, any requirement that airport operators provide air-
15 port-financed staffing to monitor exit points from the ster-
16 ile area of any airport at which the Transportation Secu-
17 rity Administration provided such monitoring as of De-
18 cember 1, 2013.

19 SEC. 218. None of the funds made available by this
20 Act under the heading “Coast Guard—Operating Ex-
21 penses” shall be for expenses incurred for recreational ves-
22 sels under section 12114 of title 46, United States Code,
23 except to the extent fees are collected from owners of
24 yachts and credited to the appropriation made available
25 by this Act under the heading “Coast Guard—Operating

1 Expenses’’: *Provided*, That to the extent such fees are in-
2 sufficient to pay expenses of recreational vessel docu-
3 mentation under such section 12114, and there is a back-
4 log of recreational vessel applications, personnel per-
5 forming non-recreational vessel documentation functions
6 under subchapter II of chapter 121 of title 46, United
7 States Code, may perform documentation under section
8 12114.

9 SEC. 219. Without regard to the limitation as to time
10 and condition of section 503(d) of this Act, after June
11 30, up to \$10,000,000 may be reprogrammed to or from
12 the Military Pay and Allowances funding category within
13 “Coast Guard—Operating Expenses” in accordance with
14 subsection (a) of section 503 of this Act.

15 SEC. 220. Notwithstanding any other provision of
16 law, the Commandant of the Coast Guard shall submit
17 to the Committees on Appropriations of the Senate and
18 the House of Representatives a future-years capital invest-
19 ment plan as described in the second proviso under the
20 heading “Coast Guard—Acquisition, Construction, and
21 Improvements” in the Department of Homeland Security
22 Appropriations Act, 2015 (Public Law 114–4), which shall
23 be subject to the requirements in the third and fourth pro-
24 visos under such heading.

1 SEC. 221. None of the funds in this Act shall be used
2 to reduce the Coast Guard’s Operations Systems Center
3 mission or its government-employed or contract staff lev-
4 els.

5 SEC. 222. None of the funds appropriated by this Act
6 may be used to conduct, or to implement the results of,
7 a competition under Office of Management and Budget
8 Circular A–76 for activities performed with respect to the
9 Coast Guard National Vessel Documentation Center.

10 SEC. 223. Funds made available in this Act may be
11 used to alter operations within the Civil Engineering Pro-
12 gram of the Coast Guard nationwide, including civil engi-
13 neering units, facilities design and construction centers,
14 maintenance and logistics commands, and the Coast
15 Guard Academy, except that none of the funds provided
16 in this Act may be used to reduce operations within any
17 civil engineering unit unless specifically authorized by a
18 statute enacted after the date of enactment of this Act.

19 SEC. 224. Funds made available for Overseas Contin-
20 gency Operations/Global War on Terrorism under the
21 heading “Coast Guard—Operating Expenses” may be al-
22 located by program, project, and activity, notwithstanding
23 section 503 of this Act.

1 SEC. 225. Section 423 of title 14, United States
2 Code, is amended by inserting after subsection (c) the fol-
3 lowing:

4 “(d) In addition to amounts computed pursuant to
5 subsections (a) through (c) of this section, a full TSP
6 member (as defined in section 8440e(a) of title 5) of the
7 Coast Guard is entitled to continuation pay pursuant to
8 section 356 of title 37.”.

9 SEC. 226. The United States Secret Service is au-
10 thorized to obligate funds in anticipation of reimburse-
11 ments from Federal agencies and entities, as defined in
12 section 105 of title 5, United States Code, for personnel
13 receiving training sponsored by the James J. Rowley
14 Training Center, except that total obligations at the end
15 of the fiscal year shall not exceed total budgetary re-
16 sources available under the heading “United States Secret
17 Service—Operations and Support” at the end of the fiscal
18 year.

19 SEC. 227. None of the funds made available to the
20 United States Secret Service by this Act or by previous
21 appropriations Acts may be made available for the protec-
22 tion of the head of a Federal agency other than the Sec-
23 retary of Homeland Security: *Provided*, That the Director
24 of the United States Secret Service may enter into agree-

1 ments to provide such protection on a fully reimbursable
2 basis.

3 SEC. 228. For purposes of section 503(a)(3) of this
4 Act, up to \$15,000,000 may be reprogrammed within
5 “United States Secret Service—Operations and Support”.

6 SEC. 229. Funding made available in this Act for
7 “United States Secret Service—Operations and Support”
8 is available for travel of United States Secret Service em-
9 ployees on protective missions without regard to the limi-
10 tations on such expenditures in this or any other Act if
11 the Director of the United States Secret Service or a des-
12 ignee notifies the Committees on Appropriations of the
13 Senate and the House of Representatives 10 or more days
14 in advance, or as early as practicable, prior to such ex-
15 penditures.

16 SEC. 230. (a) Of the amount made available in this
17 Act under “U.S. Customs and Border Protection—Pro-
18 curement, Construction, and Improvements”,
19 \$1,571,000,000 shall be available only as follows:

20 (1) \$251,000,000 for approximately 14 miles of
21 secondary fencing, all of which provides for cross-
22 barrier visual situational awareness, along the south-
23 west border in the San Diego Sector;

1 (2) \$445,000,000 for 25 miles of primary pe-
2 destrian levee fencing along the southwest border in
3 the Rio Grande Valley Sector;

4 (3) \$196,000,000 for primary pedestrian fenc-
5 ing along the southwest border in the Rio Grande
6 Valley Sector;

7 (4) \$445,000,000 for replacement of existing
8 primary pedestrian fencing along the southwest bor-
9 der;

10 (5) \$38,000,000 for border barrier planning
11 and design; and

12 (6) \$196,000,000 for acquisition and deploy-
13 ment of border security technology.

14 (b) The amounts designated in subsection (a)(2)
15 through (a)(4) shall only be available for operationally ef-
16 fective designs deployed as of the date of the Consolidated
17 Appropriations Act, 2017, (Public Law 115–31), such as
18 currently deployed steel bollard designs, that prioritize
19 agent safety.

20 (c) None of the funds provided in this or any other
21 Act shall be obligated for construction of a border barrier
22 in the Santa Ana National Wildlife Refuge.

23 SEC. 231. (a) Not later than 180 days after the date
24 of the enactment of this Act, the Secretary shall submit
25 to the Committees on Appropriations of the Senate and

1 the House of Representatives a risk-based plan for im-
2 proving security along the borders of the United States,
3 including the use of personnel, fencing, other forms of tac-
4 tical infrastructure, and technology, to include—

5 (1) A statement of goals, objectives, activities,
6 and milestones for the plan.

7 (2) A detailed implementation schedule for the
8 plan with estimates for the planned obligation of
9 funds for fiscal years 2019 through 2027 that are
10 linked to the milestone-based delivery of specific—

11 (A) capabilities and services;

12 (B) mission benefits and outcomes;

13 (C) program management capabilities; and

14 (D) lifecycle cost estimates.

15 (3) A description of the manner in which spe-
16 cific projects under the plan will enhance border se-
17 curity goals and objectives and address the highest
18 priority border security needs.

19 (4) An identification of the planned locations,
20 quantities, and types of resources, such as fencing,
21 other physical barriers, or other tactical infrastruc-
22 ture and technology, under the plan.

23 (5) A description of the methodology and anal-
24 yses used to select specific resources for deployment

1 to particular locations under the plan that in-
2 cludes—

3 (A) analyses of alternatives, including com-
4 parative costs and benefits;

5 (B) an assessment of effects on commu-
6 nities and property owners near areas of infra-
7 structure deployment; and

8 (C) a description of other factors critical to
9 the decision-making process.

10 (6) An identification of staffing requirements
11 under the plan, including full-time equivalents, con-
12 tractors, and detailed personnel, by activity.

13 (7) A description of performance metrics for
14 the plan for assessing and reporting on the contribu-
15 tions of border security capabilities realized from
16 current and future investments.

17 (8) A description of the status of the actions of
18 the Department of Homeland Security to address
19 open recommendations by the Office of Inspector
20 General and the Government Accountability Office
21 relating to border security, including plans, sched-
22 ules, and associated milestones for fully addressing
23 such recommendations.

1 (9) A plan to consult State and local elected of-
2 ficials on the eminent domain and construction proc-
3 ess relating to physical barriers;

4 (10) An analysis, following consultation with
5 the Secretary of the Interior and the Administrator
6 of the Environmental Protection Agency, of the envi-
7 ronmental impacts, including on wildlife, of the con-
8 struction and placement of physical barriers planned
9 along the Southwest border, including in the Santa
10 Ana National Wildlife Refuge; and

11 (11) Certifications by the Under Secretary of
12 Homeland Security for Management, that—

13 (A) the plan has been reviewed and ap-
14 proved in accordance with an acquisition review
15 management process that complies with capital
16 planning and investment control and review re-
17 quirements established by the Office of Manage-
18 ment and Budget, including as provided in Cir-
19 cular A-11, part 7; and

20 (B) all activities under the plan comply
21 with Federal acquisition rules, requirements,
22 guidelines, and practices.

23 (b) The Secretary shall concurrently submit the plan
24 required in subsection (a) to the Comptroller General of
25 the United States, who shall evaluate the plan and report

1 to the Committees on Appropriations of the Senate and
2 the House of Representatives on the strengths and weak-
3 nesses of such plan not later than 120 days after receiving
4 such plan.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 OPERATIONS AND SUPPORT

6 For necessary expenses of the National Protection
7 and Programs Directorate for operations and support,
8 \$1,482,165,000, of which \$8,912,000 shall remain avail-
9 able until September 30, 2019: *Provided*, That not to ex-
10 ceed \$3,825 shall be for official reception and representa-
11 tion expenses.

12 FEDERAL PROTECTIVE SERVICE

13 The revenues and collections of security fees credited
14 to this account shall be available until expended for nec-
15 essary expenses related to the protection of federally
16 owned and leased buildings and for the operations of the
17 Federal Protective Service.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the National Protection
20 and Programs Directorate for procurement, construction,
21 and improvements, \$414,111,000, to remain available
22 until September 30, 2019.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the National Protection
25 and Programs Directorate for research and development,

1 \$15,126,000, to remain available until September 30,
2 2019.

3 OFFICE OF HEALTH AFFAIRS

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Office of Health Af-
6 fairs for operations and support, \$121,569,000, of which
7 \$14,020,000 shall remain available until September 30,
8 2019.

9 FEDERAL EMERGENCY MANAGEMENT AGENCY

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Federal Emergency
12 Management Agency for operations and support,
13 \$1,030,135,000: *Provided*, That not to exceed \$2,250
14 shall be for official reception and representation expenses.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the Federal Emergency
17 Management Agency for procurement, construction, and
18 improvements, \$85,276,000, to remain available until Sep-
19 tember 30, 2019.

20 FEDERAL ASSISTANCE

21 For activities of the Federal Emergency Management
22 Agency for Federal assistance through grants, contracts,
23 cooperative agreements, and other activities,
24 \$3,293,932,000, which shall be allocated as follows:

1 (1) \$507,000,000 for the State Homeland Secu-
2 rity Grant Program under section 2004 of the
3 Homeland Security Act of 2002 (6 U.S.C. 605), of
4 which \$85,000,000 shall be for Operation
5 Stonegarden, and \$10,000,000 shall be for organiza-
6 tions (as described under section 501(c)(3) of the
7 Internal Revenue Code of 1986 and exempt from tax
8 under such 501(a) of such code) determined by the
9 Secretary of Homeland Security to be at high risk
10 of a terrorist attack: *Provided*, That notwithstanding
11 subsection (c)(4) of such section 2004, for fiscal
12 year 2018, the Commonwealth of Puerto Rico shall
13 make available to local and tribal governments
14 amounts provided to the Commonwealth of Puerto
15 Rico under this paragraph in accordance with sub-
16 section (c)(1) of such section 2004.

17 (2) \$630,000,000 for the Urban Area Security
18 Initiative under section 2003 of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 604), of which
20 \$50,000,000 shall be for organizations (as described
21 under section 501(c)(3) of the Internal Revenue
22 Code of 1986 and exempt from tax under section
23 501(a) of such code) determined by the Secretary of
24 Homeland Security to be at high risk of a terrorist
25 attack.

1 (3) \$100,000,000 for Public Transportation Se-
2 curity Assistance, Railroad Security Assistance, and
3 Over-the-Road Bus Security Assistance under sec-
4 tions 1406, 1513, and 1532 of the Implementing
5 Recommendations of the 9/11 Commission Act of
6 2007 (6 U.S.C. 1135, 1163, and 1182), of which
7 \$10,000,000 shall be for Amtrak security and
8 \$2,000,000 shall be for Over-the-Road Bus Security:
9 *Provided*, That such public transportation security
10 assistance shall be provided directly to public trans-
11 portation agencies.

12 (4) \$100,000,000 for Port Security Grants in
13 accordance with section 70107 of title 46, United
14 States Code.

15 (5) \$700,000,000, to remain available until
16 September 30, 2019, of which \$350,000,000 shall be
17 for Assistance to Firefighter Grants and
18 \$350,000,000 shall be for Staffing for Adequate
19 Fire and Emergency Response Grants under sec-
20 tions 33 and 34 respectively of the Federal Fire Pre-
21 vention and Control Act of 1974 (15 U.S.C. 2229
22 and 2229a).

23 (6) \$350,000,000 for emergency management
24 performance grants under the National Flood Insur-
25 ance Act of 1968 (42 U.S.C. 4001), the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5121), the Earthquake Hazards Re-
3 duction Act of 1977 (42 U.S.C. 7701), section 762
4 of title 6, United States Code, and Reorganization
5 Plan No. 3 of 1978 (5 U.S.C. App.).

6 (7) \$249,200,000 for the National Predisaster
7 Mitigation Fund under section 203 of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5133), to remain available until ex-
10 pended.

11 (8) \$262,531,000 for necessary expenses for
12 Flood Hazard Mapping and Risk Analysis, in addi-
13 tion to and to supplement any other sums appro-
14 priated under the National Flood Insurance Fund,
15 and such additional sums as may be provided by
16 States or other political subdivisions for cost-shared
17 mapping activities under section 1360(f)(2) of the
18 National Flood Insurance Act of 1968 (42 U.S.C.
19 4101(f)(2)), to remain available until expended.

20 (9) \$120,000,000 for the emergency food and
21 shelter program under title III of the McKinney-
22 Vento Homeless Assistance Act (42 U.S.C. 11331),
23 to remain available until expended: *Provided*, That
24 not to exceed 3.5 percent shall be for total adminis-
25 trative costs.

1 4015(d)); of which \$13,573,000 shall be available for mis-
2 sion support associated with flood management; and of
3 which \$189,927,000 shall be available for flood plain man-
4 agement and flood mapping: *Provided*, That any addi-
5 tional fees collected pursuant to section 1308(d) of the
6 National Flood Insurance Act of 1968 (42 U.S.C.
7 4015(d)) shall be credited as offsetting collections to this
8 account, to be available for flood plain management and
9 flood mapping: *Provided further*, That in fiscal year 2018,
10 no funds shall be available from the National Flood Insur-
11 ance Fund under section 1310 of the National Flood In-
12 surance Act of 1968 (42 U.S.C. 4017) in excess of—

13 (1) \$165,224,000 for operating expenses and
14 salaries and expenses associated with flood insurance
15 operations;

16 (2) \$1,123,000,000 for commissions and taxes
17 of agents;

18 (3) such sums as are necessary for interest on
19 Treasury borrowings; and

20 (4) \$175,000,000, which shall remain available
21 until expended, for flood mitigation actions and for
22 flood mitigation assistance under section 1366 of the
23 National Flood Insurance Act of 1968 (42 U.S.C.
24 4104e), notwithstanding sections 1366(e) and
25 1310(a)(7) of such Act (42 U.S.C. 4104e(e), 4017):

1 *Provided further*, That the amounts collected under section
2 102 of the Flood Disaster Protection Act of 1973 (42
3 U.S.C. 4012a) and section 1366(e) of the National Flood
4 Insurance Act of 1968 shall be deposited in the National
5 Flood Insurance Fund to supplement other amounts speci-
6 fied as available for section 1366 of the National Flood
7 Insurance Act of 1968, notwithstanding section 102(f)(8),
8 section 1366(e), and paragraphs (1) through (3) of section
9 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),
10 4104d(b)(1)–(3)): *Provided further*, That total administra-
11 tive costs shall not exceed 4 percent of the total appropria-
12 tion: *Provided further*, That up to \$5,000,000 is available
13 to carry out section 24 of the Homeowner Flood Insurance
14 Affordability Act of 2014 (42 U.S.C. 4033).

15 ADMINISTRATIVE PROVISIONS

16 SEC. 301. Notwithstanding section 2008(a)(12) of
17 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))
18 or any other provision of law, not more than 5 percent
19 of the amount of a grant made available in paragraphs
20 (1) through (4) under “Federal Emergency Management
21 Agency—Federal Assistance”, may be used by the grantee
22 for expenses directly related to administration of the
23 grant.

24 SEC. 302. Applications for grants under the heading
25 “Federal Emergency Management Agency—Federal As-

1 sistance”, for paragraphs (1) through (4), shall be made
2 available to eligible applicants not later than 60 days after
3 the date of enactment of this Act, eligible applicants shall
4 submit applications not later than 80 days after the grant
5 announcement, and the Administrator of the Federal
6 Emergency Management Agency shall act within 65 days
7 after the receipt of an application.

8 SEC. 303. Under the heading “Federal Emergency
9 Management Agency—Federal Assistance”, for grants
10 under paragraphs (1) through (4), the Administrator of
11 the Federal Emergency Management Agency shall brief
12 the Committees on Appropriations of the Senate and the
13 House of Representatives 5 full business days in advance
14 of announcing publicly the intention of making an award.

15 SEC. 304. Under the heading “Federal Emergency
16 Management Agency—Federal Assistance”, for grants
17 under paragraphs (1) and (2), the installation of commu-
18 nications towers is not considered construction of a build-
19 ing or other physical facility.

20 SEC. 305. Notwithstanding any other provision of
21 law, grants awarded to States along the Southwest Border
22 of the United States under sections 2003 or 2004 of the
23 Homeland Security Act of 2002 (6 U.S.C. 604 and 605)
24 using funds provided under the heading “Federal Emer-
25 gency Management Agency—Federal Assistance” for

1 grants under paragraph (1) in this Act, or under the head-
2 ing “Federal Emergency Management Agency—State and
3 Local Programs” in Public Law 114–4, division F of Pub-
4 lic Law 113–76, or division D of Public Law 113–6 may
5 be used by recipients or sub-recipients for costs, or reim-
6 bursement of costs, related to providing humanitarian re-
7 lief to unaccompanied alien children and alien adults ac-
8 companied by an alien minor where they are encountered
9 after entering the United States, provided that such costs
10 were incurred between January 1, 2014, and December
11 31, 2014, or during the award period of performance.

12 SEC. 306. The reporting requirements in paragraphs
13 (1) and (2) under the heading “Federal Emergency Man-
14 agement Agency—Disaster Relief Fund” in the Depart-
15 ment of Homeland Security Appropriations Act, 2015
16 (Public Law 114–4) shall be applied in fiscal year 2018
17 with respect to budget year 2019 and current fiscal year
18 2018, respectively—

19 (1) in paragraph (1) by substituting “fiscal
20 year 2019” for “fiscal year 2016”; and

21 (2) in paragraph (2) by inserting “business”
22 after “fifth”.

23 SEC. 307. In making grants under the heading “Fire-
24 fighter Assistance Grants”, the Secretary may grant waiv-
25 ers from the requirements in subsections (a)(1)(A),

1 (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section
2 34 of the Federal Fire Prevention and Control Act of 1974
3 (15 U.S.C. 2229a).

4 SEC. 308. The aggregate charges assessed during fis-
5 cal year 2018, as authorized in title III of the Depart-
6 ments of Veterans Affairs and Housing and Urban Devel-
7 opment, and Independent Agencies Appropriations Act,
8 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
9 cent of the amounts anticipated by the Department of
10 Homeland Security to be necessary for its Radiological
11 Emergency Preparedness Program for the next fiscal year:
12 *Provided*, That the methodology for assessment and collec-
13 tion of fees shall be fair and equitable and shall reflect
14 costs of providing such services, including administrative
15 costs of collecting such fees: *Provided further*, That such
16 fees shall be deposited in a Radiological Emergency Pre-
17 paredness Program account as offsetting collections and
18 will become available for authorized purposes on October
19 1, 2018, and remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TRAINING, AND
3 SERVICES

4 U.S. CITIZENSHIP AND IMMIGRATION SERVICES
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Citizenship and Im-
7 migration Services for operations and support of the E-
8 Verify Program, \$108,856,000.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of U.S. Citizenship and Im-
11 migration Services for procurement, construction, and im-
12 provements of the E-Verify Program, \$22,657,000, to re-
13 main available until September 30, 2020.

14 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

15 OPERATIONS AND SUPPORT

16 For necessary expenses of the Federal Law Enforce-
17 ment Training Centers for operations and support, includ-
18 ing the purchase of not to exceed 117 vehicles for police-
19 type use and hire of passenger motor vehicles, and services
20 as authorized by section 3109 of title 5, United States
21 Code, \$254,000,000, of which \$62,701,000 shall remain
22 available until September 30, 2019: *Provided*, That not
23 to exceed \$7,180 shall be for official reception and rep-
24 resentation expenses.

1 SCIENCE AND TECHNOLOGY DIRECTORATE

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Science and Tech-
4 nology Directorate for operations and support, including
5 the purchase or lease of not to exceed 5 vehicles,
6 \$331,113,000, of which \$196,361,000 shall remain avail-
7 able until September 30, 2019: *Provided*, That not to ex-
8 ceed \$7,650 shall be for official reception and representa-
9 tion expenses.

10 RESEARCH AND DEVELOPMENT

11 For necessary expenses of the Science and Tech-
12 nology Directorate for research and development,
13 \$509,830,000, to remain available until September 30,
14 2020.

15 DOMESTIC NUCLEAR DETECTION OFFICE

16 OPERATIONS AND SUPPORT

17 For necessary expenses of the Domestic Nuclear De-
18 tection Office for operations and support, \$54,664,000:
19 *Provided*, That not to exceed \$2,250 shall be for official
20 reception and representation expenses.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For necessary expenses of the Domestic Nuclear De-
23 tection Office for procurement, construction, and improve-
24 ments, \$89,096,000, to remain available until September
25 30, 2020.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Domestic Nuclear De-
3 tection Office for research and development,
4 \$145,661,000, to remain available until September 30,
5 2020.

6 FEDERAL ASSISTANCE

7 For necessary expenses of the Domestic Nuclear De-
8 tection Office for Federal assistance through grants, con-
9 tracts, cooperative agreements, and other activities,
10 \$46,019,000, to remain available until September 30,
11 2020.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 401. Notwithstanding any other provision of
14 law, funds otherwise made available to U.S. Citizenship
15 and Immigration Services may be used to acquire, operate,
16 equip, and dispose of up to 5 vehicles, for replacement
17 only, for areas where the Administrator of General Serv-
18 ices does not provide vehicles for lease: *Provided*, That the
19 Director of U.S. Citizenship and Immigration Services
20 may authorize employees who are assigned to those areas
21 to use such vehicles to travel between the employees' resi-
22 dences and places of employment.

23 SEC. 402. None of the funds made available in this
24 Act may be used by U.S. Citizenship and Immigration
25 Services to grant an immigration benefit unless the results

1 of background checks required by law to be completed
2 prior to the granting of the benefit have been received by
3 U.S. Citizenship and Immigration Services, and the re-
4 sults do not preclude the granting of the benefit.

5 SEC. 403. None of the funds appropriated by this Act
6 may be used to process or approve a competition under
7 Office of Management and Budget Circular A-76 for serv-
8 ices provided by employees (including employees serving
9 on a temporary or term basis) of U.S. Citizenship and Im-
10 migration Services of the Department of Homeland Secu-
11 rity who are known as Immigration Information Officers,
12 Immigration Service Analysts, Contact Representatives,
13 Investigative Assistants, or Immigration Services Officers.

14 SEC. 404. (a) Notwithstanding section 1356(n) of
15 title 8, United States Code, of the funds deposited into
16 the Immigration Examinations Fee Account, up to
17 \$10,000,000 may be allocated by U.S. Citizenship and Im-
18 migration Services in fiscal year 2018 for the purpose of
19 providing an Immigrant Integration grants program.

20 (b) None of the funds made available to U.S. Citizen-
21 ship and Immigration Services for grants for immigrant
22 integration under subsection (a) may be used to provide
23 services to aliens who have not been lawfully admitted for
24 permanent residence.

1 SEC. 405. The Director of the Federal Law Enforce-
2 ment Training Centers is authorized to distribute funds
3 to Federal law enforcement agencies for expenses incurred
4 participating in training accreditation.

5 SEC. 406. The Federal Law Enforcement Training
6 Accreditation Board, including representatives from the
7 Federal law enforcement community and non-Federal ac-
8 creditation experts involved in law enforcement training,
9 shall lead the Federal law enforcement training accredita-
10 tion process to continue the implementation of measuring
11 and assessing the quality and effectiveness of Federal law
12 enforcement training programs, facilities, and instructors.

13 SEC. 407. (a) There is to be established a “Federal
14 Law Enforcement Training Centers—Procurement, Con-
15 struction, and Improvements” appropriations account for
16 planning, operational development, engineering, and pur-
17 chases prior to sustainment and for information tech-
18 nology-related procurement, construction, and improve-
19 ments, including non-tangible assets of the Federal Law
20 Enforcement Training Centers.

21 (b) The Director of the Federal Law Enforcement
22 Training Centers may accept transfers to the account es-
23 tablished by subsection (a) from Government agencies re-
24 questing the construction of special use facilities, as au-
25 thorized by the Economy Act (31 U.S.C. 1535(b)): *Pro-*

1 *vided*, That the Federal Law Enforcement Training Cen-
2 ters maintain administrative control and ownership upon
3 completion of such facilities.

4 SEC. 408. The functions of the Federal Law Enforce-
5 ment Training Centers instructor staff shall be classified
6 as inherently governmental for the purpose of the Federal
7 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
8 note).

- 1 TITLE V
- 2 GENERAL PROVISIONS
- 3 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)
- 4 SEC. 501. No part of any appropriation contained in
- 5 this Act shall remain available for obligation beyond the
- 6 current fiscal year unless expressly so provided herein.
- 7 SEC. 502. Subject to the requirements of section 503
- 8 of this Act, the unexpended balances of prior appropria-
- 9 tions provided for activities in this Act may be transferred
- 10 to appropriation accounts for such activities established
- 11 pursuant to this Act, may be merged with funds in the
- 12 applicable established accounts, and thereafter may be ac-
- 13 counted for as one fund for the same time period as origi-
- 14 nally enacted.
- 15 SEC. 503. (a) None of the funds provided by this Act,
- 16 provided by previous appropriations Acts to the compo-
- 17 nents in or transferred to the Department of Homeland
- 18 Security that remain available for obligation or expendi-
- 19 ture in fiscal year 2018, or provided from any accounts
- 20 in the Treasury of the United States derived by the collec-
- 21 tion of fees available to the components funded by this
- 22 Act, shall be available for obligation or expenditure
- 23 through a reprogramming of funds that—
- 24 (1) creates or eliminates a program, project, or
- 25 activity, or increases funds for any program, project,

1 or activity for which funds have been denied or re-
2 stricted by the Congress;

3 (2) contracts out any function or activity pres-
4 ently performed by Federal employees or any new
5 function or activity proposed to be performed by
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2018 for the Department of
8 Homeland Security;

9 (3) augments funding for existing programs,
10 projects, or activities in excess of \$5,000,000 or 10
11 percent, whichever is less;

12 (4) reduces funding for any program, project,
13 or activity, or numbers of personnel, by 10 percent
14 or more; or

15 (5) results from any general savings from a re-
16 duction in personnel that would result in a change
17 in funding levels for programs, projects, or activities
18 as approved by the Congress.

19 (b) Subsection (a) shall not apply if the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives are notified at least 15 days in advance of
22 such reprogramming.

23 (c) Up to 5 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

1 appropriations Acts may be transferred between such ap-
2 propriations if the Committees on Appropriations of the
3 Senate and the House of Representatives are notified at
4 least 30 days in advance of such transfer, but no such
5 appropriation, except as otherwise specifically provided,
6 shall be increased by more than 10 percent by such trans-
7 fer.

8 (d) Notwithstanding subsections (a), (b), and (c), no
9 funds shall be reprogrammed within or transferred be-
10 tween appropriations based upon an initial notification
11 provided after June 30, except in extraordinary cir-
12 cumstances that imminently threaten the safety of human
13 life or the protection of property.

14 (e) The notification thresholds and procedures set
15 forth in subsections (a), (b), (c), and (d) shall apply to
16 any use of deobligated balances of funds provided in pre-
17 vious Department of Homeland Security Appropriations
18 Acts.

19 (f) Notwithstanding subsection (c), the Secretary of
20 Homeland Security may transfer to the fund established
21 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
22 priations available to the Department of Homeland Secu-
23 rity: *Provided*, That the Secretary shall notify the Com-
24 mittees on Appropriations of the Senate and the House

1 of Representatives at least 5 days in advance of such
2 transfer.

3 SEC. 504. Section 504 of the Department of Home-
4 land Security Appropriations Act, 2017 (division F of
5 Public Law 115–31), related to the operations of a work-
6 ing capital fund, shall apply with respect to funds made
7 available in this Act in the same manner as such section
8 applied to funds made available in that Act.

9 SEC. 505. Except as otherwise specifically provided
10 by law, not to exceed 50 percent of unobligated balances
11 remaining available at the end of fiscal year 2018, as re-
12 corded in the financial records at the time of a reprogram-
13 ming notification, but not later than June 30, 2019, from
14 appropriations for “Operations and Support” and for
15 “Coast Guard—Operating Expenses”, and salaries and
16 expenses for “Coast Guard—Acquisition, Construction,
17 and Improvements” and “Coast Guard—Reserve Train-
18 ing” for fiscal year 2018 in this Act shall remain available
19 through September 30, 2019, in the account and for the
20 purposes for which the appropriations were provided: *Pro-*
21 *vided*, That prior to the obligation of such funds, a notifi-
22 cation shall be submitted to the Committees on Appropria-
23 tions of the Senate and the House of Representatives in
24 accordance with section 503 of this Act.

1 SEC. 506. Funds made available by this Act for intel-
2 ligence activities are deemed to be specifically authorized
3 by the Congress for purposes of section 504 of the Na-
4 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
5 year 2018 until the enactment of an Act authorizing intel-
6 ligence activities for fiscal year 2018.

7 SEC. 507. (a) The Secretary of Homeland Security,
8 or the designee of the Secretary, shall notify the Commit-
9 tees on Appropriations of the Senate and the House of
10 Representatives at least 3 full business days in advance
11 of—

12 (1) making or awarding a grant allocation,
13 grant, contract, other transaction agreement, or task
14 or delivery order on a Department of Homeland Se-
15 curity multiple award contract, or to issue a letter
16 of intent totaling in excess of \$1,000,000;

17 (2) awarding a task or delivery order requiring
18 an obligation of funds in an amount greater than
19 \$10,000,000 from multi-year Department of Home-
20 land Security funds;

21 (3) making a sole-source grant award; or

22 (4) announcing publicly the intention to make
23 or award items under paragraph (1), (2), or (3), in-
24 cluding a contract covered by the Federal Acquisi-
25 tion Regulation.

1 (b) If the Secretary of Homeland Security determines
2 that compliance with this section would pose a substantial
3 risk to human life, health, or safety, an award may be
4 made without notification, and the Secretary shall notify
5 the Committees on Appropriations of the Senate and the
6 House of Representatives not later than 5 full business
7 days after such an award is made or letter issued.

8 (c) A notification under this section—

9 (1) may not involve funds that are not available
10 for obligation; and

11 (2) shall include the amount of the award; the
12 fiscal year for which the funds for the award were
13 appropriated; the type of contract; and the account
14 from which the funds are being drawn.

15 SEC. 508. Notwithstanding any other provision of
16 law, no agency shall purchase, construct, or lease any ad-
17 ditional facilities, except within or contiguous to existing
18 locations, to be used for the purpose of conducting Federal
19 law enforcement training without advance notification to
20 the Committees on Appropriations of the Senate and the
21 House of Representatives, except that the Federal Law
22 Enforcement Training Centers is authorized to obtain the
23 temporary use of additional facilities by lease, contract,
24 or other agreement for training that cannot be accommo-
25 dated in existing Centers facilities.

1 SEC. 509. None of the funds appropriated or other-
2 wise made available by this Act may be used for expenses
3 for any construction, repair, alteration, or acquisition
4 project for which a prospectus otherwise required under
5 chapter 33 of title 40, United States Code, has not been
6 approved, except that necessary funds may be expended
7 for each project for required expenses for the development
8 of a proposed prospectus.

9 SEC. 510. Sections 520, 522, and 530 of the Depart-
10 ment of Homeland Security Appropriations Act, 2008 (di-
11 vision E of Public Law 110–161; 121 Stat. 2073 and
12 2074) shall apply with respect to funds made available in
13 this Act in the same manner as such sections applied to
14 funds made available in that Act.

15 SEC. 511. None of the funds made available in this
16 Act may be used in contravention of the applicable provi-
17 sions of the Buy American Act: *Provided*, That for pur-
18 poses of the preceding sentence, the term “Buy American
19 Act” means chapter 83 of title 41, United States Code.

20 SEC. 512. None of the funds made available in this
21 Act may be used to amend the oath of allegiance required
22 by section 337 of the Immigration and Nationality Act
23 (8 U.S.C. 1448).

24 SEC. 513. Section 519 of division F of Public Law
25 114–113, regarding a prohibition on funding for any posi-

1 tion designated as a Principal Federal Official, shall apply
2 with respect to funds made available in this Act in the
3 same manner as such section applied to funds made avail-
4 able in that Act.

5 SEC. 514. None of the funds provided or otherwise
6 made available in this Act shall be available to carry out
7 section 872 of the Homeland Security Act of 2002 (6
8 U.S.C. 452) unless explicitly authorized by the Congress.

9 SEC. 515. None of the funds made available in this
10 Act may be used for planning, testing, piloting, or devel-
11 oping a national identification card.

12 SEC. 516. Any official that is required by this Act
13 to report or to certify to the Committees on Appropria-
14 tions of the Senate and the House of Representatives may
15 not delegate such authority to perform that act unless spe-
16 cifically authorized herein.

17 SEC. 517. None of the funds appropriated or other-
18 wise made available in this or any other Act may be used
19 to transfer, release, or assist in the transfer or release to
20 or within the United States, its territories, or possessions
21 Khalid Sheikh Mohammed or any other detainee who—

22 (1) is not a United States citizen or a member
23 of the Armed Forces of the United States; and

1 (2) is or was held on or after June 24, 2009,
2 at the United States Naval Station, Guantanamo
3 Bay, Cuba, by the Department of Defense.

4 SEC. 518. None of the funds made available in this
5 Act may be used for first-class travel by the employees
6 of agencies funded by this Act in contravention of sections
7 301–10.122 through 301–10.124 of title 41, Code of Fed-
8 eral Regulations.

9 SEC. 519. None of the funds made available in this
10 Act may be used to employ workers described in section
11 274A(h)(3) of the Immigration and Nationality Act (8
12 U.S.C. 1324a(h)(3)).

13 SEC. 520. Notwithstanding any other provision of
14 this Act, none of the funds appropriated or otherwise
15 made available by this Act may be used to pay award or
16 incentive fees for contractor performance that has been
17 judged to be below satisfactory performance or perform-
18 ance that does not meet the basic requirements of a con-
19 tract.

20 SEC. 521. Hereafter, in developing any process to
21 screen aviation passengers and crews for transportation
22 or national security purposes, the Secretary of Homeland
23 Security shall ensure that all such processes take into con-
24 sideration such passengers' and crews' privacy and civil

1 liberties consistent with applicable laws, regulations, and
2 guidance.

3 SEC. 522. None of the funds appropriated or other-
4 wise made available by this Act may be used by the De-
5 partment of Homeland Security to enter into any Federal
6 contract unless such contract is entered into in accordance
7 with the requirements of subtitle I of title 41, United
8 States Code, or chapter 137 of title 10, United States
9 Code, and the Federal Acquisition Regulation, unless such
10 contract is otherwise authorized by statute to be entered
11 into without regard to the above referenced statutes.

12 SEC. 523. (a) For an additional amount for financial
13 systems modernization, \$41,800,000, to remain available
14 until September 30, 2019.

15 (b) Funds made available in subsection (a) for finan-
16 cial systems modernization may be transferred by the Sec-
17 retary of Homeland Security between appropriations for
18 the same purpose, notwithstanding section 503 of this Act.

19 (c) No transfer described in subsection (b) shall occur
20 until 15 days after the Committees on Appropriations of
21 the Senate and the House of Representatives are notified
22 of such transfer.

23 SEC. 524. (a) None of the funds made available in
24 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

7 SEC. 525. None of the funds made available in this
8 Act may be used by a Federal law enforcement officer to
9 facilitate the transfer of an operable firearm to an indi-
10 vidual if the Federal law enforcement officer knows or sus-
11 pects that the individual is an agent of a drug cartel unless
12 law enforcement personnel of the United States continu-
13 ously monitor or control the firearm at all times.

14 SEC. 526. None of the funds made available in this
15 Act may be used to pay for the travel to or attendance
16 of more than 50 employees of a single component of the
17 Department of Homeland Security, who are stationed in
18 the United States, at a single international conference un-
19 less the Secretary of Homeland Security, or a designee,
20 determines that such attendance is in the national interest
21 and notifies the Committees on Appropriations of the Sen-
22 ate and the House of Representatives within at least 10
23 days of that determination and the basis for that deter-
24 mination: *Provided*, That for purposes of this section the
25 term “international conference” shall mean a conference

1 occurring outside of the United States attended by rep-
2 resentatives of the United States Government and of for-
3 eign governments, international organizations, or non-
4 governmental organizations: *Provided further*, That the
5 total cost to the Department of Homeland Security of any
6 such conference shall not exceed \$500,000.

7 SEC. 527. None of the funds made available in this
8 Act may be used to reimburse any Federal department
9 or agency for its participation in a National Special Secu-
10 rity Event.

11 SEC. 528. None of the funds made available to the
12 Department of Homeland Security by this or any other
13 Act may be obligated for any structural pay reform that
14 affects more than 100 full-time positions or costs more
15 than \$5,000,000 in a single year before the end of the
16 30-day period beginning on the date on which the Sec-
17 retary of Homeland Security submits to Congress a notifi-
18 cation that includes—

19 (1) the number of full-time positions affected by
20 such change;

21 (2) funding required for such change for the
22 current year and through the Future Years Home-
23 land Security Program;

24 (3) justification for such change; and

1 (4) an analysis of compensation alternatives to
2 such change that were considered by the Depart-
3 ment.

4 SEC. 529. (a) Any agency receiving funds made avail-
5 able in this Act shall, subject to subsections (b) and (c),
6 post on the public website of that agency any report re-
7 quired to be submitted by the Committees on Appropria-
8 tions of the Senate and the House of Representatives in
9 this Act, upon the determination by the head of the agency
10 that it shall serve the national interest.

11 (b) Subsection (a) shall not apply to a report if—

12 (1) the public posting of the report com-
13 promises homeland or national security; or

14 (2) the report contains proprietary information.

15 (c) The head of the agency posting such report shall
16 do so only after such report has been made available to
17 the Committees on Appropriations of the Senate and the
18 House of Representatives for not less than 45 days except
19 as otherwise specified in law.

20 SEC. 530. (a) Funding provided in this Act for “Op-
21 erations and Support” and funding provided in this Act
22 for “Coast Guard—Operating Expenses” may be used for
23 minor procurement, construction, and improvements.

1 (b) For purposes of subsection (a), “minor” refers
2 to end items with a unit cost of \$250,000 or less for per-
3 sonal property, and \$2,000,000 or less for real property.

4 SEC. 531. None of the funds made available by this
5 Act may be obligated or expended to implement the Arms
6 Trade Treaty until the Senate approves a resolution of
7 ratification for the Treaty.

8 SEC. 532. For fiscal year 2018, the Secretary of
9 Homeland Security may provide, out of discretionary
10 funds available to the Department of Homeland Security,
11 for the primary and secondary schooling of dependents of
12 Department of Homeland Security personnel who are sta-
13 tioned outside the continental United States and for the
14 transportation of such dependents in the same manner
15 and to the same extent that, pursuant to section 544 of
16 title 14, United States Code, the Secretary may provide,
17 out of funds appropriated to or for the use of the Coast
18 Guard, for the primary and secondary schooling of, and
19 the transportation of, dependents of Coast Guard per-
20 sonnel stationed outside the continental United States:
21 *Provided*, That no amounts may be provided from
22 amounts that were designated by the Congress for Over-
23 seas Contingency Operations/Global War on Terrorism or
24 as an emergency requirement pursuant to a concurrent
25 resolution on the budget or section 251(b)(2)(A) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985: *Provided further*, That no amounts may be provided
3 from amounts that were designated by the Congress as
4 being for disaster relief pursuant to section 251(b)(2)(D)
5 of the Balanced Budget and Emergency Deficit Control
6 Act of 1985.

7 SEC. 533. Within 60 days of any budget submission
8 for the Department of Homeland Security for fiscal year
9 2019 that assumes revenues or proposes a reduction from
10 the previous year based on user fees proposals that have
11 not been enacted into law prior to the submission of the
12 budget, the Secretary of Homeland Security shall provide
13 the Committees on Appropriations of the Senate and the
14 House of Representatives specific reductions in proposed
15 discretionary budget authority commensurate with the
16 revenues assumed in such proposals in the event that they
17 are not enacted prior to October 1, 2018.

18 SEC. 534. (a) For an additional amount for “Federal
19 Emergency Management Agency—Federal Assistance”,
20 \$41,000,000, to remain available until September 30,
21 2019, exclusively for providing reimbursement of extraor-
22 dinary law enforcement personnel costs for protection ac-
23 tivities directly and demonstrably associated with any resi-
24 dence of the President that is designated or identified to
25 be secured by the United States Secret Service.

1 (b) Funds under subsection (a) shall be available only
2 for costs that a State or local agency—

3 (1) incurs on or after October 1, 2017, and be-
4 fore October 1, 2018;

5 (2) can demonstrate to the Administrator as
6 being—

7 (A) in excess of the costs of normal and
8 typical law enforcement operations;

9 (B) directly attributable to the provision of
10 protection described herein; and

11 (C) associated with a non-governmental
12 property designated or identified to be secured
13 by the United States Secret Service pursuant to
14 section 3 or section 4 of the Presidential Pro-
15 tection Assistance Act of 1976 (Public Law 94-
16 524); and

17 (3) certifies to the Administrator as being for
18 protection activities requested by the Director of the
19 United States Secret Service.

20 (c) For purposes of subsection (a), a designation or
21 identification of a property to be secured under subsection
22 (b)(2)(C) made after incurring otherwise eligible costs
23 shall apply retroactively to October 1, 2017.

24 (d) The Administrator may establish written criteria
25 consistent with subsections (a) and (b).

1 (e) None of the funds provided shall be for hiring new
2 or additional personnel.

3 (f) The Inspector General of the Department of
4 Homeland Security shall audit reimbursements made
5 under this section.

6 SEC. 535. (a) The Secretary of Homeland Security
7 may include in the President's budget proposal for Coast
8 Guard for fiscal year 2019, submitted pursuant to section
9 1105(a) of title 31, United States Code, and accom-
10 panying justification materials, an account structure es-
11 tablished by section 563 of Division F of the Consolidated
12 Appropriations Act, 2016 (Public Law 114–113).

13 (b) Not earlier than October 1, 2018, the accounts
14 designated under subsection (a) may be established, and
15 the Secretary of Homeland Security may execute appro-
16 priations of the Department as provided pursuant to such
17 subsection, including any continuing appropriations made
18 available for fiscal year 2019 before enactment of a reg-
19 ular appropriations Act.

20 (c) Notwithstanding any other provision of law, the
21 Secretary of Homeland Security may transfer any appro-
22 priation made available to the Department of Homeland
23 Security by any appropriations Acts to the accounts cre-
24 ated pursuant to subsection (b) to carry out the require-
25 ments of such subsection, and shall notify the Committees

1 on Appropriations of the Senate and the House of Rep-
2 resentatives within 5 days of each transfer.

3 (d)(1) Not later than November 1, 2018, the Sec-
4 retary of Homeland Security shall establish the prelimi-
5 nary baseline for application of reprogramming and trans-
6 fer authorities and submit the report specified in para-
7 graph (2) to the Committees on Appropriations of the
8 Senate and the House of Representatives.

9 (2) The report required in this subsection shall
10 include—

11 (A) a delineation of the amount and ac-
12 count of each transfer made pursuant to sub-
13 section (b) or (c);

14 (B) a table for each appropriation with a
15 separate column to display the President's
16 budget proposal, adjustments made by Con-
17 gress, adjustments due to enacted rescissions, if
18 appropriate, adjustments made pursuant to the
19 transfer authority in subsection (b) or (c), and
20 the fiscal year level;

21 (C) a delineation in the table for each ap-
22 propriation, adjusted as described in paragraph
23 (2), both by budget activity and program,
24 project, and activity as detailed in the Budget
25 Appendix; and

1 (D) an identification of funds directed for
2 a specific activity.

3 (e) The Secretary shall not exercise the authority pro-
4 vided in subsections (b), (c), and (d) unless, not later than
5 June 1, 2018, the Chief Financial Officer has submitted
6 to the Committees on Appropriations of the Senate and
7 the House of Representatives—

8 (1) technical assistance on new legislative lan-
9 guage in the account structure under subsection (a);
10 and

11 (2) comparison tables of fiscal years 2017,
12 2018, and 2019 in the account structure under sub-
13 section (a).

14 SEC. 536. (a) None of the funds appropriated by this
15 or previous appropriations Acts or otherwise made avail-
16 able to the Department of Homeland Security may be used
17 to establish accounts in the Treasury of the United States
18 for the Countering Weapons of Mass Destruction Office
19 or the Cybersecurity and Infrastructure Security Agency
20 until Congress has enacted a law that specifically author-
21 izes such Office or Agency and such authorization identi-
22 fies the functions that are authorized to be transferred
23 to such Office or Agency.

24 (b) Subject to the limitation in subsection (a), if Con-
25 gress enacts a law on or after the date of enactment of

1 this Act that specifically authorizes the Countering Weap-
2 ons of Mass Destruction Office or the Cybersecurity and
3 Infrastructure Security Agency and such authorization
4 identifies the functions that are authorized to be trans-
5 ferred to such Office or Agency, the Secretary of Home-
6 land Security may—

7 (1) not earlier than October 1, 2018, establish
8 accounts in the Treasury of the United States nec-
9 essary to carry out the functions of the Office or
10 Agency as authorized;

11 (2) execute appropriations of the Department of
12 Homeland Security as provided in subparagraph (1),
13 including any continuing appropriations made avail-
14 able for fiscal year 2019, before enactment of a reg-
15 ular appropriations Act; and

16 (3) transfer any funds made available to the
17 Department of Homeland Security by any appro-
18 priations Acts to the accounts created in subpara-
19 graph (1) for functions that are authorized to be
20 transferred to such Office or Agency and to be used
21 for the purpose of executing authorization of such
22 Office or Agency.

23 (c) The authority provided in subsection (b)(3) shall
24 only be available if the Secretary has notified the Commit-
25 tees on Appropriations of the Senate and the House of

1 Representatives at least 15 days in advance of each such
2 transfer.

3 SEC. 537. Section 404 of the Coast Guard Authoriza-
4 tion Act of 2010 (Public Law 111–281; 124 Stat. 2950),
5 as amended, shall be applied in subsection (b) by sub-
6 stituting “September 30, 2018” for “September 30,
7 2017”.

8 SEC. 538. (a) Section 831 of the Homeland Security
9 Act of 2002 (6 U.S.C. 391) shall be applied—

10 (1) In subsection (a), by substituting “Sep-
11 tember 30, 2018,” for “September 30, 2017,”; and

12 (2) In subsection (c)(1), by substituting “Sep-
13 tember 30, 2018,” for “September 30, 2017”.

14 (b) The Secretary of Homeland Security, under the
15 authority of section 831 of the Homeland Security Act of
16 2002 (6 U.S.C. 391(a)), may carry out prototype projects
17 under section 2371b of title 10, United States Code, and
18 the Secretary shall perform the functions of the Secretary
19 of Defense as prescribed.

20 (c) The Secretary of Homeland Security under sec-
21 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
22 391(d)) may use the definition of nontraditional govern-
23 ment contractor as defined in section 2371b(e) of title 10,
24 United States Code.

1 (RESCISSIONS)

2 SEC. 539. Of the funds appropriated to the Depart-
3 ment of Homeland Security, the following funds are here-
4 by rescinded from the following accounts and programs
5 in the specified amounts: *Provided*, That no amounts may
6 be rescinded from amounts that were designated by the
7 Congress as an emergency requirement pursuant to a con-
8 current resolution on the budget or the Balanced Budget
9 and Emergency Deficit Control Act of 1985 (Public Law
10 99–177):

11 (1) \$44,557,000 from Public Law 115–31
12 under the heading “Transportation Security Admin-
13 istration—Operations and Support”;

14 (2) \$1,785,697 from Public Law 108–334
15 under the heading “Coast Guard—Alteration of
16 Bridges”;

17 (3) \$1,920,100 from Public Law 109–90 under
18 the heading “Coast Guard—Alteration of Bridges”;

19 (4) \$1,791,454 from Public Law 109–295
20 under the heading “Coast Guard—Alteration of
21 Bridges”;

22 (5) \$3,221,594 from Public Law 110–161
23 under the heading “Coast Guard—Alteration of
24 Bridges”;

1 (RESCISSION)

2 SEC. 542. From the unobligated balances available
3 in the Department of the Treasury Forfeiture Fund estab-
4 lished by section 9703 of title 31, United States Code
5 (added by section 638 of Public Law 102–393),
6 \$364,162,000 shall be permanently rescinded not later
7 than September 30, 2018.

8 SEC. 543. Notwithstanding section
9 5170c(b)(2)(B)(ii) of title 42, United States Code, the Ad-
10 ministrator of the Federal Emergency Management Agen-
11 cy shall allow flood protection systems constructed in 2016
12 on property acquired with hazard mitigation assistance
13 provided under section 5170c of title 42, United States
14 Code, in an inadvertent violation of the terms and condi-
15 tions of such assistance to remain in place on such prop-
16 erty: *Provided*, That no new or additional structure may
17 be erected on the property unless the new or additional
18 structure complies with section 5170c(b)(2)(B)(ii) of title
19 42, United States Code: *Provided further*, That this provi-
20 sion does not otherwise excuse compliance with all other
21 applicable laws including statutes, executive orders, regu-
22 lations, and program and grant legal requirements per-
23 taining to the floodwall structure or the acquired property.

24 SEC. 544. Section 545 of title V of division F of the
25 Consolidated Appropriations Act, 2017, as added by sec-

1 tion 20607 of title VI of subdivision 1 of division B of
2 the Bipartisan Budget Act of 2018, is amended to read
3 as follows:

4 “SEC. 545. (a) PREMIUM PAY AUTHORITY.—During
5 calendar year 2017, any premium pay that is funded, ei-
6 ther directly or through reimbursement, by the ‘Federal
7 Emergency Management Agency—Disaster Relief Fund’
8 shall be exempted from the aggregate of basic pay and
9 premium pay calculated under section 5547(a) of title 5,
10 United States Code, and any other provision of law lim-
11 iting the aggregate amount of premium pay payable on
12 a biweekly or calendar year basis.

13 “(b) OVERTIME AUTHORITY.—During calendar year
14 2017, any overtime pay that is funded, either directly or
15 through reimbursement, by the ‘Federal Emergency Man-
16 agement Agency—Disaster Relief Fund’ and that is pay-
17 able under an authority outside of title 5, United States
18 Code, shall be exempted from any annual limit on the
19 amount of overtime pay payable in a calendar or fiscal
20 year.

21 “(c) APPLICABILITY OF AGGREGATE LIMITATION ON
22 PAY.—In determining whether an employee’s aggregate
23 pay exceeds the applicable annual rate of basic pay pay-
24 able under section 5307 of title 5, United States Code,

1 the head of an Executive agency shall not include pay ex-
2 empted under this section.

3 “(d) LIMITATION OF PAY AUTHORITY.—

4 “(1) Pay exempted from otherwise applicable
5 limits under subsection (a) or (b) shall not cause the
6 aggregate of basic pay and premium pay for the ap-
7 plicable calendar year to exceed the rate of basic pay
8 payable for a position at level II of the Executive
9 Schedule under section 5313 of title 5, United
10 States Code, as in effect at the end of such calendar
11 year.

12 “(2) For purposes of applying this subsection to
13 an employee who would otherwise be subject to the
14 premium pay limits established under section 5547
15 of title 5, United States Code, ‘premium pay’ means
16 the premium pay paid under the provisions of law
17 cited in section 5547(a).

18 “(3) For purposes of applying this subsection to
19 an employee under a premium pay limit established
20 under an authority other than section 5547 of title
21 5, United States Code, the agency responsible for
22 administering such limit shall determine what pay-
23 ments are considered premium pay.

24 “(e) EFFECTIVE DATE.—This section shall take ef-
25 fect as if enacted on December 31, 2016.

1 “(f) TREATMENT OF ADDITIONAL PAY.—If applica-
2 tion of this section results in the payment of additional
3 premium pay to a covered employee of a type that is nor-
4 mally creditable as basic pay for retirement or any other
5 purpose, that additional pay shall not—

6 “(1) be considered to be basic pay of the cov-
7 ered employee for any purpose; or

8 “(2) be used in computing a lump-sum payment
9 to the covered employee for accumulated and ac-
10 crued annual leave under section 5551 or section
11 5552 of title 5, United States Code.”.

12 This division may be cited as the “Department of
13 Homeland Security Appropriations Act, 2018”.

1 **DIVISION G—DEPARTMENT OF THE INTE-**
2 **RIOR, ENVIRONMENT, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2018**

4 TITLE I

5 DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 MANAGEMENT OF LANDS AND RESOURCES

8 For necessary expenses for protection, use, improve-
9 ment, development, disposal, cadastral surveying, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to section 1010(a) of
17 Public Law 96–487 (16 U.S.C. 3150(a)), \$1,183,043,000,
18 to remain available until expended, including all such
19 amounts as are collected from permit processing fees, as
20 authorized but made subject to future appropriation by
21 section 35(d)(3)(A)(i) of the Mineral Leasing Act (30
22 U.S.C. 191), except that amounts from permit processing
23 fees may be used for any bureau-related expenses associ-
24 ated with the processing of oil and gas applications for
25 permits to drill and related use of authorizations.

1 In addition, \$39,696,000 is for Mining Law Adminis-
2 tration program operations, including the cost of admin-
3 istering the mining claim fee program, to remain available
4 until expended, to be reduced by amounts collected by the
5 Bureau and credited to this appropriation from mining
6 claim maintenance fees and location fees that are hereby
7 authorized for fiscal year 2018, so as to result in a final
8 appropriation estimated at not more than \$1,183,043,000,
9 and \$2,000,000, to remain available until expended, from
10 communication site rental fees established by the Bureau
11 for the cost of administering communication site activities.

12 LAND ACQUISITION

13 For expenses necessary to carry out sections 205,
14 206, and 318(d) of Public Law 94–579, including admin-
15 istrative expenses and acquisition of lands or waters, or
16 interests therein, \$24,916,000, to be derived from the
17 Land and Water Conservation Fund and to remain avail-
18 able until expended.

19 OREGON AND CALIFORNIA GRANT LANDS

20 For expenses necessary for management, protection,
21 and development of resources and for construction, oper-
22 ation, and maintenance of access roads, reforestation, and
23 other improvements on the revested Oregon and California
24 Railroad grant lands, on other Federal lands in the Or-
25 egon and California land-grant counties of Oregon, and

1 on adjacent rights-of-way; and acquisition of lands or in-
2 terests therein, including existing connecting roads on or
3 adjacent to such grant lands; \$106,985,000, to remain
4 available until expended: *Provided*, That 25 percent of the
5 aggregate of all receipts during the current fiscal year
6 from the revested Oregon and California Railroad grant
7 lands is hereby made a charge against the Oregon and
8 California land-grant fund and shall be transferred to the
9 General Fund in the Treasury in accordance with the sec-
10 ond paragraph of subsection (b) of title II of the Act of
11 August 28, 1937 (43 U.S.C. 2605).

12 RANGE IMPROVEMENTS

13 For rehabilitation, protection, and acquisition of
14 lands and interests therein, and improvement of Federal
15 rangelands pursuant to section 401 of the Federal Land
16 Policy and Management Act of 1976 (43 U.S.C. 1751),
17 notwithstanding any other Act, sums equal to 50 percent
18 of all moneys received during the prior fiscal year under
19 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
20 315b, 315m) and the amount designated for range im-
21 provements from grazing fees and mineral leasing receipts
22 from Bankhead-Jones lands transferred to the Depart-
23 ment of the Interior pursuant to law, but not less than
24 \$10,000,000, to remain available until expended: *Pro-*

1 *vided*, That not to exceed \$600,000 shall be available for
2 administrative expenses.

3 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

4 For administrative expenses and other costs related
5 to processing application documents and other authoriza-
6 tions for use and disposal of public lands and resources,
7 for costs of providing copies of official public land docu-
8 ments, for monitoring construction, operation, and termi-
9 nation of facilities in conjunction with use authorizations,
10 and for rehabilitation of damaged property, such amounts
11 as may be collected under Public Law 94–579 (43 U.S.C.
12 1701 et seq.), and under section 28 of the Mineral Leasing
13 Act (30 U.S.C. 185), to remain available until expended:
14 *Provided*, That notwithstanding any provision to the con-
15 trary of section 305(a) of Public Law 94–579 (43 U.S.C.
16 1735(a)), any moneys that have been or will be received
17 pursuant to that section, whether as a result of forfeiture,
18 compromise, or settlement, if not appropriate for refund
19 pursuant to section 305(c) of that Act (43 U.S.C.
20 1735(c)), shall be available and may be expended under
21 the authority of this Act by the Secretary to improve, pro-
22 tect, or rehabilitate any public lands administered through
23 the Bureau of Land Management which have been dam-
24 aged by the action of a resource developer, purchaser, per-
25 mittee, or any unauthorized person, without regard to

1 whether all moneys collected from each such action are
2 used on the exact lands damaged which led to the action:
3 *Provided further*, That any such moneys that are in excess
4 of amounts needed to repair damage to the exact land for
5 which funds were collected may be used to repair other
6 damaged public lands.

7 MISCELLANEOUS TRUST FUNDS

8 In addition to amounts authorized to be expended
9 under existing laws, there is hereby appropriated such
10 amounts as may be contributed under section 307 of Pub-
11 lic Law 94–579 (43 U.S.C. 1737), and such amounts as
12 may be advanced for administrative costs, surveys, ap-
13 praisals, and costs of making conveyances of omitted lands
14 under section 211(b) of that Act (43 U.S.C. 1721(b)), to
15 remain available until expended.

16 ADMINISTRATIVE PROVISIONS

17 The Bureau of Land Management may carry out the
18 operations funded under this Act by direct expenditure,
19 contracts, grants, cooperative agreements and reimburs-
20 able agreements with public and private entities, including
21 with States. Appropriations for the Bureau shall be avail-
22 able for purchase, erection, and dismantlement of tem-
23 porary structures, and alteration and maintenance of nec-
24 essary buildings and appurtenant facilities to which the
25 United States has title; up to \$100,000 for payments, at

1 the discretion of the Secretary, for information or evidence
2 concerning violations of laws administered by the Bureau;
3 miscellaneous and emergency expenses of enforcement ac-
4 tivities authorized or approved by the Secretary and to be
5 accounted for solely on the Secretary's certificate, not to
6 exceed \$10,000: *Provided*, That notwithstanding Public
7 Law 90–620 (44 U.S.C. 501), the Bureau may, under co-
8 operative cost-sharing and partnership arrangements au-
9 thorized by law, procure printing services from cooperators
10 in connection with jointly produced publications for which
11 the cooperators share the cost of printing either in cash
12 or in services, and the Bureau determines the cooperator
13 is capable of meeting accepted quality standards: *Provided*
14 *further*, That projects to be funded pursuant to a written
15 commitment by a State government to provide an identi-
16 fied amount of money in support of the project may be
17 carried out by the Bureau on a reimbursable basis. Appro-
18 priations herein made shall not be available for the de-
19 struction of healthy, unadopted, wild horses and burros
20 in the care of the Bureau or its contractors or for the
21 sale of wild horses and burros that results in their destruc-
22 tion for processing into commercial products.

1 UNITED STATES FISH AND WILDLIFE SERVICE
2 RESOURCE MANAGEMENT

3 For necessary expenses of the United States Fish and
4 Wildlife Service, as authorized by law, and for scientific
5 and economic studies, general administration, and for the
6 performance of other authorized functions related to such
7 resources, \$1,279,002,000, to remain available until Sep-
8 tember 30, 2019: *Provided*, That not to exceed
9 \$18,818,000 shall be used for implementing subsections
10 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
11 cies Act of 1973 (16 U.S.C. 1533) (except for processing
12 petitions, developing and issuing proposed and final regu-
13 lations, and taking any other steps to implement actions
14 described in subsection (c)(2)(A), (c)(2)(B)(i), or
15 (c)(2)(B)(ii)).

16 CONSTRUCTION

17 For construction, improvement, acquisition, or re-
18 moval of buildings and other facilities required in the con-
19 servation, management, investigation, protection, and uti-
20 lization of fish and wildlife resources, and the acquisition
21 of lands and interests therein; \$66,540,000, to remain
22 available until expended.

23 LAND ACQUISITION

24 For expenses necessary to carry out chapter 2003 of
25 title 54, United States Code, including administrative ex-

1 penses, and for acquisition of land or waters, or interest
2 therein, in accordance with statutory authority applicable
3 to the United States Fish and Wildlife Service,
4 \$63,839,000, to be derived from the Land and Water Con-
5 servation Fund and to remain available until expended,
6 of which, notwithstanding section 200306 of title 54,
7 United States Code, not more than \$10,000,000 shall be
8 for land conservation partnerships authorized by the
9 Highlands Conservation Act of 2004, including not to ex-
10 ceed \$320,000 for administrative expenses: *Provided*, That
11 none of the funds appropriated for specific land acquisi-
12 tion projects may be used to pay for any administrative
13 overhead, planning or other management costs.

14 COOPERATIVE ENDANGERED SPECIES CONSERVATION

15 FUND

16 For expenses necessary to carry out section 6 of the
17 Endangered Species Act of 1973 (16 U.S.C. 1535),
18 \$53,495,000, to remain available until expended, of which
19 \$33,857,000 is to be derived from the Cooperative Endan-
20 gered Species Conservation Fund; and of which
21 \$19,638,000 is to be derived from the Land and Water
22 Conservation Fund.

23 NATIONAL WILDLIFE REFUGE FUND

24 For expenses necessary to implement the Act of Octo-
25 ber 17, 1978 (16 U.S.C. 715s), \$13,228,000.

1 NORTH AMERICAN WETLANDS CONSERVATION FUND

2 For expenses necessary to carry out the provisions
3 of the North American Wetlands Conservation Act (16
4 U.S.C. 4401 et seq.), \$40,000,000, to remain available
5 until expended.

6 NEOTROPICAL MIGRATORY BIRD CONSERVATION

7 For expenses necessary to carry out the Neotropical
8 Migratory Bird Conservation Act (16 U.S.C. 6101 et
9 seq.), \$3,910,000, to remain available until expended.

10 MULTINATIONAL SPECIES CONSERVATION FUND

11 For expenses necessary to carry out the African Ele-
12 phant Conservation Act (16 U.S.C. 4201 et seq.), the
13 Asian Elephant Conservation Act of 1997 (16 U.S.C.
14 4261 et seq.), the Rhinoceros and Tiger Conservation Act
15 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
16 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
17 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
18 et seq.), \$11,061,000, to remain available until expended.

19 STATE AND TRIBAL WILDLIFE GRANTS

20 For wildlife conservation grants to States and to the
21 District of Columbia, Puerto Rico, Guam, the United
22 States Virgin Islands, the Northern Mariana Islands,
23 American Samoa, and Indian tribes under the provisions
24 of the Fish and Wildlife Act of 1956 and the Fish and
25 Wildlife Coordination Act, for the development and imple-

1 mentation of programs for the benefit of wildlife and their
2 habitat, including species that are not hunted or fished,
3 \$63,571,000, to remain available until expended: *Pro-*
4 *vided*, That of the amount provided herein, \$4,209,000 is
5 for a competitive grant program for Indian tribes not sub-
6 ject to the remaining provisions of this appropriation: *Pro-*
7 *vided further*, That \$6,362,000 is for a competitive grant
8 program to implement approved plans for States, terri-
9 tories, and other jurisdictions and at the discretion of af-
10 fected States, the regional Associations of fish and wildlife
11 agencies, not subject to the remaining provisions of this
12 appropriation: *Provided further*, That the Secretary shall,
13 after deducting \$10,571,000 and administrative expenses,
14 apportion the amount provided herein in the following
15 manner: (1) to the District of Columbia and to the Com-
16 monwealth of Puerto Rico, each a sum equal to not more
17 than one-half of 1 percent thereof; and (2) to Guam,
18 American Samoa, the United States Virgin Islands, and
19 the Commonwealth of the Northern Mariana Islands, each
20 a sum equal to not more than one-fourth of 1 percent
21 thereof: *Provided further*, That the Secretary shall appor-
22 tion the remaining amount in the following manner: (1)
23 one-third of which is based on the ratio to which the land
24 area of such State bears to the total land area of all such
25 States; and (2) two-thirds of which is based on the ratio

1 to which the population of such State bears to the total
2 population of all such States: *Provided further*, That the
3 amounts apportioned under this paragraph shall be ad-
4 justed equitably so that no State shall be apportioned a
5 sum which is less than 1 percent of the amount available
6 for apportionment under this paragraph for any fiscal year
7 or more than 5 percent of such amount: *Provided further*,
8 That the Federal share of planning grants shall not exceed
9 75 percent of the total costs of such projects and the Fed-
10 eral share of implementation grants shall not exceed 65
11 percent of the total costs of such projects: *Provided fur-*
12 *ther*, That the non-Federal share of such projects may not
13 be derived from Federal grant programs: *Provided further*,
14 That any amount apportioned in 2018 to any State, terri-
15 tory, or other jurisdiction that remains unobligated as of
16 September 30, 2019, shall be reapportioned, together with
17 funds appropriated in 2020, in the manner provided here-
18 in.

19 ADMINISTRATIVE PROVISIONS

20 The United States Fish and Wildlife Service may
21 carry out the operations of Service programs by direct ex-
22 penditure, contracts, grants, cooperative agreements and
23 reimbursable agreements with public and private entities.
24 Appropriations and funds available to the United States
25 Fish and Wildlife Service shall be available for repair of

1 damage to public roads within and adjacent to reservation
2 areas caused by operations of the Service; options for the
3 purchase of land at not to exceed \$1 for each option; facili-
4 ties incident to such public recreational uses on conserva-
5 tion areas as are consistent with their primary purpose;
6 and the maintenance and improvement of aquaria, build-
7 ings, and other facilities under the jurisdiction of the Serv-
8 ice and to which the United States has title, and which
9 are used pursuant to law in connection with management,
10 and investigation of fish and wildlife resources: *Provided*,
11 That notwithstanding 44 U.S.C. 501, the Service may,
12 under cooperative cost sharing and partnership arrange-
13 ments authorized by law, procure printing services from
14 cooperators in connection with jointly produced publica-
15 tions for which the cooperators share at least one-half the
16 cost of printing either in cash or services and the Service
17 determines the cooperator is capable of meeting accepted
18 quality standards: *Provided further*, That the Service may
19 accept donated aircraft as replacements for existing air-
20 craft: *Provided further*, That notwithstanding 31 U.S.C.
21 3302, all fees collected for non-toxic shot review and ap-
22 proval shall be deposited under the heading “United
23 States Fish and Wildlife Service—Resource Management”
24 and shall be available to the Secretary, without further
25 appropriation, to be used for expenses of processing of

1 such non-toxic shot type or coating applications and revis-
2 ing regulations as necessary, and shall remain available
3 until expended.

4 NATIONAL PARK SERVICE

5 OPERATION OF THE NATIONAL PARK SYSTEM

6 For expenses necessary for the management, oper-
7 ation, and maintenance of areas and facilities adminis-
8 tered by the National Park Service and for the general
9 administration of the National Park Service,
10 \$2,477,969,000, of which \$10,032,000 for planning and
11 interagency coordination in support of Everglades restora-
12 tion and \$134,461,000 for maintenance, repair, or reha-
13 bilitation projects for constructed assets shall remain
14 available until September 30, 2019: *Provided*, That funds
15 appropriated under this heading in this Act are available
16 for the purposes of section 5 of Public Law 95–348.

17 NATIONAL RECREATION AND PRESERVATION

18 For expenses necessary to carry out recreation pro-
19 grams, natural programs, cultural programs, heritage
20 partnership programs, environmental compliance and re-
21 view, international park affairs, and grant administration,
22 not otherwise provided for, \$63,638,000.

23 HISTORIC PRESERVATION FUND

24 For expenses necessary in carrying out the National
25 Historic Preservation Act (division A of subtitle III of title

1 54, United States Code), \$96,910,000, to be derived from
2 the Historic Preservation Fund and to remain available
3 until September 30, 2019, of which \$13,000,000 shall be
4 for Save America’s Treasures grants for preservation of
5 national significant sites, structures and artifacts as au-
6 thorized by section 7303 of the Omnibus Public Land
7 Management Act of 2009 (54 U.S.C. 3089): *Provided*,
8 That an individual Save America’s Treasures grant shall
9 be matched by non-Federal funds: *Provided further*, That
10 individual projects shall only be eligible for one grant: *Pro-*
11 *vided further*, That all projects to be funded shall be ap-
12 proved by the Secretary of the Interior in consultation
13 with the House and Senate Committees on Appropria-
14 tions: *Provided further*, That of the funds provided for the
15 Historic Preservation Fund, \$500,000 is for competitive
16 grants for the survey and nomination of properties to the
17 National Register of Historic Places and as National His-
18 toric Landmarks associated with communities currently
19 under-represented, as determined by the Secretary,
20 \$13,000,000 is for competitive grants to preserve the sites
21 and stories of the Civil Rights movement, \$5,000,000 is
22 for grants to Historically Black Colleges and Universities,
23 and \$5,000,000 is for competitive grants for the restora-
24 tion of historic properties of national, State and local sig-
25 nificance listed on or eligible for inclusion on the National

1 Register of Historic Places, to be made without imposing
2 the usage or direct grant restrictions of section 101(e)(3)
3 (54 U.S.C. 302904) of the National Historical Preserva-
4 tion Act: *Provided further*, That such competitive grants
5 shall be made without imposing the matching require-
6 ments in section 302902(b)(3) of title 54, United States
7 Code, to States and Indian tribes as defined in chapter
8 3003 of such title, Native Hawaiian organizations, local
9 governments, including Certified Local Governments, and
10 non-profit organizations.

11 CONSTRUCTION

12 For construction, improvements, repair, or replace-
13 ment of physical facilities, and compliance and planning
14 for programs and areas administered by the National
15 Park Service, \$359,704,000, to remain available until ex-
16 pended: *Provided*, That notwithstanding any other provi-
17 sion of law, for any project initially funded in fiscal year
18 2018 with a future phase indicated in the National Park
19 Service 5-Year Line Item Construction Plan, a single pro-
20 curement may be issued which includes the full scope of
21 the project: *Provided further*, That the solicitation and
22 contract shall contain the clause availability of funds
23 found at 48 CFR 52.232–18: *Provided further*, That Na-
24 tional Park Service Donations, Park Concessions Fran-
25 chise Fees, and Recreation Fees may be made available

1 for the cost of adjustments and changes within the origi-
2 nal scope of effort for projects funded by the National
3 Park Service Construction appropriation: *Provided further*,
4 That the Secretary of the Interior shall consult with the
5 Committees on Appropriations, in accordance with current
6 reprogramming thresholds, prior to making any charges
7 authorized by this section.

8 LAND ACQUISITION AND STATE ASSISTANCE

9 For expenses necessary to carry out chapter 2003 of
10 title 54, United States Code, including administrative ex-
11 penses, and for acquisition of lands or waters, or interest
12 therein, in accordance with the statutory authority appli-
13 cable to the National Park Service, \$180,941,000, to be
14 derived from the Land and Water Conservation Fund and
15 to remain available until expended, of which \$124,006,000
16 is for the State assistance program and of which
17 \$10,000,000 shall be for the American Battlefield Protec-
18 tion Program grants as authorized by chapter 3081 of title
19 54, United States Code.

20 CENTENNIAL CHALLENGE

21 For expenses necessary to carry out the provisions
22 of section 101701 of title 54, United States Code, relating
23 to challenge cost share agreements, \$23,000,000, to re-
24 main available until expended, for Centennial Challenge
25 projects and programs: *Provided*, That not less than 50

1 percent of the total cost of each project or program shall
2 be derived from non-Federal sources in the form of do-
3 nated cash, assets, or a pledge of donation guaranteed by
4 an irrevocable letter of credit.

5 ADMINISTRATIVE PROVISIONS
6 (INCLUDING TRANSFER OF FUNDS)

7 In addition to other uses set forth in section
8 101917(c)(2) of title 54, United States Code, franchise
9 fees credited to a sub-account shall be available for ex-
10 penditure by the Secretary, without further appropriation,
11 for use at any unit within the National Park System to
12 extinguish or reduce liability for Possessory Interest or
13 leasehold surrender interest. Such funds may only be used
14 for this purpose to the extent that the benefitting unit an-
15 ticipated franchise fee receipts over the term of the con-
16 tract at that unit exceed the amount of funds used to ex-
17 tinguish or reduce liability. Franchise fees at the benefit-
18 ting unit shall be credited to the sub-account of the origi-
19 nating unit over a period not to exceed the term of a single
20 contract at the benefitting unit, in the amount of funds
21 so expended to extinguish or reduce liability.

22 For the costs of administration of the Land and
23 Water Conservation Fund grants authorized by section
24 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
25 of 2006 (Public Law 109–432), the National Park Service

1 may retain up to 3 percent of the amounts which are au-
2 thorized to be disbursed under such section, such retained
3 amounts to remain available until expended.

4 National Park Service funds may be transferred to
5 the Federal Highway Administration (FHWA), Depart-
6 ment of Transportation, for purposes authorized under 23
7 U.S.C. 204. Transfers may include a reasonable amount
8 for FHWA administrative support costs.

9 UNITED STATES GEOLOGICAL SURVEY

10 SURVEYS, INVESTIGATIONS, AND RESEARCH

11 For expenses necessary for the United States Geo-
12 logical Survey to perform surveys, investigations, and re-
13 search covering topography, geology, hydrology, biology,
14 and the mineral and water resources of the United States,
15 its territories and possessions, and other areas as author-
16 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
17 to their mineral and water resources; give engineering su-
18 pervision to power permittees and Federal Energy Regu-
19 latory Commission licensees; administer the minerals ex-
20 ploration program (30 U.S.C. 641); conduct inquiries into
21 the economic conditions affecting mining and materials
22 processing industries (30 U.S.C. 3, 21a, and 1603; 50
23 U.S.C. 98g(1)) and related purposes as authorized by law;
24 and to publish and disseminate data relative to the fore-
25 going activities; \$1,148,457,000, to remain available until

1 September 30, 2019; of which \$78,537,000 shall remain
2 available until expended for satellite operations; and of
3 which \$15,164,000 shall be available until expended for
4 deferred maintenance and capital improvement projects
5 that exceed \$100,000 in cost: *Provided*, That none of the
6 funds provided for the ecosystem research activity shall
7 be used to conduct new surveys on private property, unless
8 specifically authorized in writing by the property owner:
9 *Provided further*, That no part of this appropriation shall
10 be used to pay more than one-half the cost of topographic
11 mapping or water resources data collection and investiga-
12 tions carried on in cooperation with States and municipali-
13 ties.

14 ADMINISTRATIVE PROVISIONS

15 From within the amount appropriated for activities
16 of the United States Geological Survey such sums as are
17 necessary shall be available for contracting for the fur-
18 nishing of topographic maps and for the making of geo-
19 physical or other specialized surveys when it is administra-
20 tively determined that such procedures are in the public
21 interest; construction and maintenance of necessary build-
22 ings and appurtenant facilities; acquisition of lands for
23 gauging stations, observation wells, and seismic equip-
24 ment; expenses of the United States National Committee
25 for Geological Sciences; and payment of compensation and

1 expenses of persons employed by the Survey duly ap-
2 pointed to represent the United States in the negotiation
3 and administration of interstate compacts: *Provided*, That
4 activities funded by appropriations herein made may be
5 accomplished through the use of contracts, grants, or co-
6 operative agreements as defined in section 6302 of title
7 31, United States Code: *Provided further*, That the United
8 States Geological Survey may enter into contracts or coop-
9 erative agreements directly with individuals or indirectly
10 with institutions or nonprofit organizations, without re-
11 gard to 41 U.S.C. 6101, for the temporary or intermittent
12 services of students or recent graduates, who shall be con-
13 sidered employees for the purpose of chapters 57 and 81
14 of title 5, United States Code, relating to compensation
15 for travel and work injuries, and chapter 171 of title 28,
16 United States Code, relating to tort claims, but shall not
17 be considered to be Federal employees for any other pur-
18 poses.

19 BUREAU OF OCEAN ENERGY MANAGEMENT

20 OCEAN ENERGY MANAGEMENT

21 For expenses necessary for granting leases, ease-
22 ments, rights-of-way and agreements for use for oil and
23 gas, other minerals, energy, and marine-related purposes
24 on the Outer Continental Shelf and approving operations
25 related thereto, as authorized by law; for environmental

1 studies, as authorized by law; for implementing other laws
2 and to the extent provided by Presidential or Secretarial
3 delegation; and for matching grants or cooperative agree-
4 ments, \$171,000,000, of which \$114,166,000 is to remain
5 available until September 30, 2019, and of which
6 \$56,834,000 is to remain available until expended: *Pro-*
7 *vided*, That this total appropriation shall be reduced by
8 amounts collected by the Secretary and credited to this
9 appropriation from additions to receipts resulting from in-
10 creases to lease rental rates in effect on August 5, 1993,
11 and from cost recovery fees from activities conducted by
12 the Bureau of Ocean Energy Management pursuant to the
13 Outer Continental Shelf Lands Act, including studies, as-
14 sessments, analysis, and miscellaneous administrative ac-
15 tivities: *Provided further*, That the sum herein appro-
16 priated shall be reduced as such collections are received
17 during the fiscal year, so as to result in a final fiscal year
18 2018 appropriation estimated at not more than
19 \$114,166,000: *Provided further*, That not to exceed
20 \$3,000 shall be available for reasonable expenses related
21 to promoting volunteer beach and marine cleanup activi-
22 ties.

1 BUREAU OF SAFETY AND ENVIRONMENTAL
2 ENFORCEMENT

3 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

4 For expenses necessary for the regulation of oper-
5 ations related to leases, easements, rights-of-way and
6 agreements for use for oil and gas, other minerals, energy,
7 and marine-related purposes on the Outer Continental
8 Shelf, as authorized by law; for enforcing and imple-
9 menting laws and regulations as authorized by law and
10 to the extent provided by Presidential or Secretarial dele-
11 gation; and for matching grants or cooperative agree-
12 ments, \$136,411,000, of which \$108,540,000 is to remain
13 available until September 30, 2019, and of which
14 \$27,871,000 is to remain available until expended: *Pro-*
15 *vided*, That this total appropriation shall be reduced by
16 amounts collected by the Secretary and credited to this
17 appropriation from additions to receipts resulting from in-
18 creases to lease rental rates in effect on August 5, 1993,
19 and from cost recovery fees from activities conducted by
20 the Bureau of Safety and Environmental Enforcement
21 pursuant to the Outer Continental Shelf Lands Act, in-
22 cluding studies, assessments, analysis, and miscellaneous
23 administrative activities: *Provided further*, That the sum
24 herein appropriated shall be reduced as such collections
25 are received during the fiscal year, so as to result in a

1 final fiscal year 2018 appropriation estimated at not more
2 than \$108,540,000.

3 For an additional amount, \$50,000,000, to remain
4 available until expended, to be reduced by amounts col-
5 lected by the Secretary and credited to this appropriation,
6 which shall be derived from non-refundable inspection fees
7 collected in fiscal year 2018, as provided in this Act: *Pro-*
8 *vided*, That to the extent that amounts realized from such
9 inspection fees exceed \$50,000,000, the amounts realized
10 in excess of \$50,000,000 shall be credited to this appro-
11 priation and remain available until expended: *Provided*
12 *further*, That for fiscal year 2018, not less than 50 percent
13 of the inspection fees expended by the Bureau of Safety
14 and Environmental Enforcement will be used to fund per-
15 sonnel and mission-related costs to expand capacity and
16 expedite the orderly development, subject to environmental
17 safeguards, of the Outer Continental Shelf pursuant to the
18 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et
19 seq.), including the review of applications for permits to
20 drill.

21 OIL SPILL RESEARCH

22 For necessary expenses to carry out title I, section
23 1016, title IV, sections 4202 and 4303, title VII, and title
24 VIII, section 8201 of the Oil Pollution Act of 1990,

1 \$14,899,000, which shall be derived from the Oil Spill Li-
2 ability Trust Fund, to remain available until expended.

3 OFFICE OF SURFACE MINING RECLAMATION AND
4 ENFORCEMENT
5 REGULATION AND TECHNOLOGY

6 For necessary expenses to carry out the provisions
7 of the Surface Mining Control and Reclamation Act of
8 1977, Public Law 95–87, \$115,804,000, to remain avail-
9 able until September 30, 2019: *Provided*, That appropria-
10 tions for the Office of Surface Mining Reclamation and
11 Enforcement may provide for the travel and per diem ex-
12 penses of State and tribal personnel attending Office of
13 Surface Mining Reclamation and Enforcement sponsored
14 training.

15 In addition, for costs to review, administer, and en-
16 force permits issued by the Office pursuant to section 507
17 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to re-
18 main available until expended: *Provided*, That fees as-
19 sessed and collected by the Office pursuant to such section
20 507 shall be credited to this account as discretionary off-
21 setting collections, to remain available until expended:
22 *Provided further*, That the sum herein appropriated from
23 the general fund shall be reduced as collections are re-
24 ceived during the fiscal year, so as to result in a fiscal

1 year 2018 appropriation estimated at not more than
2 \$115,804,000.

3 ABANDONED MINE RECLAMATION FUND

4 For necessary expenses to carry out title IV of the
5 Surface Mining Control and Reclamation Act of 1977,
6 Public Law 95–87, \$24,672,000, to be derived from re-
7 ceipts of the Abandoned Mine Reclamation Fund and to
8 remain available until expended: *Provided*, That pursuant
9 to Public Law 97–365, the Department of the Interior is
10 authorized to use up to 20 percent from the recovery of
11 the delinquent debt owed to the United States Government
12 to pay for contracts to collect these debts: *Provided fur-*
13 *ther*, That funds made available under title IV of Public
14 Law 95–87 may be used for any required non-Federal
15 share of the cost of projects funded by the Federal Gov-
16 ernment for the purpose of environmental restoration re-
17 lated to treatment or abatement of acid mine drainage
18 from abandoned mines: *Provided further*, That such
19 projects must be consistent with the purposes and prior-
20 ities of the Surface Mining Control and Reclamation Act:
21 *Provided further*, That amounts provided under this head-
22 ing may be used for the travel and per diem expenses of
23 State and tribal personnel attending Office of Surface
24 Mining Reclamation and Enforcement sponsored training.

1 In addition, \$115,000,000, to remain available until
2 expended, for grants to States and federally recognized In-
3 dian Tribes for reclamation of abandoned mine lands and
4 other related activities in accordance with the terms and
5 conditions in the explanatory statement described in sec-
6 tion 4 (in the matter preceding division A of this consoli-
7 dated Act): *Provided*, That such additional amount shall
8 be used for economic and community development in con-
9 junction with the priorities in section 403(a) of the Sur-
10 face Mining Control and Reclamation Act of 1977 (30
11 U.S.C. 1233(a)): *Provided further*, That of such additional
12 amount, \$75,000,000 shall be distributed in equal
13 amounts to the 3 Appalachian States with the greatest
14 amount of unfunded needs to meet the priorities described
15 in paragraphs (1) and (2) of such section, \$30,000,000
16 shall be distributed in equal amounts to the 3 Appalachian
17 States with the subsequent greatest amount of unfunded
18 needs to meet such priorities, and \$10,000,000 shall be
19 for grants to federally recognized Indian Tribes without
20 regard to their status as certified or uncertified under the
21 Surface Mining Control and Reclamation Act of 1977 (30
22 U.S.C. 1233(a)), for reclamation of abandoned mine lands
23 and other related activities in accordance with the terms
24 and conditions in the explanatory statement described in
25 section 4 (in the matter preceding division A of this con-

1 solidated Act) and shall be used for economic and commu-
2 nity development in conjunction with the priorities in sec-
3 tion 403(a) of the Surface Mining Control and Reclama-
4 tion Act of 1977: *Provided further*, That such additional
5 amount shall be allocated to States and Indian Tribes
6 within 60 days after the date of enactment of this Act.

7 BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN

8 EDUCATION

9 OPERATION OF INDIAN PROGRAMS

10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses necessary for the operation of Indian
12 programs, as authorized by law, including the Snyder Act
13 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
14 termination and Education Assistance Act of 1975 (25
15 U.S.C. 5301 et seq.), the Education Amendments of 1978
16 (25 U.S.C. 2001–2019), and the Tribally Controlled
17 Schools Act of 1988 (25 U.S.C. 2501 et seq.),
18 \$2,411,200,000, to remain available until September 30,
19 2019, except as otherwise provided herein; of which not
20 to exceed \$8,500 may be for official reception and rep-
21 resentation expenses; of which not to exceed \$76,000,000
22 shall be for welfare assistance payments: *Provided*, That
23 in cases of designated Federal disasters, the Secretary
24 may exceed such cap, from the amounts provided herein,
25 to provide for disaster relief to Indian communities af-

1 fected by the disaster: *Provided further*, That federally rec-
2 ognized Indian tribes and tribal organizations of federally
3 recognized Indian tribes may use their tribal priority allo-
4 cations for unmet welfare assistance costs: *Provided fur-*
5 *ther*, That not to exceed \$673,425,000 for school oper-
6 ations costs of Bureau-funded schools and other education
7 programs shall become available on July 1, 2018, and
8 shall remain available until September 30, 2019: *Provided*
9 *further*, That not to exceed \$53,991,000 shall remain
10 available until expended for housing improvement, road
11 maintenance, attorney fees, litigation support, land
12 records improvement, and the Navajo-Hopi Settlement
13 Program: *Provided further*, That notwithstanding any
14 other provision of law, including but not limited to the
15 Indian Self-Determination Act of 1975 (25 U.S.C. 5301
16 et seq.) and section 1128 of the Education Amendments
17 of 1978 (25 U.S.C. 2008), not to exceed \$81,036,000
18 within and only from such amounts made available for
19 school operations shall be available for administrative cost
20 grants associated with grants approved prior to July 1,
21 2018: *Provided further*, That any forestry funds allocated
22 to a federally recognized tribe which remain unobligated
23 as of September 30, 2019, may be transferred during fis-
24 cal year 2020 to an Indian forest land assistance account
25 established for the benefit of the holder of the funds within

1 the holder's trust fund account: *Provided further*, That
2 any such unobligated balances not so transferred shall ex-
3 pire on September 30, 2020: *Provided further*, That in
4 order to enhance the safety of Bureau field employees, the
5 Bureau may use funds to purchase uniforms or other iden-
6 tifying articles of clothing for personnel: *Provided further*,
7 That the Bureau of Indian Affairs may accept transfers
8 of funds from U.S. Customs and Border Protection to
9 supplement any other funding available for reconstruction
10 or repair of roads owned by the Bureau of Indian Affairs
11 as identified on the National Tribal Transportation Facil-
12 ity Inventory, 23 U.S.C. 202(b)(1).

13 CONTRACT SUPPORT COSTS

14 For payments to tribes and tribal organizations for
15 contract support costs associated with Indian Self-Deter-
16 mination and Education Assistance Act agreements with
17 the Bureau of Indian Affairs for fiscal year 2018, such
18 sums as may be necessary, which shall be available for
19 obligation through September 30, 2019: *Provided*, That
20 notwithstanding any other provision of law, no amounts
21 made available under this heading shall be available for
22 transfer to another budget account.

1 CONSTRUCTION

2 (INCLUDING TRANSFER OF FUNDS)

3 For construction, repair, improvement, and mainte-
4 nance of irrigation and power systems, buildings, utilities,
5 and other facilities, including architectural and engineer-
6 ing services by contract; acquisition of lands, and interests
7 in lands; and preparation of lands for farming, and for
8 construction of the Navajo Indian Irrigation Project pur-
9 suant to Public Law 87-483; \$354,113,000, to remain
10 available until expended: *Provided*, That such amounts as
11 may be available for the construction of the Navajo Indian
12 Irrigation Project may be transferred to the Bureau of
13 Reclamation: *Provided further*, That not to exceed 6 per-
14 cent of contract authority available to the Bureau of In-
15 dian Affairs from the Federal Highway Trust Fund may
16 be used to cover the road program management costs of
17 the Bureau: *Provided further*, That any funds provided for
18 the Safety of Dams program pursuant to the Act of No-
19 vember 2, 1921 (25 U.S.C. 13), shall be made available
20 on a nonreimbursable basis: *Provided further*, That for fis-
21 cal year 2018, in implementing new construction, replace-
22 ment facilities construction, or facilities improvement and
23 repair project grants in excess of \$100,000 that are pro-
24 vided to grant schools under Public Law 100-297, the
25 Secretary of the Interior shall use the Administrative and

1 Audit Requirements and Cost Principles for Assistance
2 Programs contained in part 12 of title 43, Code of Federal
3 Regulations, as the regulatory requirements: *Provided fur-*
4 *ther*, That such grants shall not be subject to section
5 12.61 of title 43, Code of Federal Regulations; the Sec-
6 retary and the grantee shall negotiate and determine a
7 schedule of payments for the work to be performed: *Pro-*
8 *vided further*, That in considering grant applications, the
9 Secretary shall consider whether such grantee would be
10 deficient in assuring that the construction projects con-
11 form to applicable building standards and codes and Fed-
12 eral, tribal, or State health and safety standards as re-
13 quired by section 1125(b) of title XI of Public Law 95-
14 561 (25 U.S.C. 2005(b)), with respect to organizational
15 and financial management capabilities: *Provided further*,
16 That if the Secretary declines a grant application, the Sec-
17 retary shall follow the requirements contained in section
18 5206(f) of Public Law 100-297 (25 U.S.C. 2504(f)): *Pro-*
19 *vided further*, That any disputes between the Secretary
20 and any grantee concerning a grant shall be subject to
21 the disputes provision in section 5208(e) of Public Law
22 107-110 (25 U.S.C. 2507(e)): *Provided further*, That in
23 order to ensure timely completion of construction projects,
24 the Secretary may assume control of a project and all
25 funds related to the project, if, within 18 months of the

1 date of enactment of this Act, any grantee receiving funds
2 appropriated in this Act or in any prior Act, has not com-
3 pleted the planning and design phase of the project and
4 commenced construction: *Provided further*, That this ap-
5 propriation may be reimbursed from the Office of the Spe-
6 cial Trustee for American Indians appropriation for the
7 appropriate share of construction costs for space expan-
8 sion needed in agency offices to meet trust reform imple-
9 mentation.

10 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
11 MISCELLANEOUS PAYMENTS TO INDIANS

12 For payments and necessary administrative expenses
13 for implementation of Indian land and water claim settle-
14 ments pursuant to Public Laws 99–264, 100–580, 101–
15 618, 111–11, 111–291, and 114–322, and for implemen-
16 tation of other land and water rights settlements,
17 \$55,457,000, to remain available until expended.

18 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

19 For the cost of guaranteed loans and insured loans,
20 \$9,272,000, of which \$1,252,000 is for administrative ex-
21 penses, as authorized by the Indian Financing Act of
22 1974: *Provided*, That such costs, including the cost of
23 modifying such loans, shall be as defined in section 502
24 of the Congressional Budget Act of 1974: *Provided fur-*
25 *ther*, That these funds are available to subsidize total loan

1 principal, any part of which is to be guaranteed or insured,
2 not to exceed \$123,565,389.

3 ADMINISTRATIVE PROVISIONS
4 (INCLUDING RESCISSION OF FUNDS)

5 The Bureau of Indian Affairs may carry out the oper-
6 ation of Indian programs by direct expenditure, contracts,
7 cooperative agreements, compacts, and grants, either di-
8 rectly or in cooperation with States and other organiza-
9 tions.

10 Notwithstanding Public Law 87–279 (25 U.S.C. 15),
11 the Bureau of Indian Affairs may contract for services in
12 support of the management, operation, and maintenance
13 of the Power Division of the San Carlos Irrigation Project.

14 Notwithstanding any other provision of law, no funds
15 available to the Bureau of Indian Affairs for central office
16 oversight and Executive Direction and Administrative
17 Services (except executive direction and administrative
18 services funding for Tribal Priority Allocations, regional
19 offices, and facilities operations and maintenance) shall be
20 available for contracts, grants, compacts, or cooperative
21 agreements with the Bureau of Indian Affairs under the
22 provisions of the Indian Self-Determination Act or the
23 Tribal Self-Governance Act of 1994 (Public Law 103–
24 413).

1 In the event any tribe returns appropriations made
2 available by this Act to the Bureau of Indian Affairs, this
3 action shall not diminish the Federal Government's trust
4 responsibility to that tribe, or the government-to-govern-
5 ment relationship between the United States and that
6 tribe, or that tribe's ability to access future appropria-
7 tions.

8 Notwithstanding any other provision of law, no funds
9 available to the Bureau of Indian Education, other than
10 the amounts provided herein for assistance to public
11 schools under 25 U.S.C. 452 et seq., shall be available to
12 support the operation of any elementary or secondary
13 school in the State of Alaska.

14 No funds available to the Bureau of Indian Edu-
15 cation shall be used to support expanded grades for any
16 school or dormitory beyond the grade structure in place
17 or approved by the Secretary of the Interior at each school
18 in the Bureau of Indian Education school system as of
19 October 1, 1995, except that the Secretary of the Interior
20 may waive this prohibition to support expansion of up to
21 one additional grade when the Secretary determines such
22 waiver is needed to support accomplishment of the mission
23 of the Bureau of Indian Education, or more than one
24 grade to expand the elementary grade structure for Bu-
25 reau-funded schools with a K-2 grade structure on Octo-

ber 1, 1996. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as

1 Federal employees for purposes of chapter 171 of title 28,
2 United States Code.

3 Notwithstanding any other provision of law, including
4 section 113 of title I of appendix C of Public Law 106–
5 113, if in fiscal year 2003 or 2004 a grantee received indi-
6 rect and administrative costs pursuant to a distribution
7 formula based on section 5(f) of Public Law 101–301, the
8 Secretary shall continue to distribute indirect and admin-
9 istrative cost funds to such grantee using the section 5(f)
10 distribution formula.

11 Funds available under this Act may not be used to
12 establish satellite locations of schools in the Bureau school
13 system as of September 1, 1996, except that the Secretary
14 may waive this prohibition in order for an Indian tribe
15 to provide language and cultural immersion educational
16 programs for non-public schools located within the juris-
17 dictional area of the tribal government which exclusively
18 serve tribal members, do not include grades beyond those
19 currently served at the existing Bureau-funded school,
20 provide an educational environment with educator pres-
21 ence and academic facilities comparable to the Bureau-
22 funded school, comply with all applicable Tribal, Federal,
23 or State health and safety standards, and the Americans
24 with Disabilities Act, and demonstrate the benefits of es-
25 tablishing operations at a satellite location in lieu of incur-

1 ring extraordinary costs, such as for transportation or
2 other impacts to students such as those caused by busing
3 students extended distances: *Provided*, That no funds
4 available under this Act may be used to fund operations,
5 maintenance, rehabilitation, construction or other facili-
6 ties-related costs for such assets that are not owned by
7 the Bureau: *Provided further*, That the term “satellite
8 school” means a school location physically separated from
9 the existing Bureau school by more than 50 miles but that
10 forms part of the existing school in all other respects.

11 Of the prior year unobligated balances available for
12 the “Operation of Indian Programs” account, \$8,000,000
13 are permanently rescinded.

14 DEPARTMENTAL OFFICES

15 OFFICE OF THE SECRETARY

16 DEPARTMENTAL OPERATIONS

17 For necessary expenses for management of the De-
18 partment of the Interior and for grants and cooperative
19 agreements, as authorized by law, \$124,182,000, to re-
20 main available until September 30, 2019; of which not to
21 exceed \$15,000 may be for official reception and represen-
22 tation expenses; and of which up to \$1,000,000 shall be
23 available for workers compensation payments and unem-
24 ployment compensation payments associated with the or-
25 derly closure of the United States Bureau of Mines; and

1 of which \$10,242,000 for the Office of Valuation Services
2 is to be derived from the Land and Water Conservation
3 Fund and shall remain available until expended.

4 ADMINISTRATIVE PROVISIONS

5 For fiscal year 2018, up to \$400,000 of the payments
6 authorized by chapter 69 of title 31, United States Code,
7 may be retained for administrative expenses of the Pay-
8 ments in Lieu of Taxes Program: *Provided*, That the
9 amounts provided under this Act specifically for the Pay-
10 ments in Lieu of Taxes program are the only amounts
11 available for payments authorized under chapter 69 of
12 title 31, United States Code: *Provided further*, That in the
13 event the sums appropriated for any fiscal year for pay-
14 ments pursuant to this chapter are insufficient to make
15 the full payments authorized by that chapter to all units
16 of local government, then the payment to each local gov-
17 ernment shall be made proportionally: *Provided further*,
18 That the Secretary may make adjustments to payment to
19 individual units of local government to correct for prior
20 overpayments or underpayments: *Provided further*, That
21 no payment shall be made pursuant to that chapter to oth-
22 erwise eligible units of local government if the computed
23 amount of the payment is less than \$100.

1 INSULAR AFFAIRS

2 ASSISTANCE TO TERRITORIES

3 For expenses necessary for assistance to territories
4 under the jurisdiction of the Department of the Interior
5 and other jurisdictions identified in section 104(e) of Pub-
6 lic Law 108–188, \$96,870,000, of which: (1) \$87,422,000
7 shall remain available until expended for territorial assist-
8 ance, including general technical assistance, maintenance
9 assistance, disaster assistance, coral reef initiative activi-
10 ties, and brown tree snake control and research; grants
11 to the judiciary in American Samoa for compensation and
12 expenses, as authorized by law (48 U.S.C. 1661(c));
13 grants to the Government of American Samoa, in addition
14 to current local revenues, for construction and support of
15 governmental functions; grants to the Government of the
16 Virgin Islands, as authorized by law; grants to the Govern-
17 ment of Guam, as authorized by law; and grants to the
18 Government of the Northern Mariana Islands, as author-
19 ized by law (Public Law 94–241; 90 Stat. 272); and (2)
20 \$9,448,000 shall be available until September 30, 2019,
21 for salaries and expenses of the Office of Insular Affairs:
22 *Provided*, That all financial transactions of the territorial
23 and local governments herein provided for, including such
24 transactions of all agencies or instrumentalities estab-
25 lished or used by such governments, may be audited by

1 the Government Accountability Office, at its discretion, in
2 accordance with chapter 35 of title 31, United States
3 Code: *Provided further*, That Northern Mariana Islands
4 Covenant grant funding shall be provided according to
5 those terms of the Agreement of the Special Representa-
6 tives on Future United States Financial Assistance for the
7 Northern Mariana Islands approved by Public Law 104-
8 134: *Provided further*, That the funds for the program of
9 operations and maintenance improvement are appro-
10 priated to institutionalize routine operations and mainte-
11 nance improvement of capital infrastructure with terri-
12 torial participation and cost sharing to be determined by
13 the Secretary based on the grantee's commitment to time-
14 ly maintenance of its capital assets: *Provided further*, That
15 any appropriation for disaster assistance under this head-
16 ing in this Act or previous appropriations Acts may be
17 used as non-Federal matching funds for the purpose of
18 hazard mitigation grants provided pursuant to section 404
19 of the Robert T. Stafford Disaster Relief and Emergency
20 Assistance Act (42 U.S.C. 5170c).

21 COMPACT OF FREE ASSOCIATION

22 For grants and necessary expenses, \$3,363,000, to
23 remain available until expended, as provided for in sec-
24 tions 221(a)(2) and 233 of the Compact of Free Associa-
25 tion for the Republic of Palau; and section 221(a)(2) of

1 the Compacts of Free Association for the Government of
2 the Republic of the Marshall Islands and the Federated
3 States of Micronesia, as authorized by Public Law 99–
4 658 and Public Law 108–188.

5 ADMINISTRATIVE PROVISIONS

6 (INCLUDING TRANSFER OF FUNDS)

7 At the request of the Governor of Guam, the Sec-
8 retary may transfer discretionary funds or mandatory
9 funds provided under section 104(e) of Public Law 108–
10 188 and Public Law 104–134, that are allocated for
11 Guam, to the Secretary of Agriculture for the subsidy cost
12 of direct or guaranteed loans, plus not to exceed three per-
13 cent of the amount of the subsidy transferred for the cost
14 of loan administration, for the purposes authorized by the
15 Rural Electrification Act of 1936 and section 306(a)(1)
16 of the Consolidated Farm and Rural Development Act for
17 construction and repair projects in Guam, and such funds
18 shall remain available until expended: *Provided*, That such
19 costs, including the cost of modifying such loans, shall be
20 as defined in section 502 of the Congressional Budget Act
21 of 1974: *Provided further*, That such loans or loan guaran-
22 tees may be made without regard to the population of the
23 area, credit elsewhere requirements, and restrictions on
24 the types of eligible entities under the Rural Electrifica-
25 tion Act of 1936 and section 306(a)(1) of the Consolidated

1 Farm and Rural Development Act: *Provided further*, That
2 any funds transferred to the Secretary of Agriculture shall
3 be in addition to funds otherwise made available to make
4 or guarantee loans under such authorities.

5 OFFICE OF THE SOLICITOR

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Solicitor,
8 \$66,675,000.

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11 For necessary expenses of the Office of Inspector
12 General, \$51,023,000.

13 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

14 INDIANS

15 FEDERAL TRUST PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For the operation of trust programs for Indians by
18 direct expenditure, contracts, cooperative agreements,
19 compacts, and grants, \$119,400,000, to remain available
20 until expended, of which not to exceed \$18,990,000 from
21 this or any other Act, may be available for historical ac-
22 counting: *Provided*, That funds for trust management im-
23 provements and litigation support may, as needed, be
24 transferred to or merged with the Bureau of Indian Af-
25 fairs and Bureau of Indian Education, “Operation of In-

1 dian Programs” account; the Office of the Solicitor, “Sala-
2 ries and Expenses” account; and the Office of the Sec-
3 retary, “Departmental Operations” account: *Provided fur-*
4 *ther*, That funds made available through contracts or
5 grants obligated during fiscal year 2018, as authorized by
6 the Indian Self-Determination Act of 1975 (25 U.S.C.
7 5301 et seq.), shall remain available until expended by the
8 contractor or grantee: *Provided further*, That notwith-
9 standing any other provision of law, the Secretary shall
10 not be required to provide a quarterly statement of per-
11 formance for any Indian trust account that has not had
12 activity for at least 15 months and has a balance of \$15
13 or less: *Provided further*, That the Secretary shall issue
14 an annual account statement and maintain a record of any
15 such accounts and shall permit the balance in each such
16 account to be withdrawn upon the express written request
17 of the account holder: *Provided further*, That not to exceed
18 \$50,000 is available for the Secretary to make payments
19 to correct administrative errors of either disbursements
20 from or deposits to Individual Indian Money or Tribal ac-
21 counts after September 30, 2002: *Provided further*, That
22 erroneous payments that are recovered shall be credited
23 to and remain available in this account for this purpose:
24 *Provided further*, That the Secretary shall not be required
25 to reconcile Special Deposit Accounts with a balance of

1 less than \$500 unless the Office of the Special Trustee
2 receives proof of ownership from a Special Deposit Ac-
3 counts claimant: *Provided further*, That notwithstanding
4 section 102 of the American Indian Trust Fund Manage-
5 ment Reform Act of 1994 (Public Law 103–412) or any
6 other provision of law, the Secretary may aggregate the
7 trust accounts of individuals whose whereabouts are un-
8 known for a continuous period of at least five years and
9 shall not be required to generate periodic statements of
10 performance for the individual accounts: *Provided further*,
11 That with respect to the eighth proviso, the Secretary shall
12 continue to maintain sufficient records to determine the
13 balance of the individual accounts, including any accrued
14 interest and income, and such funds shall remain available
15 to the individual account holders.

16 DEPARTMENT-WIDE PROGRAMS

17 WILDLAND FIRE MANAGEMENT

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses for fire preparedness, fire
20 suppression operations, fire science and research, emer-
21 gency rehabilitation, fuels management activities, and
22 rural fire assistance by the Department of the Interior,
23 \$948,087,000, to remain available until expended, of
24 which not to exceed \$18,427,000 shall be for the renova-
25 tion or construction of fire facilities: *Provided*, That such

1 funds are also available for repayment of advances to
2 other appropriation accounts from which funds were pre-
3 viously transferred for such purposes: *Provided further*,
4 That of the funds provided \$184,000,000 is for fuels man-
5 agement activities: *Provided further*, That of the funds
6 provided \$20,470,000 is for burned area rehabilitation:
7 *Provided further*, That persons hired pursuant to 43
8 U.S.C. 1469 may be furnished subsistence and lodging
9 without cost from funds available from this appropriation:
10 *Provided further*, That notwithstanding 42 U.S.C. 1856d,
11 sums received by a bureau or office of the Department
12 of the Interior for fire protection rendered pursuant to 42
13 U.S.C. 1856 et seq., protection of United States property,
14 may be credited to the appropriation from which funds
15 were expended to provide that protection, and are avail-
16 able without fiscal year limitation: *Provided further*, That
17 using the amounts designated under this title of this Act,
18 the Secretary of the Interior may enter into procurement
19 contracts, grants, or cooperative agreements, for fuels
20 management activities, and for training and monitoring
21 associated with such fuels management activities on Fed-
22 eral land, or on adjacent non-Federal land for activities
23 that benefit resources on Federal land: *Provided further*,
24 That the costs of implementing any cooperative agreement
25 between the Federal Government and any non-Federal en-

1 tity may be shared, as mutually agreed on by the affected
2 parties: *Provided further*, That notwithstanding require-
3 ments of the Competition in Contracting Act, the Sec-
4 retary, for purposes of fuels management activities, may
5 obtain maximum practicable competition among: (1) local
6 private, nonprofit, or cooperative entities; (2) Youth Con-
7 servation Corps crews, Public Lands Corps (Public Law
8 109–154), or related partnerships with State, local, or
9 nonprofit youth groups; (3) small or micro-businesses; or
10 (4) other entities that will hire or train locally a significant
11 percentage, defined as 50 percent or more, of the project
12 workforce to complete such contracts: *Provided further*,
13 That in implementing this section, the Secretary shall de-
14 velop written guidance to field units to ensure account-
15 ability and consistent application of the authorities pro-
16 vided herein: *Provided further*, That funds appropriated
17 under this heading may be used to reimburse the United
18 States Fish and Wildlife Service and the National Marine
19 Fisheries Service for the costs of carrying out their re-
20 sponsibilities under the Endangered Species Act of 1973
21 (16 U.S.C. 1531 et seq.) to consult and conference, as
22 required by section 7 of such Act, in connection with
23 wildland fire management activities: *Provided further*,
24 That the Secretary of the Interior may use wildland fire
25 appropriations to enter into leases of real property with

1 local governments, at or below fair market value, to con-
2 struct capitalized improvements for fire facilities on such
3 leased properties, including but not limited to fire guard
4 stations, retardant stations, and other initial attack and
5 fire support facilities, and to make advance payments for
6 any such lease or for construction activity associated with
7 the lease: *Provided further*, That the Secretary of the Inte-
8 rior and the Secretary of Agriculture may authorize the
9 transfer of funds appropriated for wildland fire manage-
10 ment, in an aggregate amount not to exceed \$50,000,000,
11 between the Departments when such transfers would fa-
12 cilitate and expedite wildland fire management programs
13 and projects: *Provided further*, That funds provided for
14 wildfire suppression shall be available for support of Fed-
15 eral emergency response actions: *Provided further*, That
16 funds appropriated under this heading shall be available
17 for assistance to or through the Department of State in
18 connection with forest and rangeland research, technical
19 information, and assistance in foreign countries, and, with
20 the concurrence of the Secretary of State, shall be avail-
21 able to support forestry, wildland fire management, and
22 related natural resource activities outside the United
23 States and its territories and possessions, including tech-
24 nical assistance, education and training, and cooperation
25 with United States and international organizations.

1 CENTRAL HAZARDOUS MATERIALS FUND

2 For necessary expenses of the Department of the In-
3 terior and any of its component offices and bureaus for
4 the response action, including associated activities, per-
5 formed pursuant to the Comprehensive Environmental Re-
6 sponse, Compensation, and Liability Act (42 U.S.C. 9601
7 et seq.), \$10,010,000, to remain available until expended.

8 NATURAL RESOURCE DAMAGE ASSESSMENT AND
9 RESTORATION

10 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

11 To conduct natural resource damage assessment, res-
12 toration activities, and onshore oil spill preparedness by
13 the Department of the Interior necessary to carry out the
14 provisions of the Comprehensive Environmental Response,
15 Compensation, and Liability Act (42 U.S.C. 9601 et seq.),
16 the Federal Water Pollution Control Act (33 U.S.C. 1251
17 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
18 et seq.), and 54 U.S.C. 100721 et seq., \$7,767,000, to
19 remain available until expended.

20 WORKING CAPITAL FUND

21 For the operation and maintenance of a departmental
22 financial and business management system, information
23 technology improvements of general benefit to the Depart-
24 ment, cybersecurity, and the consolidation of facilities and
25 operations throughout the Department, \$62,370,000, to

1 remain available until expended: *Provided*, That none of
2 the funds appropriated in this Act or any other Act may
3 be used to establish reserves in the Working Capital Fund
4 account other than for accrued annual leave and deprecia-
5 tion of equipment without prior approval of the Commit-
6 tees on Appropriations of the House of Representatives
7 and the Senate: *Provided further*, That the Secretary may
8 assess reasonable charges to State, local and tribal govern-
9 ment employees for training services provided by the Na-
10 tional Indian Program Training Center, other than train-
11 ing related to Public Law 93–638: *Provided further*, That
12 the Secretary may lease or otherwise provide space and
13 related facilities, equipment or professional services of the
14 National Indian Program Training Center to State, local
15 and tribal government employees or persons or organiza-
16 tions engaged in cultural, educational, or recreational ac-
17 tivities (as defined in section 3306(a) of title 40, United
18 States Code) at the prevailing rate for similar space, facili-
19 ties, equipment, or services in the vicinity of the National
20 Indian Program Training Center: *Provided further*, That
21 all funds received pursuant to the two preceding provisos
22 shall be credited to this account, shall be available until
23 expended, and shall be used by the Secretary for necessary
24 expenses of the National Indian Program Training Center:
25 *Provided further*, That the Secretary may enter into grants

1 and cooperative agreements to support the Office of Nat-
2 ural Resource Revenue's collection and disbursement of
3 royalties, fees, and other mineral revenue proceeds, as au-
4 thorized by law.

5 ADMINISTRATIVE PROVISION

6 There is hereby authorized for acquisition from avail-
7 able resources within the Working Capital Fund, aircraft
8 which may be obtained by donation, purchase or through
9 available excess surplus property: *Provided*, That existing
10 aircraft being replaced may be sold, with proceeds derived
11 or trade-in value used to offset the purchase price for the
12 replacement aircraft.

13 OFFICE OF NATURAL RESOURCES REVENUE

14 For necessary expenses for management of the collec-
15 tion and disbursement of royalties, fees, and other mineral
16 revenue proceeds, and for grants and cooperative agree-
17 ments, as authorized by law, \$137,757,000, to remain
18 available until September 30, 2019; of which \$41,727,000
19 shall remain available until expended for the purpose of
20 mineral revenue management activities: *Provided*, That
21 notwithstanding any other provision of law, \$15,000 shall
22 be available for refunds of overpayments in connection
23 with certain Indian leases in which the Secretary con-
24 curred with the claimed refund due, to pay amounts owed

1 to Indian allottees or tribes, or to correct prior unrecover-
2 able erroneous payments.

3 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR
4 (INCLUDING TRANSFERS OF FUNDS)

5 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

6 SEC. 101. Appropriations made in this title shall be
7 available for expenditure or transfer (within each bureau
8 or office), with the approval of the Secretary, for the emer-
9 gency reconstruction, replacement, or repair of aircraft,
10 buildings, utilities, or other facilities or equipment dam-
11 aged or destroyed by fire, flood, storm, or other unavoid-
12 able causes: *Provided*, That no funds shall be made avail-
13 able under this authority until funds specifically made
14 available to the Department of the Interior for emer-
15 gencies shall have been exhausted: *Provided further*, That
16 all funds used pursuant to this section must be replenished
17 by a supplemental appropriation, which must be requested
18 as promptly as possible.

19 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

20 SEC. 102. The Secretary may authorize the expendi-
21 ture or transfer of any no year appropriation in this title,
22 in addition to the amounts included in the budget pro-
23 grams of the several agencies, for the suppression or emer-
24 gency prevention of wildland fires on or threatening lands
25 under the jurisdiction of the Department of the Interior;

1 for the emergency rehabilitation of burned-over lands
2 under its jurisdiction; for emergency actions related to po-
3 tential or actual earthquakes, floods, volcanoes, storms, or
4 other unavoidable causes; for contingency planning subse-
5 quent to actual oil spills; for response and natural resource
6 damage assessment activities related to actual oil spills or
7 releases of hazardous substances into the environment; for
8 the prevention, suppression, and control of actual or po-
9 tential grasshopper and Mormon cricket outbreaks on
10 lands under the jurisdiction of the Secretary, pursuant to
11 the authority in section 417(b) of Public Law 106–224
12 (7 U.S.C. 7717(b)); for emergency reclamation projects
13 under section 410 of Public Law 95–87; and shall trans-
14 fer, from any no year funds available to the Office of Sur-
15 face Mining Reclamation and Enforcement, such funds as
16 may be necessary to permit assumption of regulatory au-
17 thority in the event a primacy State is not carrying out
18 the regulatory provisions of the Surface Mining Act: *Pro-*
19 *vided*, That appropriations made in this title for wildland
20 fire operations shall be available for the payment of obliga-
21 tions incurred during the preceding fiscal year, and for
22 reimbursement to other Federal agencies for destruction
23 of vehicles, aircraft, or other equipment in connection with
24 their use for wildland fire operations, with such reimburse-
25 ment to be credited to appropriations currently available

1 at the time of receipt thereof: *Provided further*, That for
2 wildland fire operations, no funds shall be made available
3 under this authority until the Secretary determines that
4 funds appropriated for “wildland fire suppression” shall
5 be exhausted within 30 days: *Provided further*, That all
6 funds used pursuant to this section must be replenished
7 by a supplemental appropriation, which must be requested
8 as promptly as possible: *Provided further*, That such re-
9 plenishment funds shall be used to reimburse, on a pro
10 rata basis, accounts from which emergency funds were
11 transferred.

12 AUTHORIZED USE OF FUNDS

13 SEC. 103. Appropriations made to the Department
14 of the Interior in this title shall be available for services
15 as authorized by section 3109 of title 5, United States
16 Code, when authorized by the Secretary, in total amount
17 not to exceed \$500,000; purchase and replacement of
18 motor vehicles, including specially equipped law enforce-
19 ment vehicles; hire, maintenance, and operation of air-
20 craft; hire of passenger motor vehicles; purchase of re-
21 prints; payment for telephone service in private residences
22 in the field, when authorized under regulations approved
23 by the Secretary; and the payment of dues, when author-
24 ized by the Secretary, for library membership in societies
25 or associations which issue publications to members only

1 tribution methodologies, the 10 percent limitation does not
2 apply.

3 ELLIS, GOVERNORS, AND LIBERTY ISLANDS

4 SEC. 106. Notwithstanding any other provision of
5 law, the Secretary of the Interior is authorized to acquire
6 lands, waters, or interests therein including the use of all
7 or part of any pier, dock, or landing within the State of
8 New York and the State of New Jersey, for the purpose
9 of operating and maintaining facilities in the support of
10 transportation and accommodation of visitors to Ellis,
11 Governors, and Liberty Islands, and of other program and
12 administrative activities, by donation or with appropriated
13 funds, including franchise fees (and other monetary con-
14 sideration), or by exchange; and the Secretary is author-
15 ized to negotiate and enter into leases, subleases, conces-
16 sion contracts or other agreements for the use of such fa-
17 cilities on such terms and conditions as the Secretary may
18 determine reasonable.

19 OUTER CONTINENTAL SHELF INSPECTION FEES

20 SEC. 107. (a) In fiscal year 2018, the Secretary shall
21 collect a nonrefundable inspection fee, which shall be de-
22 posited in the “Offshore Safety and Environmental En-
23 forcement” account, from the designated operator for fa-
24 cilities subject to inspection under 43 U.S.C. 1348(c).

1 (b) Annual fees shall be collected for facilities that
2 are above the waterline, excluding drilling rigs, and are
3 in place at the start of the fiscal year. Fees for fiscal year
4 2018 shall be:

5 (1) \$10,500 for facilities with no wells, but with
6 processing equipment or gathering lines;

7 (2) \$17,000 for facilities with 1 to 10 wells,
8 with any combination of active or inactive wells; and

9 (3) \$31,500 for facilities with more than 10
10 wells, with any combination of active or inactive
11 wells.

12 (c) Fees for drilling rigs shall be assessed for all in-
13 spections completed in fiscal year 2018. Fees for fiscal
14 year 2018 shall be:

15 (1) \$30,500 per inspection for rigs operating in
16 water depths of 500 feet or more; and

17 (2) \$16,700 per inspection for rigs operating in
18 water depths of less than 500 feet.

19 (d) The Secretary shall bill designated operators
20 under subsection (b) within 60 days, with payment re-
21 quired within 30 days of billing. The Secretary shall bill
22 designated operators under subsection (c) within 30 days
23 of the end of the month in which the inspection occurred,
24 with payment required within 30 days of billing.

1 BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION
2 AND ENFORCEMENT REORGANIZATION

3 SEC. 108. The Secretary of the Interior, in order to
4 implement a reorganization of the Bureau of Ocean En-
5 ergy Management, Regulation and Enforcement, may
6 transfer funds among and between the successor offices
7 and bureaus affected by the reorganization only in con-
8 formance with the reprogramming guidelines described in
9 the explanatory statement described in section 4 (in the
10 matter preceding division A of this consolidated Act).

11 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND
12 BURRO HOLDING FACILITIES

13 SEC. 109. Notwithstanding any other provision of
14 this Act, the Secretary of the Interior may enter into
15 multiyear cooperative agreements with nonprofit organiza-
16 tions and other appropriate entities, and may enter into
17 multiyear contracts in accordance with the provisions of
18 section 3903 of title 41, United States Code (except that
19 the 5-year term restriction in subsection (a) shall not
20 apply), for the long-term care and maintenance of excess
21 wild free roaming horses and burros by such organizations
22 or entities on private land. Such cooperative agreements
23 and contracts may not exceed 10 years, subject to renewal
24 at the discretion of the Secretary.

1 MASS MARKING OF SALMONIDS

2 SEC. 110. The United States Fish and Wildlife Serv-
3 ice shall, in carrying out its responsibilities to protect
4 threatened and endangered species of salmon, implement
5 a system of mass marking of salmonid stocks, intended
6 for harvest, that are released from federally operated or
7 federally financed hatcheries including but not limited to
8 fish releases of coho, chinook, and steelhead species.
9 Marked fish must have a visible mark that can be readily
10 identified by commercial and recreational fishers.

11 EXHAUSTION OF ADMINISTRATIVE REVIEW

12 SEC. 111. Paragraph (1) of section 122(a) of division
13 E of Public Law 112–74 (125 Stat. 1013) is amended
14 by striking “through 2020,” in the first sentence and in-
15 serting “through 2022,”.

16 CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

17 SEC. 112. Notwithstanding any other provision of
18 law, during fiscal year 2018, in carrying out work involv-
19 ing cooperation with State, local, and tribal governments
20 or any political subdivision thereof, Indian Affairs may
21 record obligations against accounts receivable from any
22 such entities, except that total obligations at the end of
23 the fiscal year shall not exceed total budgetary resources
24 available at the end of the fiscal year.

1 HUMANE TRANSFER OF EXCESS ANIMALS

2 SEC. 113. Notwithstanding any other provision of
3 law, the Secretary of the Interior may transfer excess wild
4 horses or burros that have been removed from the public
5 lands to other Federal, State, and local government agen-
6 cies for use as work animals: *Provided*, That the Secretary
7 may make any such transfer immediately upon request of
8 such Federal, State, or local government agency: *Provided*
9 *further*, That any excess animal transferred under this
10 provision shall lose its status as a wild free-roaming horse
11 or burro as defined in the Wild Free-Roaming Horses and
12 Burros Act: *Provided further*, That any Federal, State, or
13 local government agency receiving excess wild horses or
14 burros as authorized in this section shall not: destroy the
15 horses or burros in a way that results in their destruction
16 into commercial products; sell or otherwise transfer the
17 horses or burros in a way that results in their destruction
18 for processing into commercial products; or euthanize the
19 horses or burros except upon the recommendation of a li-
20 censed veterinarian, in cases of severe injury, illness, or
21 advanced age.

22 REPUBLIC OF PALAU

23 SEC. 114. There is appropriated \$123,824,000 for an
24 additional amount for “Compact of Free Association”,
25 which shall remain available until expended for use in

1 meeting the financial obligations of the Government of the
2 United States under the Agreement between the Govern-
3 ment of the United States of America and the Government
4 of the Republic of Palau Following the Compact of Free
5 Association Section 432 Review, signed on September 3,
6 2010, with the funding schedule therein modified by the
7 Parties as necessary and appropriate (“Compact Review
8 Agreement”): *Provided*, That funds may not be made
9 available under this section prior to the Compact Review
10 Agreement and its appendices entering into force.

11 DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES
12 PROGRAM

13 SEC. 115. (a) Notwithstanding any other provision
14 of law relating to Federal grants and cooperative agree-
15 ments, the Secretary of the Interior is authorized to make
16 grants to, or enter into cooperative agreements with, pri-
17 vate nonprofit organizations designated by the Secretary
18 of Labor under title V of the Older Americans Act of 1965
19 to utilize the talents of older Americans in programs au-
20 thorized by other provisions of law administered by the
21 Secretary and consistent with such provisions of law.

22 (b) Prior to awarding any grant or agreement under
23 subsection (a), the Secretary shall ensure that the agree-
24 ment would not—

1 (1) result in the displacement of individuals
2 currently employed by the Department, including
3 partial displacement through reduction of non-over-
4 time hours, wages, or employment benefits;

5 (2) result in the use of an individual under the
6 Department of the Interior Experienced Services
7 Program for a job or function in a case in which a
8 Federal employee is in a layoff status from the same
9 or substantially equivalent job within the Depart-
10 ment; or

11 (3) affect existing contracts for services.

12 JAY S. HAMMOND WILDERNESS

13 SEC. 116. (a) DESIGNATION.—The approximately
14 2,600,000 acres of National Wilderness Preservation Sys-
15 tem land located within the Lake Clark National Park and
16 Preserve designated by section 701(6) of the Alaska Na-
17 tional Interest Lands Conservation Act (16 U.S.C. 1132
18 note; Public Law 96–487) shall be known and designated
19 as the “Jay S. Hammond Wilderness”.

20 (b) REFERENCES.—Any reference in a law, map, reg-
21 ulation, document, paper, or other record of the United
22 States to the wilderness area referred to in subsection (a)
23 shall be deemed to be a reference to the “Jay S. Ham-
24 mond Wilderness”.

1 EXTENSION OF AUTHORITIES

2 SEC. 117. (a) Division II of Public Law 104–333 (54
3 U.S.C. 320101 note), as amended by section 116(b)(2) of
4 Public Law 114–113, is amended in each of sections 203,
5 310, and 607, by striking “2017” and inserting “2019”.

6 (b) Section 140(j) of the Department of the Interior
7 and Related Agencies Appropriations Act, 2004 (54
8 U.S.C. 320101 note; Public Law 108–108; 117 Stat.
9 1280) is amended by striking “15 years” and inserting
10 “17 years”.

11 PAYMENTS IN LIEU OF TAXES (PILT)

12 SEC. 118. Section 6906 of title 31, United States
13 Code, is amended by striking “each of fiscal years 2008
14 through 2014” and inserting “fiscal year 2018”.

15 MORRISTOWN NATIONAL HISTORICAL PARK

16 SEC. 119. The first section of the Act entitled “An
17 Act to authorize the addition of lands to Morristown Na-
18 tional Historical Park in the State of New Jersey, and
19 for other purposes”, approved September 18, 1964 (16
20 U.S.C. 409g), is amended—

21 (1) by inserting “, from a willing owner only,”
22 after “the Secretary of the Interior is authorized to
23 procure”; and

24 (2) by striking “615” each place it appears and
25 inserting “715”.

1 SAGE-GROUSE

2 SEC. 120. None of the funds made available by this
3 or any other Act may be used by the Secretary of the Inte-
4 rior to write or issue pursuant to section 4 of the Endan-
5 gered Species Act of 1973 (16 U.S.C. 1533)—

6 (1) a proposed rule for greater sage-grouse
7 (*Centrocercus urophasianus*);

8 (2) a proposed rule for the Columbia basin dis-
9 tinct population segment of greater sage-grouse.

10 INCORPORATION BY REFERENCE

11 SEC. 121. (a) The following provisions of S. 1460
12 (Energy and Natural Resources Act of 2017) of the 115th
13 Congress, as placed on the calendar of the Senate on June
14 29, 2017, are hereby enacted into law:

15 (1) Section 7130 (Modification of the Second
16 Division Memorial).

17 (2) Section 7134 (Ste. Genevieve National His-
18 torical Park).

19 (b) H.R. 1281 as introduced in the 115th Congress
20 (A bill to extend the authorization of the Highlands Con-
21 servation Act) and H.R. 4134 as introduced in the 115th
22 Congress (Cecil D. Andrus-White Clouds Wilderness Re-
23 designation Act) are hereby enacted into law.

24 (c) In publishing this Act in slip form and in the
25 United States Statutes at large pursuant to section 112

1 of title 1, United States Code, the Archivist of the United
2 States shall include after the date of approval at the end
3 an appendix setting forth the text of the sections of the
4 bill and the bills referred to in subsections (a) and (b),
5 respectively.

6 MINERAL WITHDRAWAL SUBJECT TO VALID EXISTING
7 RIGHTS

8 SEC. 122. (a) The mineral estate identified in Bureau
9 of Land Management contracts number CA 20139 and CA
10 22901 is hereby withdrawn from all forms of mineral
11 entry authority of the Secretary, subject to valid existing
12 rights.

1 TITLE II
2 ENVIRONMENTAL PROTECTION AGENCY
3 SCIENCE AND TECHNOLOGY
4 (INCLUDING RESCISSION OF FUNDS)

5 For science and technology, including research and
6 development activities, which shall include research and
7 development activities under the Comprehensive Environ-
8 mental Response, Compensation, and Liability Act of
9 1980; necessary expenses for personnel and related costs
10 and travel expenses; procurement of laboratory equipment
11 and supplies; and other operating expenses in support of
12 research and development, \$713,823,000, to remain avail-
13 able until September 30, 2019: *Provided*, That of the
14 funds included under this heading, \$4,100,000 shall be for
15 Research: National Priorities as specified in the explana-
16 tory statement described in section 4 (in the matter pre-
17 ceding division A of this consolidated Act): *Provided fur-*
18 *ther*, That of unobligated balances from appropriations
19 made available under this heading, \$7,350,000 are perma-
20 nently rescinded: *Provided further*, That no amounts may
21 be rescinded pursuant to the preceding proviso from
22 amounts made available in the first proviso for Research:
23 National Priorities.

1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 (INCLUDING RESCISSION OF FUNDS)

3 For environmental programs and management, in-
4 cluding necessary expenses, not otherwise provided for, for
5 personnel and related costs and travel expenses; hire of
6 passenger motor vehicles; hire, maintenance, and oper-
7 ation of aircraft; purchase of reprints; library member-
8 ships in societies or associations which issue publications
9 to members only or at a price to members lower than to
10 subscribers who are not members; administrative costs of
11 the brownfields program under the Small Business Liabil-
12 ity Relief and Brownfields Revitalization Act of 2002; im-
13 plementation of a coal combustion residual permit pro-
14 gram under section 2301 of the Water and Waste Act of
15 2016; and not to exceed \$19,000 for official reception and
16 representation expenses, \$2,643,299,000, to remain avail-
17 able until September 30, 2019: *Provided*, That of the
18 funds included under this heading, \$12,700,000 shall be
19 for Environmental Protection: National Priorities as speci-
20 fied in the explanatory statement described in section 4
21 (in the matter preceding division A of this consolidated
22 Act): *Provided further*, That of the funds included under
23 this heading, \$447,857,000 shall be for Geographic Pro-
24 grams specified in the explanatory statement described in
25 section 4 (in the matter preceding division A of this con-

1 consolidated Act): *Provided further*, That of the unobligated
2 balances from appropriations made available under this
3 heading, \$45,300,000 are permanently rescinded: *Pro-*
4 *vided further*, That no amounts may be rescinded pursuant
5 to the preceding proviso from amounts made available in
6 the first proviso for Environmental Protection: National
7 Priorities, from amounts made available in the second pro-
8 viso for Geographic Programs, or from the National Estu-
9 ary Program (33 U.S.C. 1330).

10 In addition, \$10,000,000 to remain available until ex-
11 pended, for necessary expenses of activities described in
12 section 26(b)(1) of the Toxic Substances Control Act (15
13 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursu-
14 ant to that section of that Act and deposited in the “TSCA
15 Service Fee Fund” as discretionary offsetting receipts in
16 fiscal year 2018 shall be retained and used for necessary
17 salaries and expenses in this appropriation and shall re-
18 main available until expended: *Provided further*, That the
19 sum herein appropriated in this paragraph from the gen-
20 eral fund for fiscal year 2018 shall be reduced by the
21 amount of discretionary offsetting receipts received during
22 fiscal year 2018, so as to result in a final fiscal year 2018
23 appropriation from the general fund estimated at not more
24 than \$0: *Provided further*, That to the extent that amounts
25 realized from such receipts exceed \$10,000,000, those

1 amount in excess of \$10,000,000 shall be deposited in the
2 “TSCA Service Fee Fund” as discretionary offsetting re-
3 cepts in fiscal year 2018, shall be retained and used for
4 necessary salaries and expenses in this account, and shall
5 remain available until expended: *Provided further*, That of
6 the funds included in the first paragraph under this head-
7 ing, the Chemical Risk Review and Reduction program
8 project shall be allocated for this fiscal year, excluding the
9 amount of any fees appropriated, not less than the amount
10 of appropriations for that program project for fiscal year
11 2014.

12 HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM
13 FUND

14 For necessary expenses to carry out section 3024 of
15 the Solid Waste Disposal Act (42 U.S.C. 6939g), includ-
16 ing the development, operation, maintenance, and upgrad-
17 ing of the hazardous waste electronic manifest system es-
18 tablished by such section, \$3,674,000, to remain available
19 until expended: *Provided*, That the sum herein appro-
20 priated from the general fund shall be reduced as offset-
21 ting collections under such section 3024 are received dur-
22 ing fiscal year 2018, which shall remain available until ex-
23 pended and be used for necessary expenses in this appro-
24 priation, so as to result in a final fiscal year 2018 appro-
25 priation from the general fund estimated at not more than

1 \$0: *Provided further*, That to the extent such offsetting
2 collections received in fiscal year 2018 exceed \$3,674,000,
3 those excess amounts shall remain available until ex-
4 pended and be used for necessary expenses in this appro-
5 priation.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, \$41,489,000, to remain available
10 until September 30, 2019.

11 BUILDINGS AND FACILITIES

12 For construction, repair, improvement, extension, al-
13 teration, and purchase of fixed equipment or facilities of,
14 or for use by, the Environmental Protection Agency,
15 \$34,467,000, to remain available until expended.

16 HAZARDOUS SUBSTANCE SUPERFUND

17 (INCLUDING TRANSFERS OF FUNDS)

18 For necessary expenses to carry out the Comprehen-
19 sive Environmental Response, Compensation, and Liabil-
20 ity Act of 1980 (CERCLA), including sections 111(c)(3),
21 (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611)
22 \$1,091,947,000, to remain available until expended, con-
23 sisting of such sums as are available in the Trust Fund
24 on September 30, 2017, as authorized by section 517(a)
25 of the Superfund Amendments and Reauthorization Act

1 of 1986 (SARA) and up to \$1,091,947,000 as a payment
2 from general revenues to the Hazardous Substance Super-
3 fund for purposes as authorized by section 517(b) of
4 SARA: *Provided*, That funds appropriated under this
5 heading may be allocated to other Federal agencies in ac-
6 cordance with section 111(a) of CERCLA: *Provided fur-*
7 *ther*, That of the funds appropriated under this heading,
8 \$8,778,000 shall be paid to the “Office of Inspector Gen-
9 eral” appropriation to remain available until September
10 30, 2019, and \$15,496,000 shall be paid to the “Science
11 and Technology” appropriation to remain available until
12 September 30, 2019.

13 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
14 PROGRAM

15 For necessary expenses to carry out leaking under-
16 ground storage tank cleanup activities authorized by sub-
17 title I of the Solid Waste Disposal Act, \$91,941,000, to
18 remain available until expended, of which \$66,572,000
19 shall be for carrying out leaking underground storage tank
20 cleanup activities authorized by section 9003(h) of the
21 Solid Waste Disposal Act; \$25,369,000 shall be for car-
22 rying out the other provisions of the Solid Waste Disposal
23 Act specified in section 9508(c) of the Internal Revenue
24 Code: *Provided*, That the Administrator is authorized to
25 use appropriations made available under this heading to

1 implement section 9013 of the Solid Waste Disposal Act
2 to provide financial assistance to federally recognized In-
3 dian tribes for the development and implementation of
4 programs to manage underground storage tanks.

5 INLAND OIL SPILL PROGRAMS

6 For expenses necessary to carry out the Environ-
7 mental Protection Agency's responsibilities under the Oil
8 Pollution Act of 1990, \$18,209,000, to be derived from
9 the Oil Spill Liability trust fund, to remain available until
10 expended.

11 STATE AND TRIBAL ASSISTANCE GRANTS

12 For environmental programs and infrastructure as-
13 sistance, including capitalization grants for State revolv-
14 ing funds and performance partnership grants,
15 \$3,562,161,000, to remain available until expended, of
16 which—

17 (1) \$1,393,887,000 shall be for making capital-
18 ization grants for the Clean Water State Revolving
19 Funds under title VI of the Federal Water Pollution
20 Control Act; and of which \$863,233,000 shall be for
21 making capitalization grants for the Drinking Water
22 State Revolving Funds under section 1452 of the
23 Safe Drinking Water Act: *Provided*, That for fiscal
24 year 2018, to the extent there are sufficient eligible
25 project applications and projects are consistent with

1 State Intended Use Plans, not less than 10 percent
2 of the funds made available under this title to each
3 State for Clean Water State Revolving Fund capital-
4 ization grants shall be used by the State for projects
5 to address green infrastructure, water or energy effi-
6 ciency improvements, or other environmentally inno-
7 vative activities: *Provided further*, That for fiscal
8 year 2018, funds made available under this title to
9 each State for Drinking Water State Revolving
10 Fund capitalization grants may, at the discretion of
11 each State, be used for projects to address green in-
12 frastructure, water or energy efficiency improve-
13 ments, or other environmentally innovative activities:
14 *Provided further*, That notwithstanding section
15 603(d)(7) of the Federal Water Pollution Control
16 Act, the limitation on the amounts in a State water
17 pollution control revolving fund that may be used by
18 a State to administer the fund shall not apply to
19 amounts included as principal in loans made by such
20 fund in fiscal year 2018 and prior years where such
21 amounts represent costs of administering the fund
22 to the extent that such amounts are or were deemed
23 reasonable by the Administrator, accounted for sepa-
24 rately from other assets in the fund, and used for
25 eligible purposes of the fund, including administra-

1 tion: *Provided further*, That for fiscal year 2018,
2 notwithstanding the provisions of subsections (g)(1),
3 (h), and (l) of section 201 of the Federal Water Pol-
4 lution Control Act, grants made under title II of
5 such Act for American Samoa, Guam, the common-
6 wealth of the Northern Marianas, the United States
7 Virgin Islands, and the District of Columbia may
8 also be made for the purpose of providing assistance:
9 (1) solely for facility plans, design activities, or
10 plans, specifications, and estimates for any proposed
11 project for the construction of treatment works; and
12 (2) for the construction, repair, or replacement of
13 privately owned treatment works serving one or
14 more principal residences or small commercial estab-
15 lishments: *Provided further*, That for fiscal year
16 2018, notwithstanding the provisions of such sub-
17 sections (g)(1), (h), and (l) of section 201 and sec-
18 tion 518(c) of the Federal Water Pollution Control
19 Act, funds reserved by the Administrator for grants
20 under section 518(c) of the Federal Water Pollution
21 Control Act may also be used to provide assistance:
22 (1) solely for facility plans, design activities, or
23 plans, specifications, and estimates for any proposed
24 project for the construction of treatment works; and
25 (2) for the construction, repair, or replacement of

1 privately owned treatment works serving one or
2 more principal residences or small commercial estab-
3 lishments: *Provided further*, That for fiscal year
4 2018, notwithstanding any provision of the Federal
5 Water Pollution Control Act and regulations issued
6 pursuant thereof, up to a total of \$2,000,000 of the
7 funds reserved by the Administrator for grants
8 under section 518(c) of such Act may also be used
9 for grants for training, technical assistance, and
10 educational programs relating to the operation and
11 management of the treatment works specified in sec-
12 tion 518(c) of such Act: *Provided further*, That for
13 fiscal year 2018, funds reserved under section
14 518(c) of such Act shall be available for grants only
15 to Indian tribes, as defined in section 518(h) of such
16 Act and former Indian reservations in Oklahoma (as
17 determined by the Secretary of the Interior) and Na-
18 tive Villages as defined in Public Law 92–203: *Pro-*
19 *vided further*, That for fiscal year 2018, notwith-
20 standing the limitation on amounts in section 518(c)
21 of the Federal Water Pollution Control Act, up to a
22 total of 2 percent of the funds appropriated, or
23 \$30,000,000, whichever is greater, and notwith-
24 standing the limitation on amounts in section
25 1452(i) of the Safe Drinking Water Act, up to a

1 total of 2 percent of the funds appropriated, or
2 \$20,000,000, whichever is greater, for State Revolv-
3 ing Funds under such Acts may be reserved by the
4 Administrator for grants under section 518(c) and
5 section 1452(i) of such Acts: *Provided further*, That
6 for fiscal year 2018, notwithstanding the amounts
7 specified in section 205(c) of the Federal Water Pol-
8 lution Control Act, up to 1.5 percent of the aggre-
9 gate funds appropriated for the Clean Water State
10 Revolving Fund program under the Act less any
11 sums reserved under section 518(c) of the Act, may
12 be reserved by the Administrator for grants made
13 under title II of the Federal Water Pollution Control
14 Act for American Samoa, Guam, the Commonwealth
15 of the Northern Marianas, and United States Virgin
16 Islands: *Provided further*, That for fiscal year 2018,
17 notwithstanding the limitations on amounts specified
18 in section 1452(j) of the Safe Drinking Water Act,
19 up to 1.5 percent of the funds appropriated for the
20 Drinking Water State Revolving Fund programs
21 under the Safe Drinking Water Act may be reserved
22 by the Administrator for grants made under section
23 1452(j) of the Safe Drinking Water Act: *Provided*
24 *further*, That 10 percent of the funds made available
25 under this title to each State for Clean Water State

1 Revolving Fund capitalization grants and 20 percent
2 of the funds made available under this title to each
3 State for Drinking Water State Revolving Fund cap-
4 italization grants shall be used by the State to pro-
5 vide additional subsidy to eligible recipients in the
6 form of forgiveness of principal, negative interest
7 loans, or grants (or any combination of these), and
8 shall be so used by the State only where such funds
9 are provided as initial financing for an eligible re-
10 cipient or to buy, refinance, or restructure the debt
11 obligations of eligible recipients only where such debt
12 was incurred on or after the date of enactment of
13 this Act, or where such debt was incurred prior to
14 the date of enactment of this Act if the State, with
15 concurrence from the Administrator, determines that
16 such funds could be used to help address a threat
17 to public health from heightened exposure to lead in
18 drinking water or if a Federal or State emergency
19 declaration has been issued due to a threat to public
20 health from heightened exposure to lead in a munic-
21 ipal drinking water supply before the date of enact-
22 ment of this Act: *Provided further*, That in a State
23 in which such an emergency declaration has been
24 issued, the State may use more than 20 percent of
25 the funds made available under this title to the

1 State for Drinking Water State Revolving Fund cap-
2 italization grants to provide additional subsidy to eli-
3 gible recipients;

4 (2) \$10,000,000 shall be for architectural, engi-
5 neering, planning, design, construction and related
6 activities in connection with the construction of high
7 priority water and wastewater facilities in the area
8 of the United States-Mexico Border, after consulta-
9 tion with the appropriate border commission: *Pro-*
10 *vided*, That no funds provided by this appropriations
11 Act to address the water, wastewater and other crit-
12 ical infrastructure needs of the colonias in the
13 United States along the United States-Mexico bor-
14 der shall be made available to a county or municipal
15 government unless that government has established
16 an enforceable local ordinance, or other zoning rule,
17 which prevents in that jurisdiction the development
18 or construction of any additional colonia areas, or
19 the development within an existing colonia the con-
20 struction of any new home, business, or other struc-
21 ture which lacks water, wastewater, or other nec-
22 essary infrastructure;

23 (3) \$20,000,000 shall be for grants to the State
24 of Alaska to address drinking water and wastewater
25 infrastructure needs of rural and Alaska Native Vil-

1 lages: *Provided*, That of these funds: (A) the State
2 of Alaska shall provide a match of 25 percent; (B)
3 no more than 5 percent of the funds may be used
4 for administrative and overhead expenses; and (C)
5 the State of Alaska shall make awards consistent
6 with the Statewide priority list established in con-
7 junction with the Agency and the U.S. Department
8 of Agriculture for all water, sewer, waste disposal,
9 and similar projects carried out by the State of Alas-
10 ka that are funded under section 221 of the Federal
11 Water Pollution Control Act (33 U.S.C. 1301) or
12 the Consolidated Farm and Rural Development Act
13 (7 U.S.C. 1921 et seq.) which shall allocate not less
14 than 25 percent of the funds provided for projects
15 in regional hub communities;

16 (4) \$80,000,000 shall be to carry out section
17 104(k) of the Comprehensive Environmental Re-
18 sponse, Compensation, and Liability Act of 1980
19 (CERCLA), including grants, interagency agree-
20 ments, and associated program support costs: *Pro-*
21 *vided*, That not more than 25 percent of the amount
22 appropriated to carry out section 104(k) of
23 CERCLA shall be used for site characterization, as-
24 sessment, and remediation of facilities described in
25 section 101(39)(D)(ii)(II) of CERCLA: *Provided*

1 *further*, That at least 10 percent shall be allocated
2 for assistance in persistent poverty counties: *Pro-*
3 *vided further*, That for purposes of this section, the
4 term “persistent poverty counties” means any coun-
5 ty that has had 20 percent or more of its population
6 living in poverty over the past 30 years, as measured
7 by the 1990 and 2000 decennial censuses and the
8 most recent Small Area Income and Poverty Esti-
9 mates;

10 (5) \$75,000,000 shall be for grants under title
11 VII, subtitle G of the Energy Policy Act of 2005;

12 (6) \$40,000,000 shall be for targeted airshed
13 grants in accordance with the terms and conditions
14 in the explanatory statement described in section 4
15 (in the matter preceding division A of this consoli-
16 dated Act);

17 (7) \$4,000,000 shall be to carry out the water
18 quality program authorized in section 5004(d) of the
19 Water Infrastructure Improvements for the Nation
20 Act (Public Law 114–322); and

21 (8) \$1,076,041,000 shall be for grants, includ-
22 ing associated program support costs, to States, fed-
23 erally recognized tribes, interstate agencies, tribal
24 consortia, and air pollution control agencies for
25 multi-media or single media pollution prevention,

1 control and abatement and related activities, includ-
2 ing activities pursuant to the provisions set forth
3 under this heading in Public Law 104–134, and for
4 making grants under section 103 of the Clean Air
5 Act for particulate matter monitoring and data col-
6 lection activities subject to terms and conditions
7 specified by the Administrator, of which:
8 \$47,745,000 shall be for carrying out section 128 of
9 CERCLA; \$9,646,000 shall be for Environmental
10 Information Exchange Network grants, including as-
11 sociated program support costs; \$1,498,000 shall be
12 for grants to States under section 2007(f)(2) of the
13 Solid Waste Disposal Act, which shall be in addition
14 to funds appropriated under the heading “Leaking
15 Underground Storage Tank Trust Fund Program”
16 to carry out the provisions of the Solid Waste Dis-
17 posal Act specified in section 9508(c) of the Internal
18 Revenue Code other than section 9003(h) of the
19 Solid Waste Disposal Act; \$17,848,000 of the funds
20 available for grants under section 106 of the Federal
21 Water Pollution Control Act shall be for State par-
22 ticipation in national- and State-level statistical sur-
23 veys of water resources and enhancements to State
24 monitoring programs; \$10,000,000 shall be for mul-
25 tipurpose grants, including interagency agreements:

1 section 5033 of the Water Infrastructure Finance and In-
2 novation Act of 2014, \$5,000,000, to remain available
3 until September 30, 2019.

4 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL
5 PROTECTION AGENCY
6 (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

7 For fiscal year 2018, notwithstanding 31 U.S.C.
8 6303(1) and 6305(1), the Administrator of the Environ-
9 mental Protection Agency, in carrying out the Agency's
10 function to implement directly Federal environmental pro-
11 grams required or authorized by law in the absence of an
12 acceptable tribal program, may award cooperative agree-
13 ments to federally recognized Indian tribes or Intertribal
14 consortia, if authorized by their member tribes, to assist
15 the Administrator in implementing Federal environmental
16 programs for Indian tribes required or authorized by law,
17 except that no such cooperative agreements may be award-
18 ed from funds designated for State financial assistance
19 agreements.

20 The Administrator of the Environmental Protection
21 Agency is authorized to collect and obligate pesticide reg-
22 istration service fees in accordance with section 33 of the
23 Federal Insecticide, Fungicide, and Rodenticide Act, as
24 amended by Public Law 112–177, the Pesticide Registra-
25 tion Improvement Extension Act of 2012.

1 Notwithstanding section 33(d)(2) of the Federal In-
2 secticide, Fungicide, and Rodenticide Act (FIFRA) (7
3 U.S.C. 136w-8(d)(2)), the Administrator of the Environ-
4 mental Protection Agency may assess fees under section
5 33 of FIFRA (7 U.S.C. 136w-8) for fiscal year 2018.

6 The Administrator is authorized to transfer up to
7 \$300,000,000 of the funds appropriated for the Great
8 Lakes Restoration Initiative under the heading “Environ-
9 mental Programs and Management” to the head of any
10 Federal department or agency, with the concurrence of
11 such head, to carry out activities that would support the
12 Great Lakes Restoration Initiative and Great Lakes
13 Water Quality Agreement programs, projects, or activities;
14 to enter into an interagency agreement with the head of
15 such Federal department or agency to carry out these ac-
16 tivities; and to make grants to governmental entities, non-
17 profit organizations, institutions, and individuals for plan-
18 ning, research, monitoring, outreach, and implementation
19 in furtherance of the Great Lakes Restoration Initiative
20 and the Great Lakes Water Quality Agreement.

21 The Science and Technology, Environmental Pro-
22 grams and Management, Office of Inspector General, Haz-
23 ardous Substance Superfund, and Leaking Underground
24 Storage Tank Trust Fund Program Accounts, are avail-
25 able for the construction, alteration, repair, rehabilitation,

1 and renovation of facilities, provided that the cost does
2 not exceed \$150,000 per project.

3 For fiscal year 2018, and notwithstanding section
4 518(f) of the Federal Water Pollution Control Act (33
5 U.S.C. 1377(f)), the Administrator is authorized to use
6 the amounts appropriated for any fiscal year under section
7 319 of the Act to make grants to Indian tribes pursuant
8 to sections 319(h) and 518(e) of that Act.

9 The Administrator is authorized to use the amounts
10 appropriated under the heading “Environmental Pro-
11 grams and Management” for fiscal year 2018 to provide
12 grants to implement the Southeastern New England Wa-
13 tershed Restoration Program.

14 Of the unobligated balances available for the “State
15 and Tribal Assistance Grants” account, \$96,198,000 are
16 hereby permanently rescinded: *Provided*, That no amounts
17 may be rescinded from amounts that were designated by
18 the Congress as an emergency requirement pursuant to
19 the Concurrent Resolution on the Budget or the Balanced
20 Budget and Emergency Deficit Control Act of 1985 or
21 from amounts that were made available by subsection (a)
22 of section 196 of the Continuing Appropriations Act, 2017
23 (division C of Public Law 114–223), as amended by the
24 Further Continuing and Security Assistance Appropria-
25 tions Act, 2017 (Public Law 114–254).

1 Notwithstanding the limitations on amounts in sec-
2 tion 320(i)(2)(B) of the Federal Water Pollution Control
3 Act, not less than \$1,000,000 of the funds made available
4 under this title for the National Estuary Program shall
5 be for making competitive awards described in section
6 320(g)(4).

1 TITLE III
2 RELATED AGENCIES
3 DEPARTMENT OF AGRICULTURE
4 FOREST SERVICE
5 OFFICE OF THE UNDER SECRETARY FOR NATURAL
6 RESOURCES AND ENVIRONMENT

7 For necessary expenses of the Office of the Under
8 Secretary for Natural Resources and Environment,
9 \$875,000: *Provided*, That funds made available by this
10 Act to any agency in the Natural Resources and Environ-
11 ment mission area for salaries and expenses are available
12 to fund up to one administrative support staff for the of-
13 fice.

14 FOREST AND RANGELAND RESEARCH

15 For necessary expenses of forest and rangeland re-
16 search as authorized by law, \$297,000,000, to remain
17 available through September 30, 2021: *Provided*, That of
18 the funds provided, \$77,000,000 is for the forest inventory
19 and analysis program.

20 STATE AND PRIVATE FORESTRY

21 (INCLUDING RESCISSION OF FUNDS)

22 For necessary expenses of cooperating with and pro-
23 viding technical and financial assistance to States, terri-
24 tories, possessions, and others, and for forest health man-
25 agement, and conducting an international program as au-

1 thorized, \$335,525,000, to remain available through Sep-
2 tember 30, 2021, as authorized by law; of which
3 \$67,025,000 is to be derived from the Land and Water
4 Conservation Fund to be used for the Forest Legacy Pro-
5 gram, to remain available until expended.

6 Of the unobligated balances from amounts made
7 available for the Forest Legacy Program and derived from
8 the Land and Water Conservation Fund, \$5,938,000 is
9 hereby permanently rescinded from projects with cost sav-
10 ings or failed or partially failed projects that had funds
11 returned: *Provided*, That no amounts may be rescinded
12 from amounts that were designated by the Congress as
13 an emergency requirement pursuant to the Concurrent
14 Resolution on the Budget or the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 NATIONAL FOREST SYSTEM

17 For necessary expenses of the Forest Service, not
18 otherwise provided for, for management, protection, im-
19 provement, and utilization of the National Forest System,
20 and for hazardous fuels management on or adjacent to
21 such lands, \$1,923,750,000, to remain available through
22 September 30, 2021: *Provided*, That of the funds pro-
23 vided, \$40,000,000 shall be deposited in the Collaborative
24 Forest Landscape Restoration Fund for ecological restora-
25 tion treatments as authorized by 16 U.S.C. 7303(f): *Pro-*

1 *vided further*, That of the funds provided, \$366,000,000
2 shall be for forest products: *Provided further*, That of the
3 funds provided, \$430,000,000 shall be for hazardous fuels
4 management activities, of which not to exceed
5 \$15,000,000 may be used to make grants, using any au-
6 thorities available to the Forest Service under the “State
7 and Private Forestry” appropriation, for the purpose of
8 creating incentives for increased use of biomass from Na-
9 tional Forest System lands: *Provided further*, That
10 \$15,000,000 may be used by the Secretary of Agriculture
11 to enter into procurement contracts or cooperative agree-
12 ments or to issue grants for hazardous fuels management
13 activities, and for training or monitoring associated with
14 such hazardous fuels management activities on Federal
15 land, or on non-Federal land if the Secretary determines
16 such activities benefit resources on Federal land: *Provided*
17 *further*, That funds made available to implement the Com-
18 munity Forestry Restoration Act, Public Law 106–393,
19 title VI, shall be available for use on non-Federal lands
20 in accordance with authorities made available to the For-
21 est Service under the “State and Private Forestry” appro-
22 priations: *Provided further*, That notwithstanding section
23 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C.
24 1012), the Secretary of Agriculture, in calculating a fee
25 for grazing on a National Grassland, may provide a credit

1 of up to 50 percent of the calculated fee to a Grazing As-
2 sociation or direct permittee for a conservation practice
3 approved by the Secretary in advance of the fiscal year
4 in which the cost of the conservation practice is incurred.
5 And, that the amount credited shall remain available to
6 the Grazing Association or the direct permittee, as appro-
7 priate, in the fiscal year in which the credit is made and
8 each fiscal year thereafter for use on the project for con-
9 servation practices approved by the Secretary.

10 CAPITAL IMPROVEMENT AND MAINTENANCE

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Forest Service, not
13 otherwise provided for, \$449,000,000, to remain available
14 through September 30, 2021, for construction, capital im-
15 provement, maintenance and acquisition of buildings and
16 other facilities and infrastructure; and for construction,
17 reconstruction, decommissioning of roads that are no
18 longer needed, including unauthorized roads that are not
19 part of the transportation system, and maintenance of for-
20 est roads and trails by the Forest Service as authorized
21 by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Pro-*
22 *vided*, That funds becoming available in fiscal year 2018
23 under the Act of March 4, 1913 (16 U.S.C. 501) shall
24 be transferred to the General Fund of the Treasury and

1 shall not be available for transfer or obligation for any
2 other purpose unless the funds are appropriated.

3 LAND ACQUISITION

4 For expenses necessary to carry out the provisions
5 of chapter 2003 of title 54, United States Code, including
6 administrative expenses, and for acquisition of land or wa-
7 ters, or interest therein, in accordance with statutory au-
8 thority applicable to the Forest Service, \$64,337,000, to
9 be derived from the Land and Water Conservation Fund
10 and to remain available until expended.

11 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
12 ACTS

13 For acquisition of lands within the exterior bound-
14 aries of the Cache, Uinta, and Wasatch National Forests,
15 Utah; the Toiyabe National Forest, Nevada; and the An-
16 geles, San Bernardino, Sequoia, and Cleveland National
17 Forests, California; and the Ozark-St. Francis and
18 Ouachita National Forests, Arkansas; as authorized by
19 law, \$850,000, to be derived from forest receipts.

20 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

21 For acquisition of lands, such sums, to be derived
22 from funds deposited by State, county, or municipal gov-
23 ernments, public school districts, or other public school au-
24 thorities, and for authorized expenditures from funds de-
25 posited by non-Federal parties pursuant to Land Sale and

1 Exchange Acts, pursuant to the Act of December 4, 1967
2 (16 U.S.C. 484a), to remain available through September
3 30, 2021, (16 U.S.C. 516–617a, 555a; Public Law 96–
4 586; Public Law 76–589, 76–591; and Public Law 78–
5 310).

6 RANGE BETTERMENT FUND

7 For necessary expenses of range rehabilitation, pro-
8 tection, and improvement, 50 percent of all moneys re-
9 ceived during the prior fiscal year, as fees for grazing do-
10 mestic livestock on lands in National Forests in the 16
11 Western States, pursuant to section 401(b)(1) of Public
12 Law 94–579, to remain available through September 30,
13 2021, of which not to exceed 6 percent shall be available
14 for administrative expenses associated with on-the-ground
15 range rehabilitation, protection, and improvements.

16 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
17 RANGELAND RESEARCH

18 For expenses authorized by 16 U.S.C. 1643(b),
19 \$45,000, to remain available through September 30, 2021,
20 to be derived from the fund established pursuant to the
21 above Act.

22 MANAGEMENT OF NATIONAL FOREST LANDS FOR
23 SUBSISTENCE USES

24 For necessary expenses of the Forest Service to man-
25 age Federal lands in Alaska for subsistence uses under

1 title VIII of the Alaska National Interest Lands Conserva-
2 tion Act (16 U.S.C. 3111 et seq.), \$2,500,000, to remain
3 available through September 30, 2021.

4 WILDLAND FIRE MANAGEMENT

5 (INCLUDING TRANSFERS OF FUNDS)

6 For necessary expenses for forest fire presuppression
7 activities on National Forest System lands, for emergency
8 wildland fire suppression on or adjacent to such lands or
9 other lands under fire protection agreement, and for emer-
10 gency rehabilitation of burned-over National Forest Sys-
11 tem lands and water, \$2,880,338,000, to remain available
12 through September 30, 2021: *Provided*, That such funds
13 including unobligated balances under this heading, are
14 available for repayment of advances from other appropria-
15 tions accounts previously transferred for such purposes:
16 *Provided further*, That any unobligated funds appropriated
17 in a previous fiscal year for hazardous fuels management
18 may be transferred to the “National Forest System” ac-
19 count: *Provided further*, That such funds shall be available
20 to reimburse State and other cooperating entities for serv-
21 ices provided in response to wildfire and other emergencies
22 or disasters to the extent such reimbursements by the For-
23 est Service for non-fire emergencies are fully repaid by the
24 responsible emergency management agency: *Provided fur-*
25 *ther*, That funds provided shall be available for support

1 to Federal emergency response: *Provided further*, That the
2 costs of implementing any cooperative agreement between
3 the Federal Government and any non-Federal entity may
4 be shared, as mutually agreed on by the affected parties:
5 *Provided further*, That funds designated for wildfire sup-
6 pression, shall be assessed for cost pools on the same basis
7 as such assessments are calculated against other agency
8 programs: *Provided further*, That the \$65,000,000 made
9 available under this heading in the Consolidated and Fur-
10 ther Continuing Appropriations Act, 2015 (Public Law
11 113–235) for the purpose of acquiring aircraft for the
12 next-generation airtanker fleet shall instead be available
13 until expended for the purpose of enhancing firefighting
14 mobility, effectiveness, efficiency, and safety.

15 ADMINISTRATIVE PROVISIONS—FOREST SERVICE

16 (INCLUDING TRANSFERS OF FUNDS)

17 Appropriations to the Forest Service for the current
18 fiscal year shall be available for: (1) purchase of passenger
19 motor vehicles; acquisition of passenger motor vehicles
20 from excess sources, and hire of such vehicles; purchase,
21 lease, operation, maintenance, and acquisition of aircraft
22 to maintain the operable fleet for use in Forest Service
23 wildland fire programs and other Forest Service programs;
24 notwithstanding other provisions of law, existing aircraft
25 being replaced may be sold, with proceeds derived or

1 trade-in value used to offset the purchase price for the
2 replacement aircraft; (2) services pursuant to 7 U.S.C.
3 2225, and not to exceed \$100,000 for employment under
4 5 U.S.C. 3109; (3) purchase, erection, and alteration of
5 buildings and other public improvements (7 U.S.C. 2250);
6 (4) acquisition of land, waters, and interests therein pur-
7 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
8 Volunteers in the National Forest Act of 1972 (16 U.S.C.
9 558a, 558d, and 558a note); (6) the cost of uniforms as
10 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
11 lection contracts in accordance with 31 U.S.C. 3718(c).

12 Any appropriations or funds available to the Forest
13 Service may be transferred to the Wildland Fire Manage-
14 ment appropriation for forest firefighting, emergency re-
15 habilitation of burned-over or damaged lands or waters
16 under its jurisdiction, and fire preparedness due to severe
17 burning conditions upon the Secretary’s notification of the
18 House and Senate Committees on Appropriations that all
19 fire suppression funds appropriated under the heading
20 “Wildland Fire Management” will be obligated within 30
21 days: *Provided*, That all funds used pursuant to this para-
22 graph must be replenished by a supplemental appropria-
23 tion which must be requested as promptly as possible.

24 Not more than \$50,000,000 of funds appropriated to
25 the Forest Service shall be available for expenditure or

1 transfer to the Department of the Interior for wildland
2 fire management, hazardous fuels management, and State
3 fire assistance when such transfers would facilitate and
4 expedite wildland fire management programs and projects.

5 Notwithstanding any other provision of this Act, the
6 Forest Service may transfer unobligated balances of dis-
7 cretionary funds appropriated to the Forest Service by
8 this Act to or within the National Forest System Account,
9 or reprogram funds to be used for the purposes of haz-
10 ardous fuels management and urgent rehabilitation of
11 burned-over National Forest System lands and water,
12 such transferred funds shall remain available through Sep-
13 tember 30, 2021: *Provided*, That none of the funds trans-
14 ferred pursuant to this section shall be available for obli-
15 gation without written notification to and the prior ap-
16 proval of the Committees on Appropriations of both
17 Houses of Congress: *Provided further*, That this section
18 does not apply to funds appropriated to the FLAME Wild-
19 fire Suppression Reserve Fund or funds derived from the
20 Land and Water Conservation Fund.

21 Funds appropriated to the Forest Service shall be
22 available for assistance to or through the Agency for Inter-
23 national Development in connection with forest and range-
24 land research, technical information, and assistance in for-
25 eign countries, and shall be available to support forestry

1 and related natural resource activities outside the United
2 States and its territories and possessions, including tech-
3 nical assistance, education and training, and cooperation
4 with U.S., private, and international organizations. The
5 Forest Service, acting for the International Program, may
6 sign direct funding agreements with foreign governments
7 and institutions as well as other domestic agencies (includ-
8 ing the U.S. Agency for International Development, the
9 Department of State, and the Millennium Challenge Cor-
10 poration), U.S. private sector firms, institutions and orga-
11 nizations to provide technical assistance and training pro-
12 grams overseas on forestry and rangeland management.

13 Funds appropriated to the Forest Service shall be
14 available for expenditure or transfer to the Department
15 of the Interior, Bureau of Land Management, for removal,
16 preparation, and adoption of excess wild horses and burros
17 from National Forest System lands, and for the perform-
18 ance of cadastral surveys to designate the boundaries of
19 such lands.

20 None of the funds made available to the Forest Serv-
21 ice in this Act or any other Act with respect to any fiscal
22 year shall be subject to transfer under the provisions of
23 section 702(b) of the Department of Agriculture Organic
24 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law

1 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
2 Law 107–171 (7 U.S.C. 8316(b)).

3 None of the funds available to the Forest Service may
4 be reprogrammed without the advance approval of the
5 House and Senate Committees on Appropriations in ac-
6 cordance with the reprogramming procedures contained in
7 the explanatory statement described in section 4 (in the
8 matter preceding division A of this consolidated Act).

9 Not more than \$82,000,000 of funds available to the
10 Forest Service shall be transferred to the Working Capital
11 Fund of the Department of Agriculture and not more than
12 \$14,500,000 of funds available to the Forest Service shall
13 be transferred to the Department of Agriculture for De-
14 partment Reimbursable Programs, commonly referred to
15 as Greenbook charges. Nothing in this paragraph shall
16 prohibit or limit the use of reimbursable agreements re-
17 quested by the Forest Service in order to obtain services
18 from the Department of Agriculture’s National Informa-
19 tion Technology Center and the Department of Agri-
20 culture’s International Technology Service.

21 Of the funds available to the Forest Service, up to
22 \$5,000,000 shall be available for priority projects within
23 the scope of the approved budget, which shall be carried
24 out by the Youth Conservation Corps and shall be carried

1 out under the authority of the Public Lands Corps Act
2 of 1993 (16 U.S.C. 1721 et seq.).

3 Of the funds available to the Forest Service, \$4,000
4 is available to the Chief of the Forest Service for official
5 reception and representation expenses.

6 Pursuant to sections 405(b) and 410(b) of Public
7 Law 101–593, of the funds available to the Forest Service,
8 up to \$3,000,000 may be advanced in a lump sum to the
9 National Forest Foundation to aid conservation partner-
10 ship projects in support of the Forest Service mission,
11 without regard to when the Foundation incurs expenses,
12 for projects on or benefitting National Forest System
13 lands or related to Forest Service programs: *Provided*,
14 That of the Federal funds made available to the Founda-
15 tion, no more than \$300,000 shall be available for admin-
16 istrative expenses: *Provided further*, That the Foundation
17 shall obtain, by the end of the period of Federal financial
18 assistance, private contributions to match funds made
19 available by the Forest Service on at least a one-for-one
20 basis: *Provided further*, That the Foundation may transfer
21 Federal funds to a Federal or a non-Federal recipient for
22 a project at the same rate that the recipient has obtained
23 the non-Federal matching funds.

24 Pursuant to section 2(b)(2) of Public Law 98–244,
25 up to \$3,000,000 of the funds available to the Forest

1 Service may be advanced to the National Fish and Wildlife
2 Foundation in a lump sum to aid cost-share conservation
3 projects, without regard to when expenses are incurred,
4 on or benefitting National Forest System lands or related
5 to Forest Service programs: *Provided*, That such funds
6 shall be matched on at least a one-for-one basis by the
7 Foundation or its sub-recipients: *Provided further*, That
8 the Foundation may transfer Federal funds to a Federal
9 or non-Federal recipient for a project at the same rate
10 that the recipient has obtained the non-Federal matching
11 funds.

12 Funds appropriated to the Forest Service shall be
13 available for interactions with and providing technical as-
14 sistance to rural communities and natural resource-based
15 businesses for sustainable rural development purposes.

16 Funds appropriated to the Forest Service shall be
17 available for payments to counties within the Columbia
18 River Gorge National Scenic Area, pursuant to section
19 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
20 663.

21 Any funds appropriated to the Forest Service may
22 be used to meet the non-Federal share requirement in sec-
23 tion 502(c) of the Older Americans Act of 1965 (42
24 U.S.C. 3056(c)(2)).

1 The Forest Service shall not assess funds for the pur-
2 pose of performing fire, administrative, and other facilities
3 maintenance and decommissioning.

4 Notwithstanding any other provision of law, of any
5 appropriations or funds available to the Forest Service,
6 not to exceed \$500,000 may be used to reimburse the Of-
7 fice of the General Counsel (OGC), Department of Agri-
8 culture, for travel and related expenses incurred as a re-
9 sult of OGC assistance or participation requested by the
10 Forest Service at meetings, training sessions, management
11 reviews, land purchase negotiations and similar matters
12 unrelated to civil litigation. Future budget justifications
13 for both the Forest Service and the Department of Agri-
14 culture should clearly display the sums previously trans-
15 ferred and the sums requested for transfer.

16 An eligible individual who is employed in any project
17 funded under title V of the Older Americans Act of 1965
18 (42 U.S.C. 3056 et seq.) and administered by the Forest
19 Service shall be considered to be a Federal employee for
20 purposes of chapter 171 of title 28, United States Code.

21 Notwithstanding any other provision of this Act,
22 through the Office of Budget and Program Analysis, the
23 Forest Service shall report no later than 30 business days
24 following the close of each fiscal quarter all current and
25 prior year unobligated balances, by fiscal year, budget line

1 item and account, to the House and Senate Committees
2 on Appropriations.

3 The Forest Service shall submit, through the Office
4 of Budget and Program Analysis, to the Office of Manage-
5 ment and Budget a proposed system of administrative
6 control of funds for its accounts, as described in 31 U.S.C.
7 1514, not later than June 21, 2018.

8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES

10 INDIAN HEALTH SERVICE

11 INDIAN HEALTH SERVICES

12 For expenses necessary to carry out the Act of Au-
13 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
14 tion and Education Assistance Act, the Indian Health
15 Care Improvement Act, and titles II and III of the Public
16 Health Service Act with respect to the Indian Health Serv-
17 ice, \$3,952,290,000, together with payments received dur-
18 ing the fiscal year pursuant to sections 231(b) and 233
19 of the Public Health Service Act (42 U.S.C. 238(b),
20 238b), for services furnished by the Indian Health Service:
21 *Provided*, That funds made available to tribes and tribal
22 organizations through contracts, grant agreements, or any
23 other agreements or compacts authorized by the Indian
24 Self-Determination and Education Assistance Act of 1975
25 (25 U.S.C. 450), shall be deemed to be obligated at the

1 time of the grant or contract award and thereafter shall
2 remain available to the tribe or tribal organization without
3 fiscal year limitation: *Provided further*, That \$2,000,000
4 shall be available for grants or contracts with public or
5 private institutions to provide alcohol or drug treatment
6 services to Indians, including alcohol detoxification serv-
7 ices: *Provided further*, That \$962,695,000 for Purchased/
8 Referred Care, including \$53,000,000 for the Indian Cat-
9 astrophic Health Emergency Fund, shall remain available
10 until expended: *Provided further*, That of the funds pro-
11 vided, up to \$36,000,000 shall remain available until ex-
12 pended for implementation of the loan repayment program
13 under section 108 of the Indian Health Care Improvement
14 Act: *Provided further*, That of the funds provided,
15 \$11,000,000 shall remain available until expended to sup-
16 plement funds available for operational costs at tribal clin-
17 ics operated under an Indian Self-Determination and Edu-
18 cation Assistance Act compact or contract where health
19 care is delivered in space acquired through a full service
20 lease, which is not eligible for maintenance and improve-
21 ment and equipment funds from the Indian Health Serv-
22 ice, and \$58,000,000 shall be for costs related to or result-
23 ing from accreditation emergencies, of which up to
24 \$4,000,000 may be used to supplement amounts otherwise
25 available for Purchased/Referred Care: *Provided further*,

1 That the amounts collected by the Federal Government
2 as authorized by sections 104 and 108 of the Indian
3 Health Care Improvement Act (25 U.S.C. 1613a and
4 1616a) during the preceding fiscal year for breach of con-
5 tracts shall be deposited to the Fund authorized by section
6 108A of that Act (25 U.S.C. 1616a–1) and shall remain
7 available until expended and, notwithstanding section
8 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall
9 be available to make new awards under the loan repay-
10 ment and scholarship programs under sections 104 and
11 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided*
12 *further*, That the amounts made available within this ac-
13 count for the Substance Abuse and Suicide Prevention
14 Program, for the Domestic Violence Prevention Program,
15 for the Zero Suicide Initiative, for the housing subsidy au-
16 thority for civilian employees, for aftercare pilot programs
17 at Youth Regional Treatment Centers, to improve collec-
18 tions from public and private insurance at Indian Health
19 Service and tribally operated facilities, and for accredita-
20 tion emergencies shall be allocated at the discretion of the
21 Director of the Indian Health Service and shall remain
22 available until expended: *Provided further*, That funds pro-
23 vided in this Act may be used for annual contracts and
24 grants for which the performance period falls within 2 fis-
25 cal years, provided the total obligation is recorded in the

1 year the funds are appropriated: *Provided further*, That
2 the amounts collected by the Secretary of Health and
3 Human Services under the authority of title IV of the In-
4 dian Health Care Improvement Act shall remain available
5 until expended for the purpose of achieving compliance
6 with the applicable conditions and requirements of titles
7 XVIII and XIX of the Social Security Act, except for those
8 related to the planning, design, or construction of new fa-
9 cilities: *Provided further*, That funding contained herein
10 for scholarship programs under the Indian Health Care
11 Improvement Act shall remain available until expended:
12 *Provided further*, That amounts received by tribes and
13 tribal organizations under title IV of the Indian Health
14 Care Improvement Act shall be reported and accounted
15 for and available to the receiving tribes and tribal organi-
16 zations until expended: *Provided further*, That the Bureau
17 of Indian Affairs may collect from the Indian Health Serv-
18 ice, and from tribes and tribal organizations operating
19 health facilities pursuant to Public Law 93–638, such in-
20 dividually identifiable health information relating to dis-
21 abled children as may be necessary for the purpose of car-
22 rying out its functions under the Individuals with Disabil-
23 ities Education Act (20 U.S.C. 1400 et seq.): *Provided*
24 *further*, That of the funds provided, \$72,280,000 is for
25 the Indian Health Care Improvement Fund and may be

1 used, as needed, to carry out activities typically funded
2 under the Indian Health Facilities account: *Provided fur-*
3 *ther*, That the accreditation emergency funds may be used,
4 as needed, to carry out activities typically funded under
5 the Indian Health Facilities account.

6 CONTRACT SUPPORT COSTS

7 For payments to tribes and tribal organizations for
8 contract support costs associated with Indian Self-Deter-
9 mination and Education Assistance Act agreements with
10 the Indian Health Service for fiscal year 2018, such sums
11 as may be necessary: *Provided*, That notwithstanding any
12 other provision of law, no amounts made available under
13 this heading shall be available for transfer to another
14 budget account.

15 INDIAN HEALTH FACILITIES

16 For construction, repair, maintenance, improvement,
17 and equipment of health and related auxiliary facilities,
18 including quarters for personnel; preparation of plans,
19 specifications, and drawings; acquisition of sites, purchase
20 and erection of modular buildings, and purchases of trail-
21 ers; and for provision of domestic and community sanita-
22 tion facilities for Indians, as authorized by section 7 of
23 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
24 Self-Determination Act, and the Indian Health Care Im-
25 provement Act, and for expenses necessary to carry out

1 such Acts and titles II and III of the Public Health Serv-
2 ice Act with respect to environmental health and facilities
3 support activities of the Indian Health Service,
4 \$867,504,000, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding any other provision of law,
6 funds appropriated for the planning, design, construction,
7 renovation or expansion of health facilities for the benefit
8 of an Indian tribe or tribes may be used to purchase land
9 on which such facilities will be located: *Provided further*,
10 That not to exceed \$500,000 may be used by the Indian
11 Health Service to purchase TRANSAM equipment from
12 the Department of Defense for distribution to the Indian
13 Health Service and tribal facilities: *Provided further*, That
14 none of the funds appropriated to the Indian Health Serv-
15 ice may be used for sanitation facilities construction for
16 new homes funded with grants by the housing programs
17 of the United States Department of Housing and Urban
18 Development: *Provided further*, That not to exceed
19 \$2,700,000 from this account and the “Indian Health
20 Services” account may be used by the Indian Health Serv-
21 ice to obtain ambulances for the Indian Health Service
22 and tribal facilities in conjunction with an existing inter-
23 agency agreement between the Indian Health Service and
24 the General Services Administration: *Provided further*,
25 That not to exceed \$500,000 may be placed in a Demoli-

1 tion Fund, to remain available until expended, and be used
2 by the Indian Health Service for the demolition of Federal
3 buildings.

4 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

5 Appropriations provided in this Act to the Indian
6 Health Service shall be available for services as authorized
7 by 5 U.S.C. 3109 at rates not to exceed the per diem rate
8 equivalent to the maximum rate payable for senior-level
9 positions under 5 U.S.C. 5376; hire of passenger motor
10 vehicles and aircraft; purchase of medical equipment; pur-
11 chase of reprints; purchase, renovation and erection of
12 modular buildings and renovation of existing facilities;
13 payments for telephone service in private residences in the
14 field, when authorized under regulations approved by the
15 Secretary of Health and Human Services; uniforms or al-
16 lowances therefor as authorized by 5 U.S.C. 5901–5902;
17 and for expenses of attendance at meetings that relate to
18 the functions or activities of the Indian Health Service:
19 *Provided*, That in accordance with the provisions of the
20 Indian Health Care Improvement Act, non-Indian patients
21 may be extended health care at all tribally administered
22 or Indian Health Service facilities, subject to charges, and
23 the proceeds along with funds recovered under the Federal
24 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
25 be credited to the account of the facility providing the

1 service and shall be available without fiscal year limitation:
2 *Provided further*, That notwithstanding any other law or
3 regulation, funds transferred from the Department of
4 Housing and Urban Development to the Indian Health
5 Service shall be administered under Public Law 86–121,
6 the Indian Sanitation Facilities Act and Public Law 93–
7 638: *Provided further*, That funds appropriated to the In-
8 dian Health Service in this Act, except those used for ad-
9 ministrative and program direction purposes, shall not be
10 subject to limitations directed at curtailing Federal travel
11 and transportation: *Provided further*, That none of the
12 funds made available to the Indian Health Service in this
13 Act shall be used for any assessments or charges by the
14 Department of Health and Human Services unless identi-
15 fied in the budget justification and provided in this Act,
16 or approved by the House and Senate Committees on Ap-
17 propriations through the reprogramming process: *Pro-*
18 *vided further*, That notwithstanding any other provision
19 of law, funds previously or herein made available to a tribe
20 or tribal organization through a contract, grant, or agree-
21 ment authorized by title I or title V of the Indian Self-
22 Determination and Education Assistance Act of 1975 (25
23 U.S.C. 5321 et seq. (title I), 5381 et seq. (title V)), may
24 be deobligated and reobligated to a self-determination con-
25 tract under title I, or a self-governance agreement under

1 title V of such Act and thereafter shall remain available
2 to the tribe or tribal organization without fiscal year limi-
3 tation: *Provided further*, That none of the funds made
4 available to the Indian Health Service in this Act shall
5 be used to implement the final rule published in the Fed-
6 eral Register on September 16, 1987, by the Department
7 of Health and Human Services, relating to the eligibility
8 for the health care services of the Indian Health Service
9 until the Indian Health Service has submitted a budget
10 request reflecting the increased costs associated with the
11 proposed final rule, and such request has been included
12 in an appropriations Act and enacted into law: *Provided*
13 *further*, That with respect to functions transferred by the
14 Indian Health Service to tribes or tribal organizations, the
15 Indian Health Service is authorized to provide goods and
16 services to those entities on a reimbursable basis, includ-
17 ing payments in advance with subsequent adjustment, and
18 the reimbursements received therefrom, along with the
19 funds received from those entities pursuant to the Indian
20 Self-Determination Act, may be credited to the same or
21 subsequent appropriation account from which the funds
22 were originally derived, with such amounts to remain
23 available until expended: *Provided further*, That reim-
24 bursements for training, technical assistance, or services
25 provided by the Indian Health Service will contain total

1 costs, including direct, administrative, and overhead costs
2 associated with the provision of goods, services, or tech-
3 nical assistance: *Provided further*, That the Indian Health
4 Service may provide to civilian medical personnel serving
5 in hospitals operated by the Indian Health Service housing
6 allowances equivalent to those that would be provided to
7 members of the Commissioned Corps of the United States
8 Public Health Service serving in similar positions at such
9 hospitals: *Provided further*, That the appropriation struc-
10 ture for the Indian Health Service may not be altered
11 without advance notification to the House and Senate
12 Committees on Appropriations.

13 NATIONAL INSTITUTES OF HEALTH

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

15 SCIENCES

16 For necessary expenses for the National Institute of
17 Environmental Health Sciences in carrying out activities
18 set forth in section 311(a) of the Comprehensive Environ-
19 mental Response, Compensation, and Liability Act of
20 1980 (42 U.S.C. 9660(a)) and section 126(g) of the
21 Superfund Amendments and Reauthorization Act of 1986,
22 \$77,349,000.

1 OTHER RELATED AGENCIES
2 EXECUTIVE OFFICE OF THE PRESIDENT
3 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
4 ENVIRONMENTAL QUALITY

5 For necessary expenses to continue functions as-
6 signed to the Council on Environmental Quality and Office
7 of Environmental Quality pursuant to the National Envi-
8 ronmental Policy Act of 1969, the Environmental Quality
9 Improvement Act of 1970, and Reorganization Plan No.
10 1 of 1977, and not to exceed \$750 for official reception
11 and representation expenses, \$3,000,000: *Provided*, That
12 notwithstanding section 202 of the National Environ-
13 mental Policy Act of 1970, the Council shall consist of
14 one member, appointed by the President, by and with the
15 advice and consent of the Senate, serving as chairman and
16 exercising all powers, functions, and duties of the Council.

17 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
18 SALARIES AND EXPENSES

19 For necessary expenses in carrying out activities pur-
20 suant to section 112(r)(6) of the Clean Air Act, including
21 hire of passenger vehicles, uniforms or allowances there-
22 for, as authorized by 5 U.S.C. 5901–5902, and for serv-
23 ices authorized by 5 U.S.C. 3109 but at rates for individ-
24 uals not to exceed the per diem equivalent to the maximum
25 rate payable for senior level positions under 5 U.S.C.

1 5376, \$11,000,000: *Provided*, That the Chemical Safety
2 and Hazard Investigation Board (Board) shall have not
3 more than three career Senior Executive Service positions:
4 *Provided further*, That notwithstanding any other provi-
5 sion of law, the individual appointed to the position of In-
6 spector General of the Environmental Protection Agency
7 (EPA) shall, by virtue of such appointment, also hold the
8 position of Inspector General of the Board: *Provided fur-*
9 *ther*, That notwithstanding any other provision of law, the
10 Inspector General of the Board shall utilize personnel of
11 the Office of Inspector General of EPA in performing the
12 duties of the Inspector General of the Board, and shall
13 not appoint any individuals to positions within the Board.

14 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Navajo and
17 Hopi Indian Relocation as authorized by Public Law 93-
18 531, \$15,431,000, to remain available until expended:
19 *Provided*, That funds provided in this or any other appro-
20 priations Act are to be used to relocate eligible individuals
21 and groups including evictees from District 6, Hopi-parti-
22 tioned lands residents, those in significantly substandard
23 housing, and all others certified as eligible and not in-
24 cluded in the preceding categories: *Provided further*, That
25 none of the funds contained in this or any other Act may

1 be used by the Office of Navajo and Hopi Indian Reloca-
2 tion to evict any single Navajo or Navajo family who, as
3 of November 30, 1985, was physically domiciled on the
4 lands partitioned to the Hopi Tribe unless a new or re-
5 placement home is provided for such household: *Provided*
6 *further*, That no relocatee will be provided with more than
7 one new or replacement home: *Provided further*, That the
8 Office shall relocate any certified eligible relocatees who
9 have selected and received an approved homesite on the
10 Navajo reservation or selected a replacement residence off
11 the Navajo reservation or on the land acquired pursuant
12 to section 11 of Public Law 93–531 (88 Stat. 1716).

13 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
14 CULTURE AND ARTS DEVELOPMENT

15 PAYMENT TO THE INSTITUTE

16 For payment to the Institute of American Indian and
17 Alaska Native Culture and Arts Development, as author-
18 ized by part A of title XV of Public Law 99–498 (20
19 U.S.C. 4411 et seq.), \$9,835,000, which shall become
20 available on July 1, 2018, and shall remain available until
21 September 30, 2019.

22 SMITHSONIAN INSTITUTION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Smithsonian Institu-
25 tion, as authorized by law, including research in the fields

1 of art, science, and history; development, preservation, and
2 documentation of the National Collections; presentation of
3 public exhibits and performances; collection, preparation,
4 dissemination, and exchange of information and publica-
5 tions; conduct of education, training, and museum assist-
6 ance programs; maintenance, alteration, operation, lease
7 agreements of no more than 30 years, and protection of
8 buildings, facilities, and approaches; not to exceed
9 \$100,000 for services as authorized by 5 U.S.C. 3109; and
10 purchase, rental, repair, and cleaning of uniforms for em-
11 ployees, \$731,444,000, to remain available until Sep-
12 tember 30, 2019, except as otherwise provided herein; of
13 which not to exceed \$6,908,000 for the instrumentation
14 program, collections acquisition, exhibition reinstallation,
15 and the repatriation of skeletal remains program shall re-
16 main available until expended; and including such funds
17 as may be necessary to support American overseas re-
18 search centers: *Provided*, That funds appropriated herein
19 are available for advance payments to independent con-
20 tractors performing research services or participating in
21 official Smithsonian presentations.

22 FACILITIES CAPITAL

23 For necessary expenses of repair, revitalization, and
24 alteration of facilities owned or occupied by the Smithso-
25 nian Institution, by contract or otherwise, as authorized

1 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
2 and for construction, including necessary personnel,
3 \$311,903,000, to remain available until expended, of
4 which not to exceed \$10,000 shall be for services as au-
5 thorized by 5 U.S.C. 3109.

6 NATIONAL GALLERY OF ART

7 SALARIES AND EXPENSES

8 For the upkeep and operations of the National Gal-
9 lery of Art, the protection and care of the works of art
10 therein, and administrative expenses incident thereto, as
11 authorized by the Act of March 24, 1937 (50 Stat. 51),
12 as amended by the public resolution of April 13, 1939
13 (Public Resolution 9, Seventy-sixth Congress), including
14 services as authorized by 5 U.S.C. 3109; payment in ad-
15 vance when authorized by the treasurer of the Gallery for
16 membership in library, museum, and art associations or
17 societies whose publications or services are available to
18 members only, or to members at a price lower than to the
19 general public; purchase, repair, and cleaning of uniforms
20 for guards, and uniforms, or allowances therefor, for other
21 employees as authorized by law (5 U.S.C. 5901–5902);
22 purchase or rental of devices and services for protecting
23 buildings and contents thereof, and maintenance, alter-
24 ation, improvement, and repair of buildings, approaches,
25 and grounds; and purchase of services for restoration and

1 repair of works of art for the National Gallery of Art by
2 contracts made, without advertising, with individuals,
3 firms, or organizations at such rates or prices and under
4 such terms and conditions as the Gallery may deem prop-
5 er, \$141,790,000, to remain available until September 30,
6 2019, of which not to exceed \$3,620,000 for the special
7 exhibition program shall remain available until expended.

8 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

9 For necessary expenses of repair, restoration and
10 renovation of buildings, grounds and facilities owned or
11 occupied by the National Gallery of Art, by contract or
12 otherwise, for operating lease agreements of no more than
13 10 years, with no extensions or renewals beyond the 10
14 years, that address space needs created by the ongoing
15 renovations in the Master Facilities Plan, as authorized,
16 \$24,203,000, to remain available until expended: *Pro-*
17 *vided*, That contracts awarded for environmental systems,
18 protection systems, and exterior repair or renovation of
19 buildings of the National Gallery of Art may be negotiated
20 with selected contractors and awarded on the basis of con-
21 tractor qualifications as well as price.

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE

4 For necessary expenses for the operation, mainte-
5 nance and security of the John F. Kennedy Center for
6 the Performing Arts, \$23,740,000.

7 CAPITAL REPAIR AND RESTORATION

8 For necessary expenses for capital repair and restora-
9 tion of the existing features of the building and site of
10 the John F. Kennedy Center for the Performing Arts,
11 \$16,775,000, to remain available until expended.

12 WOODROW WILSON INTERNATIONAL CENTER FOR
13 SCHOLARS

14 SALARIES AND EXPENSES

15 For expenses necessary in carrying out the provisions
16 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
17 1356) including hire of passenger vehicles and services as
18 authorized by 5 U.S.C. 3109, \$12,000,000, to remain
19 available until September 30, 2019.

20 NATIONAL FOUNDATION ON THE ARTS AND THE
21 HUMANITIES

22 NATIONAL ENDOWMENT FOR THE ARTS
23 GRANTS AND ADMINISTRATION

24 For necessary expenses to carry out the National
25 Foundation on the Arts and the Humanities Act of 1965,

1 \$152,849,000 shall be available to the National Endow-
2 ment for the Arts for the support of projects and produc-
3 tions in the arts, including arts education and public out-
4 reach activities, through assistance to organizations and
5 individuals pursuant to section 5 of the Act, for program
6 support, and for administering the functions of the Act,
7 to remain available until expended.

8 NATIONAL ENDOWMENT FOR THE HUMANITIES

9 GRANTS AND ADMINISTRATION

10 For necessary expenses to carry out the National
11 Foundation on the Arts and the Humanities Act of 1965,
12 \$152,848,000 to remain available until expended, of which
13 \$141,548,000 shall be available for support of activities
14 in the humanities, pursuant to section 7(c) of the Act and
15 for administering the functions of the Act; and
16 \$11,300,000 shall be available to carry out the matching
17 grants program pursuant to section 10(a)(2) of the Act,
18 including \$9,100,000 for the purposes of section 7(h):
19 *Provided*, That appropriations for carrying out section
20 10(a)(2) shall be available for obligation only in such
21 amounts as may be equal to the total amounts of gifts,
22 bequests, devises of money, and other property accepted
23 by the chairman or by grantees of the National Endow-
24 ment for the Humanities under the provisions of sections
25 11(a)(2)(B) and 11(a)(3)(B) during the current and pre-

1 ceding fiscal years for which equal amounts have not pre-
2 viously been appropriated.

3 ADMINISTRATIVE PROVISIONS

4 None of the funds appropriated to the National
5 Foundation on the Arts and the Humanities may be used
6 to process any grant or contract documents which do not
7 include the text of 18 U.S.C. 1913: *Provided*, That none
8 of the funds appropriated to the National Foundation on
9 the Arts and the Humanities may be used for official re-
10 ception and representation expenses: *Provided further*,
11 That funds from nonappropriated sources may be used as
12 necessary for official reception and representation ex-
13 penses: *Provided further*, That the Chairperson of the Na-
14 tional Endowment for the Arts may approve grants of up
15 to \$10,000, if in the aggregate the amount of such grants
16 does not exceed 5 percent of the sums appropriated for
17 grantmaking purposes per year: *Provided further*, That
18 such small grant actions are taken pursuant to the terms
19 of an expressed and direct delegation of authority from
20 the National Council on the Arts to the Chairperson.

21 COMMISSION OF FINE ARTS

22 SALARIES AND EXPENSES

23 For expenses of the Commission of Fine Arts under
24 chapter 91 of title 40, United States Code, \$2,762,000:
25 *Provided*, That the Commission is authorized to charge

1 fees to cover the full costs of its publications, and such
2 fees shall be credited to this account as an offsetting col-
3 lection, to remain available until expended without further
4 appropriation: *Provided further*, That the Commission is
5 authorized to accept gifts, including objects, papers, art-
6 work, drawings and artifacts, that pertain to the history
7 and design of the Nation's Capital or the history and ac-
8 tivities of the Commission of Fine Arts, for the purpose
9 of artistic display, study, or education: *Provided further*,
10 That one-tenth of one percent of the funds provided under
11 this heading may be used for official reception and rep-
12 resentation expenses.

13 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

14 For necessary expenses as authorized by Public Law
15 99–190 (20 U.S.C. 956a), \$2,750,000.

16 ADVISORY COUNCIL ON HISTORIC PRESERVATION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Advisory Council on
19 Historic Preservation (Public Law 89–665), \$6,400,000.

20 NATIONAL CAPITAL PLANNING COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses of the National Capital Plan-
23 ning Commission under chapter 87 of title 40, United
24 States Code, including services as authorized by 5 U.S.C.
25 3109, \$8,099,000: *Provided*, That one-quarter of 1 per-

1 cent of the funds provided under this heading may be used
2 for official reception and representational expenses associ-
3 ated with hosting international visitors engaged in the
4 planning and physical development of world capitals.

5 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
6 HOLOCAUST MEMORIAL MUSEUM

7 For expenses of the Holocaust Memorial Museum, as
8 authorized by Public Law 106–292 (36 U.S.C. 2301–
9 2310), \$59,000,000, of which \$1,715,000 shall remain
10 available until September 30, 2020, for the Museum’s
11 equipment replacement program; and of which \$4,000,000
12 for the Museum’s repair and rehabilitation program and
13 \$1,264,000 for the Museum’s outreach initiatives program
14 shall remain available until expended.

15 DWIGHT D. EISENHOWER MEMORIAL COMMISSION
16 SALARIES AND EXPENSES

17 For necessary expenses of the Dwight D. Eisenhower
18 Memorial Commission, \$1,800,000, to remain available
19 until expended.

20 CAPITAL CONSTRUCTION

21 For necessary expenses of the Dwight D. Eisenhower
22 Memorial Commission for design and construction of a
23 memorial in honor of Dwight D. Eisenhower, as author-
24 ized by Public Law 106–79, \$45,000,000, to remain avail-
25 able until expended: *Provided*, That the contract with re-

1 spect to the procurement shall contain the “availability of
2 funds” clause described in section 52.232.18 of title 48,
3 Code of Federal Regulations: *Provided further*, That the
4 funds appropriated herein shall be deemed to satisfy the
5 criteria for issuing a permit contained in 40 U.S.C.
6 8906(a)(4) and (b).

7 WOMEN’S SUFFRAGE CENTENNIAL COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Women’s Suffrage
10 Centennial Commission, as authorized by the Women’s
11 Suffrage Centennial Commission Act (section 431(a)(3) of
12 division G of Public Law 115–31), \$1,000,000, to remain
13 available until expended.

14 WORLD WAR I CENTENNIAL COMMISSION

15 SALARIES AND EXPENSES

16 Notwithstanding section 9 of the World War I Cen-
17 tennial Commission Act, as authorized by the World War
18 I Centennial Commission Act (Public Law 112–272) and
19 the Carl Levin and Howard P. “Buck” McKeon National
20 Defense Authorization Act for Fiscal Year 2015 (Public
21 Law 113–291), for necessary expenses of the World War
22 I Centennial Commission, \$7,000,000, to remain available
23 until expended: *Provided*, That in addition to the authority
24 provided by section 6(g) of such Act, the World War I
25 Commission may accept money, in-kind personnel services,

- 1 contractual support, or any appropriate support from any
- 2 executive branch agency for activities of the Commission.

1 TITLE IV
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFERS OF FUNDS)
4 RESTRICTION ON USE OF FUNDS

5 SEC. 401. No part of any appropriation contained in
6 this Act shall be available for any activity or the publica-
7 tion or distribution of literature that in any way tends to
8 promote public support or opposition to any legislative
9 proposal on which Congressional action is not complete
10 other than to communicate to Members of Congress as
11 described in 18 U.S.C. 1913.

12 OBLIGATION OF APPROPRIATIONS

13 SEC. 402. No part of any appropriation contained in
14 this Act shall remain available for obligation beyond the
15 current fiscal year unless expressly so provided herein.

16 DISCLOSURE OF ADMINISTRATIVE EXPENSES

17 SEC. 403. The amount and basis of estimated over-
18 head charges, deductions, reserves or holdbacks, including
19 working capital fund and cost pool charges, from pro-
20 grams, projects, activities and subactivities to support gov-
21 ernment-wide, departmental, agency, or bureau adminis-
22 trative functions or headquarters, regional, or central op-
23 erations shall be presented in annual budget justifications
24 and subject to approval by the Committees on Appropria-
25 tions of the House of Representatives and the Senate.

1 Changes to such estimates shall be presented to the Com-
2 mittees on Appropriations for approval.

3 MINING APPLICATIONS

4 SEC. 404. (a) LIMITATION OF FUNDS.—None of the
5 funds appropriated or otherwise made available pursuant
6 to this Act shall be obligated or expended to accept or
7 process applications for a patent for any mining or mill
8 site claim located under the general mining laws.

9 (b) EXCEPTIONS.—Subsection (a) shall not apply if
10 the Secretary of the Interior determines that, for the claim
11 concerned (1) a patent application was filed with the Sec-
12 retary on or before September 30, 1994; and (2) all re-
13 quirements established under sections 2325 and 2326 of
14 the Revised Statutes (30 U.S.C. 29 and 30) for vein or
15 lode claims, sections 2329, 2330, 2331, and 2333 of the
16 Revised Statutes (30 U.S.C. 35, 36, and 37) for placer
17 claims, and section 2337 of the Revised Statutes (30
18 U.S.C. 42) for mill site claims, as the case may be, were
19 fully complied with by the applicant by that date.

20 (c) REPORT.—On September 30, 2019, the Secretary
21 of the Interior shall file with the House and Senate Com-
22 mittees on Appropriations and the Committee on Natural
23 Resources of the House and the Committee on Energy and
24 Natural Resources of the Senate a report on actions taken
25 by the Department under the plan submitted pursuant to

1 section 314(c) of the Department of the Interior and Re-
2 lated Agencies Appropriations Act, 1997 (Public Law
3 104–208).

4 (d) MINERAL EXAMINATIONS.—In order to process
5 patent applications in a timely and responsible manner,
6 upon the request of a patent applicant, the Secretary of
7 the Interior shall allow the applicant to fund a qualified
8 third-party contractor to be selected by the Director of the
9 Bureau of Land Management to conduct a mineral exam-
10 ination of the mining claims or mill sites contained in a
11 patent application as set forth in subsection (b). The Bu-
12 reau of Land Management shall have the sole responsi-
13 bility to choose and pay the third-party contractor in ac-
14 cordance with the standard procedures employed by the
15 Bureau of Land Management in the retention of third-
16 party contractors.

17 CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

18 SEC. 405. Sections 405 and 406 of division F of the
19 Consolidated and Further Continuing Appropriations Act,
20 2015 (Public Law 113–235) shall continue in effect in fis-
21 cal year 2018.

22 CONTRACT SUPPORT COSTS, FISCAL YEAR 2018

23 LIMITATION

24 SEC. 406. Amounts provided by this Act for fiscal
25 year 2018 under the headings “Department of Health and

1 Human Services, Indian Health Service, Contract Support
2 Costs” and “Department of the Interior, Bureau of Indian
3 Affairs and Bureau of Indian Education, Contract Sup-
4 port Costs” are the only amounts available for contract
5 support costs arising out of self-determination or self-gov-
6 ernance contracts, grants, compacts, or annual funding
7 agreements for fiscal year 2018 with the Bureau of Indian
8 Affairs or the Indian Health Service: *Provided*, That such
9 amounts provided by this Act are not available for pay-
10 ment of claims for contract support costs for prior years,
11 or for repayments of payments for settlements or judg-
12 ments awarding contract support costs for prior years.

13 FOREST MANAGEMENT PLANS

14 SEC. 407. The Secretary of Agriculture shall not be
15 considered to be in violation of section 6(f)(5)(A) of the
16 Forest and Rangeland Renewable Resources Planning Act
17 of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more
18 than 15 years have passed without revision of the plan
19 for a unit of the National Forest System. Nothing in this
20 section exempts the Secretary from any other requirement
21 of the Forest and Rangeland Renewable Resources Plan-
22 ning Act (16 U.S.C. 1600 et seq.) or any other law: *Pro-*
23 *vided*, That if the Secretary is not acting expeditiously and
24 in good faith, within the funding available, to revise a plan
25 for a unit of the National Forest System, this section shall

1 be void with respect to such plan and a court of proper
2 jurisdiction may order completion of the plan on an accel-
3 erated basis.

4 PROHIBITION WITHIN NATIONAL MONUMENTS

5 SEC. 408. No funds provided in this Act may be ex-
6 pended to conduct preleasing, leasing and related activities
7 under either the Mineral Leasing Act (30 U.S.C. 181 et
8 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
9 1331 et seq.) within the boundaries of a National Monu-
10 ment established pursuant to the Act of June 8, 1906 (16
11 U.S.C. 431 et seq.) as such boundary existed on January
12 20, 2001, except where such activities are allowed under
13 the Presidential proclamation establishing such monu-
14 ment.

15 LIMITATION ON TAKINGS

16 SEC. 409. Unless otherwise provided herein, no funds
17 appropriated in this Act for the acquisition of lands or
18 interests in lands may be expended for the filing of dec-
19 larations of taking or complaints in condemnation without
20 the approval of the House and Senate Committees on Ap-
21 propriations: *Provided*, That this provision shall not apply
22 to funds appropriated to implement the Everglades Na-
23 tional Park Protection and Expansion Act of 1989, or to
24 funds appropriated for Federal assistance to the State of

1 Florida to acquire lands for Everglades restoration pur-
2 poses.

3 TIMBER SALE REQUIREMENTS

4 SEC. 410. No timber sale in Alaska's Region 10 shall
5 be advertised if the indicated rate is deficit (defined as
6 the value of the timber is not sufficient to cover all logging
7 and stumpage costs and provide a normal profit and risk
8 allowance under the Forest Service's appraisal process)
9 when appraised using a residual value appraisal. The west-
10 ern red cedar timber from those sales which is surplus
11 to the needs of the domestic processors in Alaska, shall
12 be made available to domestic processors in the contiguous
13 48 United States at prevailing domestic prices. All addi-
14 tional western red cedar volume not sold to Alaska or con-
15 tiguous 48 United States domestic processors may be ex-
16 ported to foreign markets at the election of the timber sale
17 holder. All Alaska yellow cedar may be sold at prevailing
18 export prices at the election of the timber sale holder.

19 PROHIBITION ON NO-BID CONTRACTS

20 SEC. 411. None of the funds appropriated or other-
21 wise made available by this Act to executive branch agen-
22 cies may be used to enter into any Federal contract unless
23 such contract is entered into in accordance with the re-
24 quirements of Chapter 33 of title 41, United States Code,

1 or Chapter 137 of title 10, United States Code, and the
2 Federal Acquisition Regulation, unless—

3 (1) Federal law specifically authorizes a con-
4 tract to be entered into without regard for these re-
5 quirements, including formula grants for States, or
6 federally recognized Indian tribes; or

7 (2) such contract is authorized by the Indian
8 Self-Determination and Education Assistance Act
9 (Public Law 93–638, 25 U.S.C. 450 et seq.) or by
10 any other Federal laws that specifically authorize a
11 contract within an Indian tribe as defined in section
12 4(e) of that Act (25 U.S.C. 450b(e)); or

13 (3) such contract was awarded prior to the date
14 of enactment of this Act.

15 POSTING OF REPORTS

16 SEC. 412. (a) Any agency receiving funds made avail-
17 able in this Act, shall, subject to subsections (b) and (c),
18 post on the public website of that agency any report re-
19 quired to be submitted by the Congress in this or any
20 other Act, upon the determination by the head of the agen-
21 cy that it shall serve the national interest.

22 (b) Subsection (a) shall not apply to a report if—

23 (1) the public posting of the report com-
24 promises national security; or

25 (2) the report contains proprietary information.

1 NATIONAL ENDOWMENT FOR THE ARTS PROGRAM

2 PRIORITIES

3 SEC. 414. (a) In providing services or awarding fi-
4 nancial assistance under the National Foundation on the
5 Arts and the Humanities Act of 1965 from funds appro-
6 priated under this Act, the Chairperson of the National
7 Endowment for the Arts shall ensure that priority is given
8 to providing services or awarding financial assistance for
9 projects, productions, workshops, or programs that serve
10 underserved populations.

11 (b) In this section:

12 (1) The term “underserved population” means
13 a population of individuals, including urban minori-
14 ties, who have historically been outside the purview
15 of arts and humanities programs due to factors such
16 as a high incidence of income below the poverty line
17 or to geographic isolation.

18 (2) The term “poverty line” means the poverty
19 line (as defined by the Office of Management and
20 Budget, and revised annually in accordance with sec-
21 tion 673(2) of the Community Services Block Grant
22 Act (42 U.S.C. 9902(2))) applicable to a family of
23 the size involved.

24 (c) In providing services and awarding financial as-
25 sistance under the National Foundation on the Arts and

1 Humanities Act of 1965 with funds appropriated by this
2 Act, the Chairperson of the National Endowment for the
3 Arts shall ensure that priority is given to providing serv-
4 ices or awarding financial assistance for projects, produc-
5 tions, workshops, or programs that will encourage public
6 knowledge, education, understanding, and appreciation of
7 the arts.

8 (d) With funds appropriated by this Act to carry out
9 section 5 of the National Foundation on the Arts and Hu-
10 manities Act of 1965—

11 (1) the Chairperson shall establish a grant cat-
12 egory for projects, productions, workshops, or pro-
13 grams that are of national impact or availability or
14 are able to tour several States;

15 (2) the Chairperson shall not make grants ex-
16 ceeding 15 percent, in the aggregate, of such funds
17 to any single State, excluding grants made under the
18 authority of paragraph (1);

19 (3) the Chairperson shall report to the Con-
20 gress annually and by State, on grants awarded by
21 the Chairperson in each grant category under sec-
22 tion 5 of such Act; and

23 (4) the Chairperson shall encourage the use of
24 grants to improve and support community-based
25 music performance and education.

1 STATUS OF BALANCES OF APPROPRIATIONS

2 SEC. 415. The Department of the Interior, the Envi-
3 ronmental Protection Agency, the Forest Service, and the
4 Indian Health Service shall provide the Committees on
5 Appropriations of the House of Representatives and Sen-
6 ate quarterly reports on the status of balances of appro-
7 priations including all uncommitted, committed, and unob-
8 ligated funds in each program and activity.

9 PROHIBITION ON USE OF FUNDS

10 SEC. 416. Notwithstanding any other provision of
11 law, none of the funds made available in this Act or any
12 other Act may be used to promulgate or implement any
13 regulation requiring the issuance of permits under title V
14 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon
15 dioxide, nitrous oxide, water vapor, or methane emissions
16 resulting from biological processes associated with live-
17 stock production.

18 GREENHOUSE GAS REPORTING RESTRICTIONS

19 SEC. 417. Notwithstanding any other provision of
20 law, none of the funds made available in this or any other
21 Act may be used to implement any provision in a rule,
22 if that provision requires mandatory reporting of green-
23 house gas emissions from manure management systems.

1 FUNDING PROHIBITION

2 SEC. 418. None of the funds made available by this
3 or any other Act may be used to regulate the lead content
4 of ammunition, ammunition components, or fishing tackle
5 under the Toxic Substances Control Act (15 U.S.C. 2601
6 et seq.) or any other law.

7 CONTRACTING AUTHORITIES

8 SEC. 419. Section 412 of Division E of Public Law
9 112–74 is amended by striking “fiscal year 2017” and in-
10 serting “fiscal year 2019”.

11 CHESAPEAKE BAY INITIATIVE

12 SEC. 420. Section 502(c) of the Chesapeake Bay Ini-
13 tiative Act of 1998 (Public Law 105–312; 16 U.S.C. 461
14 note) is amended by striking “2017” and inserting
15 “2019”.

16 EXTENSION OF GRAZING PERMITS

17 SEC. 421. The terms and conditions of section 325
18 of Public Law 108–108 (117 Stat. 1307), regarding graz-
19 ing permits issued by the Forest Service on any lands not
20 subject to administration under section 402 of the Federal
21 Lands Policy and Management Act (43 U.S.C. 1752),
22 shall remain in effect for fiscal year 2018.

23 FUNDING PROHIBITION

24 SEC. 422. (a) None of the funds made available in
25 this Act may be used to maintain or establish a computer

1 network unless such network is designed to block access
2 to pornography websites.

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

7 FOREST SERVICE FACILITY REALIGNMENT AND

8 ENHANCEMENT ACT

9 SEC. 423. Section 503(f) of the Forest Service Facil-
10 ity Realignment and Enhancement Act of 2005 (16 U.S.C.
11 580d note; Public Law 109–54) is amended by striking
12 “2016” and inserting “2018”.

13 USE OF AMERICAN IRON AND STEEL

14 SEC. 424. (a)(1) None of the funds made available
15 by a State water pollution control revolving fund as au-
16 thorized by section 1452 of the Safe Drinking Water Act
17 (42 U.S.C. 300j–12) shall be used for a project for the
18 construction, alteration, maintenance, or repair of a public
19 water system or treatment works unless all of the iron and
20 steel products used in the project are produced in the
21 United States.

22 (2) In this section, the term “iron and steel” products
23 means the following products made primarily of iron or
24 steel: lined or unlined pipes and fittings, manhole covers
25 and other municipal castings, hydrants, tanks, flanges,

1 pipe clamps and restraints, valves, structural steel, rein-
2 forced precast concrete, and construction materials.

3 (b) Subsection (a) shall not apply in any case or cat-
4 egory of cases in which the Administrator of the Environ-
5 mental Protection Agency (in this section referred to as
6 the “Administrator”) finds that—

7 (1) applying subsection (a) would be incon-
8 sistent with the public interest;

9 (2) iron and steel products are not produced in
10 the United States in sufficient and reasonably avail-
11 able quantities and of a satisfactory quality; or

12 (3) inclusion of iron and steel products pro-
13 duced in the United States will increase the cost of
14 the overall project by more than 25 percent.

15 (c) If the Administrator receives a request for a waiv-
16 er under this section, the Administrator shall make avail-
17 able to the public on an informal basis a copy of the re-
18 quest and information available to the Administrator con-
19 cerning the request, and shall allow for informal public
20 input on the request for at least 15 days prior to making
21 a finding based on the request. The Administrator shall
22 make the request and accompanying information available
23 by electronic means, including on the official public Inter-
24 net Web site of the Environmental Protection Agency.

1 (d) This section shall be applied in a manner con-
2 sistent with United States obligations under international
3 agreements.

4 (e) The Administrator may retain up to 0.25 percent
5 of the funds appropriated in this Act for the Clean and
6 Drinking Water State Revolving Funds for carrying out
7 the provisions described in subsection (a)(1) for manage-
8 ment and oversight of the requirements of this section.

9 MIDWAY ISLAND

10 SEC. 425. None of the funds made available by this
11 Act may be used to destroy any buildings or structures
12 on Midway Island that have been recommended by the
13 United States Navy for inclusion in the National Register
14 of Historic Places (54 U.S.C. 302101).

15 JOHN F. KENNEDY CENTER REAUTHORIZATION

16 SEC. 426. Section 13 of the John F. Kennedy Center
17 Act (20 U.S.C. 76r) is amended by striking subsections
18 (a) and (b) and inserting the following:

19 “(a) MAINTENANCE, REPAIR, AND SECURITY.—
20 There is authorized to be appropriated to the Board to
21 carry out section 4(a)(1)(H), \$23,740,000 for fiscal year
22 2018.

23 “(b) CAPITAL PROJECTS.—There is authorized to be
24 appropriated to the Board to carry out subparagraphs (F)

1 and (G) of section 4(a)(1), \$16,775,000 for fiscal year
2 2018.”.

3 LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANS-
4 FERS OF EXCESS EQUIPMENT AND SUPPLIES FOR
5 WILDFIRES

6 SEC. 427. The Secretary of the Interior is authorized
7 to enter into grants and cooperative agreements with vol-
8 unteer fire departments, rural fire departments, rangeland
9 fire protection associations, and similar organizations to
10 provide for wildland fire training and equipment, including
11 supplies and communication devices. Notwithstanding
12 121(e) of title 40, United States Code, or section 521 of
13 title 40, United States Code, the Secretary is further au-
14 thorized to transfer title to excess Department of the Inte-
15 rior firefighting equipment no longer needed to carry out
16 the functions of the Department’s wildland fire manage-
17 ment program to such organizations.

18 ALASKA NATIVE REGIONAL HEALTH ENTITIES

19 SEC. 428. Section 424 of the Consolidated Appropria-
20 tions Act, 2014 (Public Law 113–76) is amended by strik-
21 ing “2018” and inserting “2019”.

22 TREATMENT OF CERTAIN HOSPITALS

23 SEC. 429. Section 1886(d)(12)(C) of the Social Secu-
24 rity Act (42 U.S.C. 1395ww(d)(12)(C)) is amended by
25 adding at the end the following new clause:

1 “(iii) TREATMENT OF INDIAN HEALTH
2 SERVICE AND NON-INDIAN HEALTH SERVICE
3 FACILITIES.—For purposes of determining
4 whether—

5 “(I) a subsection (d) hospital of the
6 Indian Health Service (whether operated
7 by such Service or by an Indian tribe or
8 tribal organization (as those terms are de-
9 fined in section 4 of the Indian Health
10 Care Improvement Act)), or

11 “(II) a subsection (d) hospital other
12 than a hospital of the Indian Health Serv-
13 ice meets the mileage criterion under
14 clause (i) with respect to fiscal year 2011
15 or a succeeding fiscal year, the Secretary
16 shall apply the policy described in the reg-
17 ulation at part 412.101(e) of title 42, Code
18 of Federal Regulations (as in effect on the
19 date of enactment of this clause).”.

20 INFRASTRUCTURE

21 SEC. 430. (a) For an additional amount for “Envi-
22 ronmental Protection Agency—Hazardous Substance
23 Superfund”, \$63,000,000, of which \$54,389,000 shall be
24 for the Superfund Remedial program and \$8,611,000
25 shall be for the Superfund Emergency Response and Re-

1 moval program, to remain available until expended, con-
2 sisting of such sums as are available in the Trust Fund
3 on September 30, 2017, as authorized by section 517(a)
4 of the Superfund Amendments and Reauthorization Act
5 of 1986 (SARA) and up to \$63,000,000 as a payment
6 from general revenues to the Hazardous Substance Super-
7 fund for purposes as authorized by section 517(b) of
8 SARA.

9 (b) For an additional amount for “Environmental
10 Protection Agency—State and Tribal Assistance Grants,”
11 for environmental programs and infrastructure assistance,
12 including capitalization grants for State revolving funds
13 and performance partnership grants, \$650,000,000 to re-
14 main available until expended, of which—

15 (1) \$300,000,000 shall be for making capital-
16 ization grants for the Clean Water State Revolving
17 Funds under title VI of the Federal Water Pollution
18 Control Act; and of which \$300,000,000 shall be for
19 making capitalization grants for the Drinking Water
20 State Revolving Funds under section 1452 of the
21 Safe Drinking Water Act;

22 (2) \$20,000,000 shall be for grants for small
23 and disadvantaged communities authorized in sec-
24 tion 2104 of the Water Infrastructure Improvements
25 for the Nation Act (Public Law 114–322);

1 (3) \$20,000,000 shall be for grants for lead
2 testing in school and child care program drinking
3 water authorized in section 2107 of the Water Infra-
4 structure Improvements for the Nation Act (Public
5 Law 114–322);

6 (4) \$10,000,000 shall be for grants for reduc-
7 ing lead in drinking water authorized in section
8 2105 of the Water Infrastructure Improvements for
9 the Nation Act (Public Law 114–322).

10 (c) For an additional amount for “Environmental
11 Protection Agency—Water Infrastructure Finance and In-
12 novation Program Account”, \$53,000,000, to remain
13 available until expended, for the cost of direct loans, for
14 the cost of guaranteed loans, and for administrative ex-
15 penses to carry out the direct and guaranteed loan pro-
16 grams, of which \$3,000,000, to remain available until Sep-
17 tember 30, 2019, may be used for such administrative ex-
18 penses: *Provided*, That these additional funds are available
19 to subsidize gross obligations for the principal amount of
20 direct loans, including capitalized interest, and total loan
21 principal, including capitalized interest, any part of which
22 is to be guaranteed, not to exceed \$6,100,000,000.

23 POLICIES RELATING TO BIOMASS ENERGY

24 SEC. 431. To support the key role that forests in the
25 United States can play in addressing the energy needs of

1 the United States, the Secretary of Energy, the Secretary
2 of Agriculture, and the Administrator of the Environ-
3 mental Protection Agency shall, consistent with their mis-
4 sions, jointly—

5 (1) ensure that Federal policy relating to forest
6 bioenergy—

7 (A) is consistent across all Federal depart-
8 ments and agencies; and

9 (B) recognizes the full benefits of the use
10 of forest biomass for energy, conservation, and
11 responsible forest management; and

12 (2) establish clear and simple policies for the
13 use of forest biomass as an energy solution, includ-
14 ing policies that—

15 (A) reflect the carbon-neutrality of forest
16 bioenergy and recognize biomass as a renewable
17 energy source, provided the use of forest bio-
18 mass for energy production does not cause con-
19 version of forests to non-forest use.

20 (B) encourage private investment through-
21 out the forest biomass supply chain, including
22 in—

23 (i) working forests;

24 (ii) harvesting operations;

25 (iii) forest improvement operations;

- 1 (iv) forest bioenergy production;
- 2 (v) wood products manufacturing; or
- 3 (vi) paper manufacturing;
- 4 (C) encourage forest management to im-
- 5 prove forest health; and
- 6 (D) recognize State initiatives to produce
- 7 and use forest biomass.

8 CLARIFICATION OF EXEMPTIONS

9 SEC. 432. None of the funds made available in this

10 Act may be used to require a permit for the discharge

11 of dredged or fill material under the Federal Water Pollu-

12 tion Control Act (33 U.S.C. 1251 et seq.) for the activities

13 identified in subparagraphs (A) and (C) of section

14 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

15 SMALL REMOTE INCINERATORS

16 SEC. 433. None of the funds made available in this

17 Act may be used to implement or enforce the regulation

18 issued on March 21, 2011 at 40 CFR part 60 subparts

19 CCCC and DDDD with respect to units in the State of

20 Alaska that are defined as “small, remote incinerator”

21 units in those regulations and, until a subsequent regula-

22 tion is issued, the Administrator shall implement the law

23 and regulations in effect prior to such date.

1 This division may be cited as the “Department of the
2 Interior, Environment, and Related Agencies Appropria-
3 tions Act, 2018”.

1 **DIVISION H—DEPARTMENTS OF LABOR,**
2 **HEALTH AND HUMAN SERVICES, AND**
3 **EDUCATION, AND RELATED AGENCIES**
4 **APPROPRIATIONS ACT, 2018**

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For necessary expenses of the Workforce Innovation
10 and Opportunity Act (referred to in this Act as “WIOA”),
11 the Second Chance Act of 2007, and the National Appren-
12 ticeship Act, \$3,486,200,000, plus reimbursements, shall
13 be available. Of the amounts provided:

14 (1) for grants to States for adult employment
15 and training activities, youth activities, and dis-
16 located worker employment and training activities,
17 \$2,789,832,000 as follows:

18 (A) \$845,556,000 for adult employment
19 and training activities, of which \$133,556,000
20 shall be available for the period July 1, 2018
21 through June 30, 2019, and of which
22 \$712,000,000 shall be available for the period
23 October 1, 2018 through June 30, 2019;

1 (B) \$903,416,000 for youth activities,
2 which shall be available for the period April 1,
3 2018 through June 30, 2019; and

4 (C) \$1,040,860,000 for dislocated worker
5 employment and training activities, of which
6 \$180,860,000 shall be available for the period
7 July 1, 2018 through June 30, 2019, and of
8 which \$860,000,000 shall be available for the
9 period October 1, 2018 through June 30, 2019:

10 *Provided*, That the funds available for allotment to
11 outlying areas to carry out subtitle B of title I of the
12 WIOA shall not be subject to the requirements of
13 section 127(b)(1)(B)(ii) of such Act; and

14 (2) for national programs, \$696,368,000 as fol-
15 lows:

16 (A) \$220,859,000 for the dislocated work-
17 ers assistance national reserve, of which
18 \$20,859,000 shall be available for the period
19 July 1, 2018 through September 30, 2019, and
20 of which \$200,000,000 shall be available for the
21 period October 1, 2018 through September 30,
22 2019: *Provided*, That funds provided to carry
23 out section 132(a)(2)(A) of the WIOA may be
24 used to provide assistance to a State for state-
25 wide or local use in order to address cases

1 where there have been worker dislocations
2 across multiple sectors or across multiple local
3 areas and such workers remain dislocated; co-
4 ordinate the State workforce development plan
5 with emerging economic development needs; and
6 train such eligible dislocated workers: *Provided*
7 *further*, That funds provided to carry out sec-
8 tions 168(b) and 169(c) of the WIOA may be
9 used for technical assistance and demonstration
10 projects, respectively, that provide assistance to
11 new entrants in the workforce and incumbent
12 workers: *Provided further*, That notwithstanding
13 section 168(b) of the WIOA, of the funds pro-
14 vided under this subparagraph, the Secretary of
15 Labor (referred to in this title as “Secretary”)
16 may reserve not more than 10 percent of such
17 funds to provide technical assistance and carry
18 out additional activities related to the transition
19 to the WIOA: *Provided further*, That of the
20 funds provided under this subparagraph,
21 \$30,000,000 shall be for training and employ-
22 ment assistance under sections 168(b), 169(c)
23 (notwithstanding the 10 percent limitation in
24 such section) and 170 of the WIOA for workers
25 in the Appalachian region, as defined by 40

1 U.S.C. 14102(a)(1) and workers in the Lower
2 Mississippi, as defined in section 4(2) of the
3 Delta Development Act (Public Law 100–460,
4 102 Stat. 2246; 7 U.S.C. 2009aa(2));

5 (B) \$54,000,000 for Native American pro-
6 grams under section 166 of the WIOA, which
7 shall be available for the period July 1, 2018
8 through June 30, 2019;

9 (C) \$87,896,000 for migrant and seasonal
10 farmworker programs under section 167 of the
11 WIOA, including \$81,447,000 for formula
12 grants (of which not less than 70 percent shall
13 be for employment and training services),
14 \$5,922,000 for migrant and seasonal housing
15 (of which not less than 70 percent shall be for
16 permanent housing), and \$527,000 for other
17 discretionary purposes, which shall be available
18 for the period July 1, 2018 through June 30,
19 2019: *Provided*, That notwithstanding any
20 other provision of law or related regulation, the
21 Department of Labor shall take no action lim-
22 iting the number or proportion of eligible par-
23 ticipants receiving related assistance services or
24 discouraging grantees from providing such serv-
25 ices;

1 (D) \$89,534,000 for YouthBuild activities
2 as described in section 171 of the WIOA, which
3 shall be available for the period April 1, 2018
4 through June 30, 2019;

5 (E) \$93,079,000 for ex-offender activities,
6 under the authority of section 169 of the WIOA
7 and section 212 of the Second Chance Act of
8 2007, which shall be available for the period
9 April 1, 2018 through June 30, 2019: *Provided,*
10 That of this amount, \$25,000,000 shall be for
11 competitive grants to national and regional
12 intermediaries for activities that prepare young
13 ex-offenders and school dropouts for employ-
14 ment, with a priority for projects serving high-
15 crime, high-poverty areas;

16 (F) \$6,000,000 for the Workforce Data
17 Quality Initiative, under the authority of section
18 169 of the WIOA, which shall be available for
19 the period July 1, 2018 through June 30,
20 2019; and

21 (G) \$145,000,000 to expand opportunities
22 relating to apprenticeship programs registered
23 under the National Apprenticeship Act, to be
24 available to the Secretary to carry out activities
25 through grants, cooperative agreements, con-

1 tracts and other arrangements, with States and
2 other appropriate entities, which shall be avail-
3 able for the period April 1, 2018 through June
4 30, 2019.

5 JOB CORPS

6 (INCLUDING TRANSFER OF FUNDS)

7 To carry out subtitle C of title I of the WIOA, includ-
8 ing Federal administrative expenses, the purchase and
9 hire of passenger motor vehicles, the construction, alter-
10 ation, and repairs of buildings and other facilities, and the
11 purchase of real property for training centers as author-
12 ized by the WIOA, \$1,718,655,000, plus reimbursements,
13 as follows:

14 (1) \$1,603,325,000 for Job Corps Operations,
15 which shall be available for the period July 1, 2018
16 through June 30, 2019;

17 (2) \$83,000,000 for construction, rehabilitation
18 and acquisition of Job Corps Centers, which shall be
19 available for the period July 1, 2018 through June
20 30, 2021, and which may include the acquisition,
21 maintenance, and repair of major items of equip-
22 ment: *Provided*, That the Secretary may transfer up
23 to 15 percent of such funds to meet the operational
24 needs of such centers or to achieve administrative ef-
25 ficiencies: *Provided further*, That any funds trans-

1 employment and case management services, allowances for
2 job search and relocation, and related State administrative
3 expenses under part II of subchapter B of chapter 2 of
4 title II of the Trade Act of 1974, and including benefit
5 payments, allowances, training, employment and case
6 management services, and related State administration
7 provided pursuant to section 231(a) of the Trade Adjust-
8 ment Assistance Extension Act of 2011 and section 405(a)
9 of the Trade Preferences Extension Act of 2015,
10 \$790,000,000 together with such amounts as may be nec-
11 essary to be charged to the subsequent appropriation for
12 payments for any period subsequent to September 15,
13 2018: *Provided*, That notwithstanding section 502 of this
14 Act, any part of the appropriation provided under this
15 heading may remain available for obligation beyond the
16 current fiscal year pursuant to the authorities of section
17 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

18 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

19 SERVICE OPERATIONS

20 For authorized administrative expenses,
21 \$84,066,000, together with not to exceed \$3,380,625,000
22 which may be expended from the Employment Security
23 Administration Account in the Unemployment Trust Fund
24 (“the Trust Fund”), of which:

1 (1) \$2,639,600,000 from the Trust Fund is for
2 grants to States for the administration of State un-
3 employment insurance laws as authorized under title
4 III of the Social Security Act (including not less
5 than \$120,000,000 to conduct in-person reemploy-
6 ment and eligibility assessments and unemployment
7 insurance improper payment reviews, and to provide
8 reemployment services and referrals to training as
9 appropriate, for claimants of unemployment insur-
10 ance for ex-service members under 5 U.S.C. 8521 et.
11 seq. and for claimants of regular unemployment
12 compensation, including those who are profiled as
13 most likely to exhaust their benefits in each State:
14 *Provided*, That such activities shall not be subject to
15 section 306 of the Social Security Act; and
16 \$9,000,000 for continued support of the Unemploy-
17 ment Insurance Integrity Center of Excellence), the
18 administration of unemployment insurance for Fed-
19 eral employees and for ex-service members as au-
20 thorized under 5 U.S.C. 8501–8523, and the admin-
21 istration of trade readjustment allowances, reem-
22 ployment trade adjustment assistance, and alter-
23 native trade adjustment assistance under the Trade
24 Act of 1974 and under section 231(a) of the Trade
25 Adjustment Assistance Extension Act of 2011 and

1 section 405(a) of the Trade Preferences Extension
2 Act of 2015, and shall be available for obligation by
3 the States through December 31, 2018, except that
4 funds used for automation shall be available for
5 Federal obligation through December 31, 2018, and
6 for State obligation through September 30, 2020, or,
7 if the automation is being carried out through con-
8 sortia of States, for State obligation through Sep-
9 tember 30, 2023, and for expenditure through Sep-
10 tember 30, 2024, and funds for competitive grants
11 awarded to States for improved operations and to
12 conduct in-person reemployment and eligibility as-
13 sessments and unemployment insurance improper
14 payment reviews and provide reemployment services
15 and referrals to training, as appropriate, shall be
16 available for Federal obligation through December
17 31, 2018, and for obligation by the States through
18 September 30, 2020, and funds for the Unemploy-
19 ment Insurance Integrity Center of Excellence shall
20 be available for obligation by the State through Sep-
21 tember 30, 2019, and funds used for unemployment
22 insurance workloads experienced through September
23 30, 2018 shall be available for Federal obligation
24 through December 31, 2018;

1 (2) \$13,897,000 from the Trust Fund is for na-
2 tional activities necessary to support the administra-
3 tion of the Federal-State unemployment insurance
4 system;

5 (3) \$645,000,000 from the Trust Fund, to-
6 gether with \$21,413,000 from the General Fund of
7 the Treasury, is for grants to States in accordance
8 with section 6 of the Wagner-Peyser Act, and shall
9 be available for Federal obligation for the period
10 July 1, 2018 through June 30, 2019;

11 (4) \$19,818,000 from the Trust Fund is for na-
12 tional activities of the Employment Service, includ-
13 ing administration of the work opportunity tax cred-
14 it under section 51 of the Internal Revenue Code of
15 1986, and the provision of technical assistance and
16 staff training under the Wagner-Peyser Act;

17 (5) \$62,310,000 from the Trust Fund is for the
18 administration of foreign labor certifications and re-
19 lated activities under the Immigration and Nation-
20 ality Act and related laws, of which \$48,028,000
21 shall be available for the Federal administration of
22 such activities, and \$14,282,000 shall be available
23 for grants to States for the administration of such
24 activities; and

1 (6) \$62,653,000 from the General Fund is to
2 provide workforce information, national electronic
3 tools, and one-stop system building under the Wag-
4 ner-Peyser Act and shall be available for Federal ob-
5 ligation for the period July 1, 2018 through June
6 30, 2019:

7 *Provided*, That to the extent that the Average Weekly In-
8 sured Unemployment (“AWIU”) for fiscal year 2018 is
9 projected by the Department of Labor to exceed
10 2,246,000, an additional \$28,600,000 from the Trust
11 Fund shall be available for obligation for every 100,000
12 increase in the AWIU level (including a pro rata amount
13 for any increment less than 100,000) to carry out title
14 III of the Social Security Act: *Provided further*, That
15 funds appropriated in this Act that are allotted to a State
16 to carry out activities under title III of the Social Security
17 Act may be used by such State to assist other States in
18 carrying out activities under such title III if the other
19 States include areas that have suffered a major disaster
20 declared by the President under the Robert T. Stafford
21 Disaster Relief and Emergency Assistance Act: *Provided*
22 *further*, That the Secretary may use funds appropriated
23 for grants to States under title III of the Social Security
24 Act to make payments on behalf of States for the use of
25 the National Directory of New Hires under section

1 453(j)(8) of such Act: *Provided further*, That the Sec-
2 retary may use funds appropriated for grants to States
3 under title III of the Social Security Act to make pay-
4 ments on behalf of States to the entity operating the State
5 Information Data Exchange System: *Provided further*,
6 That funds appropriated in this Act which are used to es-
7 tablish a national one-stop career center system, or which
8 are used to support the national activities of the Federal-
9 State unemployment insurance, employment service, or
10 immigration programs, may be obligated in contracts,
11 grants, or agreements with States and non-State entities:
12 *Provided further*, That States awarded competitive grants
13 for improved operations under title III of the Social Secu-
14 rity Act, or awarded grants to support the national activi-
15 ties of the Federal-State unemployment insurance system,
16 may award subgrants to other States and non-State enti-
17 ties under such grants, subject to the conditions applicable
18 to the grants: *Provided further*, That funds appropriated
19 under this Act for activities authorized under title III of
20 the Social Security Act and the Wagner-Peyser Act may
21 be used by States to fund integrated Unemployment In-
22 surance and Employment Service automation efforts, not-
23 withstanding cost allocation principles prescribed under
24 the final rule entitled “Uniform Administrative Require-
25 ments, Cost Principles, and Audit Requirements for Fed-

1 eral Awards” at part 200 of title 2, Code of Federal Regu-
2 lations: *Provided further*, That the Secretary, at the re-
3 quest of a State participating in a consortium with other
4 States, may reallocate funds allotted to such State under title
5 III of the Social Security Act to other States participating
6 in the consortium in order to carry out activities that ben-
7 efit the administration of the unemployment compensation
8 law of the State making the request: *Provided further*,
9 That the Secretary may collect fees for the costs associ-
10 ated with additional data collection, analyses, and report-
11 ing services relating to the National Agricultural Workers
12 Survey requested by State and local governments, public
13 and private institutions of higher education, and nonprofit
14 organizations and may utilize such sums, in accordance
15 with the provisions of 29 U.S.C. 9a, for the National Agri-
16 cultural Workers Survey infrastructure, methodology, and
17 data to meet the information collection and reporting
18 needs of such entities, which shall be credited to this ap-
19 propriation and shall remain available until September 30,
20 2019, for such purposes.

21 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND

22 OTHER FUNDS

23 For repayable advances to the Unemployment Trust
24 Fund as authorized by sections 905(d) and 1203 of the
25 Social Security Act, and to the Black Lung Disability

1 Trust Fund as authorized by section 9501(c)(1) of the In-
2 ternal Revenue Code of 1986; and for nonrepayable ad-
3 vances to the revolving fund established by section 901(e)
4 of the Social Security Act, to the Unemployment Trust
5 Fund as authorized by 5 U.S.C. 8509, and to the “Federal
6 Unemployment Benefits and Allowances” account, such
7 sums as may be necessary, which shall be available for
8 obligation through September 30, 2019.

9 PROGRAM ADMINISTRATION

10 For expenses of administering employment and train-
11 ing programs, \$108,674,000, together with not to exceed
12 \$49,982,000 which may be expended from the Employ-
13 ment Security Administration Account in the Unemploy-
14 ment Trust Fund.

15 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Employee Benefits
18 Security Administration, \$181,000,000, of which up to
19 \$3,000,000 shall be made available through September 30,
20 2019, for the procurement of expert witnesses for enforce-
21 ment litigation.

22 PENSION BENEFIT GUARANTY CORPORATION

23 PENSION BENEFIT GUARANTY CORPORATION FUND

24 The Pension Benefit Guaranty Corporation (“Cor-
25 poration”) is authorized to make such expenditures, in-

1 cluding financial assistance authorized by subtitle E of
2 title IV of the Employee Retirement Income Security Act
3 of 1974, within limits of funds and borrowing authority
4 available to the Corporation, and in accord with law, and
5 to make such contracts and commitments without regard
6 to fiscal year limitations, as provided by 31 U.S.C. 9104,
7 as may be necessary in carrying out the program, includ-
8 ing associated administrative expenses, through Sep-
9 tember 30, 2018, for the Corporation: *Provided*, That
10 none of the funds available to the Corporation for fiscal
11 year 2018 shall be available for obligations for administra-
12 tive expenses in excess of \$424,417,000: *Provided further*,
13 That to the extent that the number of new plan partici-
14 pants in plans terminated by the Corporation exceeds
15 100,000 in fiscal year 2018, an amount not to exceed an
16 additional \$9,200,000 shall be available through Sep-
17 tember 30, 2019, for obligation for administrative ex-
18 penses for every 20,000 additional terminated partici-
19 pants: *Provided further*, That obligations in excess of the
20 amounts provided in this paragraph may be incurred for
21 unforeseen and extraordinary pretermination expenses or
22 extraordinary multiemployer program related expenses
23 after approval by the Office of Management and Budget
24 and notification of the Committees on Appropriations of
25 the House of Representatives and the Senate.

1 WAGE AND HOUR DIVISION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Wage and Hour Divi-
4 sion, including reimbursement to State, Federal, and local
5 agencies and their employees for inspection services ren-
6 dered, \$227,500,000.

7 OFFICE OF LABOR-MANAGEMENT STANDARDS

8 SALARIES AND EXPENSES

9 For necessary expenses for the Office of Labor-Man-
10 agement Standards, \$40,187,000.

11 OFFICE OF FEDERAL CONTRACT COMPLIANCE

12 PROGRAMS

13 SALARIES AND EXPENSES

14 For necessary expenses for the Office of Federal Con-
15 tract Compliance Programs, \$103,476,000.

16 OFFICE OF WORKERS' COMPENSATION PROGRAMS

17 SALARIES AND EXPENSES

18 For necessary expenses for the Office of Workers'
19 Compensation Programs, \$115,424,000, together with
20 \$2,177,000 which may be expended from the Special Fund
21 in accordance with sections 39(c), 44(d), and 44(j) of the
22 Longshore and Harbor Workers' Compensation Act.

1 SPECIAL BENEFITS

2 (INCLUDING TRANSFER OF FUNDS)

3 For the payment of compensation, benefits, and ex-
4 penses (except administrative expenses) accruing during
5 the current or any prior fiscal year authorized by 5 U.S.C.
6 81; continuation of benefits as provided for under the
7 heading “Civilian War Benefits” in the Federal Security
8 Agency Appropriation Act, 1947; the Employees’ Com-
9 pensation Commission Appropriation Act, 1944; section
10 5(f) of the War Claims Act (50 U.S.C. App. 2012); obliga-
11 tions incurred under the War Hazards Compensation Act
12 (42 U.S.C. 1701 et seq.); and 50 percent of the additional
13 compensation and benefits required by section 10(h) of the
14 Longshore and Harbor Workers’ Compensation Act,
15 \$220,000,000, together with such amounts as may be nec-
16 essary to be charged to the subsequent year appropriation
17 for the payment of compensation and other benefits for
18 any period subsequent to August 15 of the current year,
19 for deposit into and to assume the attributes of the Em-
20 ployees’ Compensation Fund established under 5 U.S.C.
21 8147(a): *Provided*, That amounts appropriated may be
22 used under 5 U.S.C. 8104 by the Secretary to reimburse
23 an employer, who is not the employer at the time of injury,
24 for portions of the salary of a re-employed, disabled bene-
25 ficiary: *Provided further*, That balances of reimbursements

1 unobligated on September 30, 2017, shall remain available
2 until expended for the payment of compensation, benefits,
3 and expenses: *Provided further*, That in addition there
4 shall be transferred to this appropriation from the Postal
5 Service and from any other corporation or instrumentality
6 required under 5 U.S.C. 8147(c) to pay an amount for
7 its fair share of the cost of administration, such sums as
8 the Secretary determines to be the cost of administration
9 for employees of such fair share entities through Sep-
10 tember 30, 2018: *Provided further*, That of those funds
11 transferred to this account from the fair share entities to
12 pay the cost of administration of the Federal Employees'
13 Compensation Act, \$71,188,000 shall be made available
14 to the Secretary as follows:

15 (1) For enhancement and maintenance of auto-
16 mated data processing systems operations and tele-
17 communications systems, \$24,540,000;

18 (2) For automated workload processing oper-
19 ations, including document imaging, centralized mail
20 intake, and medical bill processing, \$22,968,000;

21 (3) For periodic roll disability management and
22 medical review, \$21,946,000;

23 (4) For program integrity, \$1,734,000; and

24 (5) The remaining funds shall be paid into the
25 Treasury as miscellaneous receipts:

1 *Provided further*, That the Secretary may require that any
2 person filing a notice of injury or a claim for benefits
3 under 5 U.S.C. 81, or the Longshore and Harbor Work-
4 ers' Compensation Act, provide as part of such notice and
5 claim, such identifying information (including Social Secu-
6 rity account number) as such regulations may prescribe.

7 SPECIAL BENEFITS FOR DISABLED COAL MINERS

8 For carrying out title IV of the Federal Mine Safety
9 and Health Act of 1977, as amended by Public Law 107-
10 275, \$54,319,000, to remain available until expended.

11 For making after July 31 of the current fiscal year,
12 benefit payments to individuals under title IV of such Act,
13 for costs incurred in the current fiscal year, such amounts
14 as may be necessary.

15 For making benefit payments under title IV for the
16 first quarter of fiscal year 2019, \$15,000,000, to remain
17 available until expended.

18 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

19 OCCUPATIONAL ILLNESS COMPENSATION FUND

20 For necessary expenses to administer the Energy
21 Employees Occupational Illness Compensation Program
22 Act, \$59,846,000, to remain available until expended: *Pro-*
23 *vided*, That the Secretary may require that any person fil-
24 ing a claim for benefits under the Act provide as part of

1 such claim such identifying information (including Social
2 Security account number) as may be prescribed.

3 BLACK LUNG DISABILITY TRUST FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 Such sums as may be necessary from the Black Lung
6 Disability Trust Fund (the “Fund”), to remain available
7 until expended, for payment of all benefits authorized by
8 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
9 enue Code of 1986; and repayment of, and payment of
10 interest on advances, as authorized by section 9501(d)(4)
11 of that Act. In addition, the following amounts may be
12 expended from the Fund for fiscal year 2018 for expenses
13 of operation and administration of the Black Lung Bene-
14 fits program, as authorized by section 9501(d)(5): not to
15 exceed \$38,246,000 for transfer to the Office of Workers’
16 Compensation Programs, “Salaries and Expenses”; not to
17 exceed \$31,994,000 for transfer to Departmental Manage-
18 ment, “Salaries and Expenses”; not to exceed \$330,000
19 for transfer to Departmental Management, “Office of In-
20 spector General”; and not to exceed \$356,000 for pay-
21 ments into miscellaneous receipts for the expenses of the
22 Department of the Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$552,787,000, including not
5 to exceed \$100,850,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (the “Act”),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary
11 under section 18 of the Act; and, in addition, notwith-
12 standing 31 U.S.C. 3302, the Occupational Safety and
13 Health Administration may retain up to \$499,000 per fis-
14 cal year of training institute course tuition and fees, other-
15 wise authorized by law to be collected, and may utilize
16 such sums for occupational safety and health training and
17 education: *Provided*, That notwithstanding 31 U.S.C.
18 3302, the Secretary is authorized, during the fiscal year
19 ending September 30, 2018, to collect and retain fees for
20 services provided to Nationally Recognized Testing Lab-
21 oratories, and may utilize such sums, in accordance with
22 the provisions of 29 U.S.C. 9a, to administer national and
23 international laboratory recognition programs that ensure
24 the safety of equipment and products used by workers in
25 the workplace: *Provided further*, That none of the funds

1 appropriated under this paragraph shall be obligated or
2 expended to prescribe, issue, administer, or enforce any
3 standard, rule, regulation, or order under the Act which
4 is applicable to any person who is engaged in a farming
5 operation which does not maintain a temporary labor
6 camp and employs 10 or fewer employees: *Provided fur-*
7 *ther*, That no funds appropriated under this paragraph
8 shall be obligated or expended to administer or enforce
9 any standard, rule, regulation, or order under the Act with
10 respect to any employer of 10 or fewer employees who is
11 included within a category having a Days Away, Re-
12 stricted, or Transferred (“DART”) occupational injury
13 and illness rate, at the most precise industrial classifica-
14 tion code for which such data are published, less than the
15 national average rate as such rates are most recently pub-
16 lished by the Secretary, acting through the Bureau of
17 Labor Statistics, in accordance with section 24 of the Act,
18 except—

19 (1) to provide, as authorized by the Act, con-
20 sultation, technical assistance, educational and train-
21 ing services, and to conduct surveys and studies;

22 (2) to conduct an inspection or investigation in
23 response to an employee complaint, to issue a cita-
24 tion for violations found during such inspection, and
25 to assess a penalty for violations which are not cor-

1 rected within a reasonable abatement period and for
2 any willful violations found;

3 (3) to take any action authorized by the Act
4 with respect to imminent dangers;

5 (4) to take any action authorized by the Act
6 with respect to health hazards;

7 (5) to take any action authorized by the Act
8 with respect to a report of an employment accident
9 which is fatal to one or more employees or which re-
10 sults in hospitalization of two or more employees,
11 and to take any action pursuant to such investiga-
12 tion authorized by the Act; and

13 (6) to take any action authorized by the Act
14 with respect to complaints of discrimination against
15 employees for exercising rights under the Act:

16 *Provided further*, That the foregoing proviso shall not
17 apply to any person who is engaged in a farming operation
18 which does not maintain a temporary labor camp and em-
19 ploys 10 or fewer employees: *Provided further*, That
20 \$10,537,000 shall be available for Susan Harwood train-
21 ing grants, of which the Secretary shall reserve not less
22 than \$4,500,000 for Susan Harwood Training Capacity
23 Building Developmental grants, as described in Funding
24 Opportunity Number SHTG-GY-16-02 (referenced in
25 the notice of availability of funds published in the Federal

1 Register on May 3, 2016 (81 Fed. Reg. 30568)) for pro-
2 gram activities starting not later than September 30, 2018
3 and lasting for a period of 12 months: *Provided further*,
4 That not less than \$3,500,000 shall be for Voluntary Pro-
5 tection Programs.

6 MINE SAFETY AND HEALTH ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses for the Mine Safety and
9 Health Administration, \$373,816,000, including purchase
10 and bestowal of certificates and trophies in connection
11 with mine rescue and first-aid work, and the hire of pas-
12 senger motor vehicles, including up to \$2,000,000 for
13 mine rescue and recovery activities and not less than
14 \$10,537,000 for State assistance grants: *Provided*, That
15 amounts available for State assistance grants may be used
16 for the purchase and maintenance of new equipment re-
17 quired by the final rule entitled “Lowering Miners’ Expo-
18 sure to Respirable Coal Mine Dust, Including Continuous
19 Personal Dust Monitors” published by the Department of
20 Labor in the Federal Register on May 1, 2014 (79 Fed.
21 Reg. 24813 et seq.), for operators that demonstrate finan-
22 cial need as determined by the Secretary: *Provided further*,
23 That notwithstanding 31 U.S.C. 3302, not to exceed
24 \$750,000 may be collected by the National Mine Health
25 and Safety Academy for room, board, tuition, and the sale

1 of training materials, otherwise authorized by law to be
2 collected, to be available for mine safety and health edu-
3 cation and training activities: *Provided further*, That not-
4 withstanding 31 U.S.C. 3302, the Mine Safety and Health
5 Administration is authorized to collect and retain up to
6 \$2,499,000 from fees collected for the approval and cer-
7 tification of equipment, materials, and explosives for use
8 in mines, and may utilize such sums for such activities:
9 *Provided further*, That the Secretary is authorized to ac-
10 cept lands, buildings, equipment, and other contributions
11 from public and private sources and to prosecute projects
12 in cooperation with other agencies, Federal, State, or pri-
13 vate: *Provided further*, That the Mine Safety and Health
14 Administration is authorized to promote health and safety
15 education and training in the mining community through
16 cooperative programs with States, industry, and safety as-
17 sociations: *Provided further*, That the Secretary is author-
18 ized to recognize the Joseph A. Holmes Safety Association
19 as a principal safety association and, notwithstanding any
20 other provision of law, may provide funds and, with or
21 without reimbursement, personnel, including service of
22 Mine Safety and Health Administration officials as offi-
23 cers in local chapters or in the national organization: *Pro-*
24 *vided further*, That any funds available to the Department
25 of Labor may be used, with the approval of the Secretary,

1 to provide for the costs of mine rescue and survival oper-
2 ations in the event of a major disaster.

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

5 For necessary expenses for the Bureau of Labor Sta-
6 tistics, including advances or reimbursements to State,
7 Federal, and local agencies and their employees for serv-
8 ices rendered, \$547,000,000, together with not to exceed
9 \$65,000,000 which may be expended from the Employ-
10 ment Security Administration account in the Unemploy-
11 ment Trust Fund.

12 OFFICE OF DISABILITY EMPLOYMENT POLICY

13 SALARIES AND EXPENSES

14 For necessary expenses for the Office of Disability
15 Employment Policy to provide leadership, develop policy
16 and initiatives, and award grants furthering the objective
17 of eliminating barriers to the training and employment of
18 people with disabilities, \$38,203,000.

19 DEPARTMENTAL MANAGEMENT

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for Departmental Manage-
23 ment, including the hire of three passenger motor vehicles,
24 \$337,536,000, together with not to exceed \$308,000,
25 which may be expended from the Employment Security

1 Administration account in the Unemployment Trust
2 Fund: *Provided*, That \$59,825,000 for the Bureau of
3 International Labor Affairs shall be available for obliga-
4 tion through December 31, 2018: *Provided further*, That
5 funds available to the Bureau of International Labor Af-
6 fairs may be used to administer or operate international
7 labor activities, bilateral and multilateral technical assist-
8 ance, and microfinance programs, by or through contracts,
9 grants, subgrants and other arrangements: *Provided fur-*
10 *ther*, That not more than \$53,825,000 shall be for pro-
11 grams to combat exploitative child labor internationally
12 and not less than \$6,000,000 shall be used to implement
13 model programs that address worker rights issues through
14 technical assistance in countries with which the United
15 States has free trade agreements or trade preference pro-
16 grams: *Provided further*, That \$8,040,000 shall be used
17 for program evaluation and shall be available for obliga-
18 tion through September 30, 2019: *Provided further*, That
19 funds available for program evaluation may be used to ad-
20 minister grants for the purpose of evaluation: *Provided*
21 *further*, That grants made for the purpose of evaluation
22 shall be awarded through fair and open competition: *Pro-*
23 *vided further*, That funds available for program evaluation
24 may be transferred to any other appropriate account in
25 the Department for such purpose: *Provided further*, That

1 the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate are notified at least 15 days
3 in advance of any transfer: *Provided further*, That the
4 funds available to the Women’s Bureau may be used for
5 grants to serve and promote the interests of women in the
6 workforce: *Provided further*, That of the amounts made
7 available to the Women’s Bureau, \$994,000 shall be used
8 for grants authorized by the Women in Apprenticeship
9 and Nontraditional Occupations Act.

10 VETERANS EMPLOYMENT AND TRAINING

11 Not to exceed \$245,041,000 may be derived from the
12 Employment Security Administration account in the Un-
13 employment Trust Fund to carry out the provisions of
14 chapters 41, 42, and 43 of title 38, United States Code,
15 of which:

16 (1) \$180,000,000 is for Jobs for Veterans State
17 grants under 38 U.S.C. 4102A(b)(5) to support dis-
18 abled veterans’ outreach program specialists under
19 section 4103A of such title and local veterans’ em-
20 ployment representatives under section 4104(b) of
21 such title, and for the expenses described in section
22 4102A(b)(5)(C), which shall be available for obliga-
23 tion by the States through December 31, 2018, and
24 not to exceed 3 percent for the necessary Federal ex-
25 penditures for data systems and contract support to

1 allow for the tracking of participant and perform-
2 ance information: *Provided*, That, in addition, such
3 funds may be used to support such specialists and
4 representatives in the provision of services to
5 transitioning members of the Armed Forces who
6 have participated in the Transition Assistance Pro-
7 gram and have been identified as in need of inten-
8 sive services, to members of the Armed Forces who
9 are wounded, ill, or injured and receiving treatment
10 in military treatment facilities or warrior transition
11 units, and to the spouses or other family caregivers
12 of such wounded, ill, or injured members;

13 (2) \$19,500,000 is for carrying out the Transi-
14 tion Assistance Program under 38 U.S.C. 4113 and
15 10 U.S.C. 1144;

16 (3) \$42,127,000 is for Federal administration
17 of chapters 41, 42, and 43 of title 38, United States
18 Code; and

19 (4) \$3,414,000 is for the National Veterans'
20 Employment and Training Services Institute under
21 38 U.S.C. 4109:

22 *Provided*, That the Secretary may reallocate among the
23 appropriations provided under paragraphs (1) through (4)
24 above an amount not to exceed 3 percent of the appropria-
25 tion from which such reallocation is made.

1 In addition, from the General Fund of the Treasury,
2 \$50,000,000 is for carrying out programs to assist home-
3 less veterans and veterans at risk of homelessness who are
4 transitioning from certain institutions under sections
5 2021, 2021A, and 2023 of title 38, United States Code:
6 *Provided*, That notwithstanding subsections (c)(3) and (d)
7 of section 2023, the Secretary may award grants through
8 September 30, 2018, to provide services under such sec-
9 tion: *Provided further*, That services provided under sec-
10 tion 2023 may include, in addition to services to the indi-
11 viduals described in subsection (e) of such section, services
12 to veterans recently released from incarceration who are
13 at risk of homelessness.

14 In addition, fees may be assessed and deposited in
15 the HIRE Vets Medallion Award Fund pursuant to sec-
16 tion 5(b) of the HIRE Vets Act, as amended herein, and
17 such amounts shall be available to the Secretary to carry
18 out the HIRE Vets Medallion Award Program, as author-
19 ized by such Act, and shall remain available until ex-
20 pended: *Provided*, That such sums shall be in addition to
21 any other funds available for such purposes, including
22 funds available under paragraph (3) of this heading: *Pro-*
23 *vided further*, That section 2(d) of division O of the Con-
24 solidated Appropriations Act, 2017 (Public Law 115–31;
25 38 U.S.C. 4100 note) shall not apply.

1 IT MODERNIZATION

2 For necessary expenses for Department of Labor cen-
3 tralized infrastructure technology investment activities re-
4 lated to support systems and modernization, \$20,769,000,
5 which shall be available through September 30, 2019.

6 OFFICE OF INSPECTOR GENERAL

7 For salaries and expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, \$83,487,000, together with not to
10 exceed \$5,660,000 which may be expended from the Em-
11 ployment Security Administration account in the Unem-
12 ployment Trust Fund.

13 GENERAL PROVISIONS

14 SEC. 101. None of the funds appropriated by this Act
15 for the Job Corps shall be used to pay the salary and bo-
16 nuses of an individual, either as direct costs or any prora-
17 tion as an indirect cost, at a rate in excess of Executive
18 Level II.

19 (TRANSFER OF FUNDS)

20 SEC. 102. Not to exceed 1 percent of any discre-
21 tionary funds (pursuant to the Balanced Budget and
22 Emergency Deficit Control Act of 1985) which are appro-
23 priated for the current fiscal year for the Department of
24 Labor in this Act may be transferred between a program,
25 project, or activity, but no such program, project, or activ-

1 ity shall be increased by more than 3 percent by any such
2 transfer: *Provided*, That the transfer authority granted by
3 this section shall not be used to create any new program
4 or to fund any project or activity for which no funds are
5 provided in this Act: *Provided further*, That the Commit-
6 tees on Appropriations of the House of Representatives
7 and the Senate are notified at least 15 days in advance
8 of any transfer.

9 SEC. 103. In accordance with Executive Order
10 13126, none of the funds appropriated or otherwise made
11 available pursuant to this Act shall be obligated or ex-
12 pended for the procurement of goods mined, produced,
13 manufactured, or harvested or services rendered, in whole
14 or in part, by forced or indentured child labor in industries
15 and host countries already identified by the United States
16 Department of Labor prior to enactment of this Act.

17 SEC. 104. Except as otherwise provided in this sec-
18 tion, none of the funds made available to the Department
19 of Labor for grants under section 414(c) of the American
20 Competitiveness and Workforce Improvement Act of 1998
21 (29 U.S.C. 2916a) may be used for any purpose other
22 than competitive grants for training individuals who are
23 older than 16 years of age and are not currently enrolled
24 in school within a local educational agency in the occupa-
25 tions and industries for which employers are using H-1B

1 determined that those services will be more efficiently per-
2 formed by Federal employees: *Provided*, That this section
3 shall not apply to section 171 of the WIOA.

4 (b) Notwithstanding section 102, the Secretary may
5 transfer not more than 0.5 percent of each discretionary
6 appropriation made available to the Employment and
7 Training Administration by this Act to “Program Admin-
8 istration” in order to carry out program integrity activities
9 relating to any of the programs or activities that are fund-
10 ed under any such discretionary appropriations: *Provided*,
11 That notwithstanding section 102 and the preceding pro-
12 viso, the Secretary may transfer not more than 0.5 percent
13 of funds made available in paragraphs (1) and (2) of the
14 “Office of Job Corps” account to paragraph (3) of such
15 account to carry out program integrity activities related
16 to the Job Corps program: *Provided further*, That funds
17 transferred under the authority provided by this sub-
18 section shall be available for obligation through September
19 30, 2019.

20 (TRANSFER OF FUNDS)

21 SEC. 107. (a) The Secretary may reserve not more
22 than 0.75 percent from each appropriation made available
23 in this Act identified in subsection (b) in order to carry
24 out evaluations of any of the programs or activities that
25 are funded under such accounts. Any funds reserved under

1 this section shall be transferred to “Departmental Man-
2 agement” for use by the Office of the Chief Evaluation
3 Officer within the Department of Labor, and shall be
4 available for obligation through September 30, 2019: *Pro-*
5 *vided*, That such funds shall only be available if the Chief
6 Evaluation Officer of the Department of Labor submits
7 a plan to the Committees on Appropriations of the House
8 of Representatives and the Senate describing the evalua-
9 tions to be carried out 15 days in advance of any transfer.

10 (b) The accounts referred to in subsection (a) are:
11 “Training and Employment Services”, “Job Corps”,
12 “Community Service Employment for Older Americans”,
13 “State Unemployment Insurance and Employment Service
14 Operations”, “Employee Benefits Security Administra-
15 tion”, “Office of Workers’ Compensation Programs”,
16 “Wage and Hour Division”, “Office of Federal Contract
17 Compliance Programs”, “Office of Labor Management
18 Standards”, “Occupational Safety and Health Adminis-
19 tration”, “Mine Safety and Health Administration”, “Of-
20 fice of Disability Employment Policy”, funding made
21 available to the “Bureau of International Labor Affairs”
22 and “Women’s Bureau” within the “Departmental Man-
23 agement, Salaries and Expenses” account, and “Veterans
24 Employment and Training”.

1 SEC. 108. Notwithstanding any other provision of
2 law, beginning October 1, 2017, the Secretary of Labor,
3 in consultation with the Secretary of Agriculture may se-
4 lect an entity to operate a Civilian Conservation Center
5 on a competitive basis in accordance with section 147 of
6 the WIOA, if the Secretary of Labor determines such Cen-
7 ter has had consistently low performance under the per-
8 formance accountability system in effect for the Job Corps
9 program prior to July 1, 2016, or with respect to expected
10 levels of performance established under section 159(c) of
11 such Act beginning July 1, 2016.

12 SEC. 109. (a) Section 7 of the Fair Labor Standards
13 Act of 1938 (29 U.S.C. 207) shall be applied as if the
14 following text is part of such section:

15 “(s)(1) The provisions of this section shall not apply
16 for a period of 2 years after the occurrence of a major
17 disaster to any employee—

18 “(A) employed to adjust or evaluate claims re-
19 sulting from or relating to such major disaster, by
20 an employer not engaged, directly or through an af-
21 filiate, in underwriting, selling, or marketing prop-
22 erty, casualty, or liability insurance policies or con-
23 tracts;

24 “(B) who receives from such employer on aver-
25 age weekly compensation of not less than \$591.00

1 per week or any minimum weekly amount estab-
2 lished by the Secretary, whichever is greater, for the
3 number of weeks such employee is engaged in any
4 of the activities described in subparagraph (C); and

5 “(C) whose duties include any of the following:

6 “(i) interviewing insured individuals, indi-
7 viduals who suffered injuries or other damages
8 or losses arising from or relating to a disaster,
9 witnesses, or physicians;

10 “(ii) inspecting property damage or review-
11 ing factual information to prepare damage esti-
12 mates;

13 “(iii) evaluating and making recommenda-
14 tions regarding coverage or compensability of
15 claims or determining liability or value aspects
16 of claims;

17 “(iv) negotiating settlements; or

18 “(v) making recommendations regarding
19 litigation.

20 “(2) The exemption in this subsection shall not affect
21 the exemption provided by section 13(a)(1).

22 “(3) For purposes of this subsection—

23 “(A) the term ‘major disaster’ means any dis-
24 aster or catastrophe declared or designated by any
25 State or Federal agency or department;

1 lie Law 115–31, \$12,500,000 is rescinded, to be derived
2 from the amount made available in paragraph (2)(A)
3 under such heading for the period October 1, 2017,
4 through September 30, 2018.

5 SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE
6 CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE
7 SEAFOOD INDUSTRY.—

8 (1) IN GENERAL.—Subject to paragraph (2), if
9 a petition for H–2B nonimmigrants filed by an em-
10 ployer in the seafood industry is granted, the em-
11 ployer may bring the nonimmigrants described in
12 the petition into the United States at any time dur-
13 ing the 120-day period beginning on the start date
14 for which the employer is seeking the services of the
15 nonimmigrants without filing another petition.

16 (2) REQUIREMENTS FOR CROSSINGS AFTER
17 90TH DAY.—An employer in the seafood industry
18 may not bring H–2B nonimmigrants into the United
19 States after the date that is 90 days after the start
20 date for which the employer is seeking the services
21 of the nonimmigrants unless the employer—

22 (A) completes a new assessment of the
23 local labor market by—

24 (i) listing job orders in local news-
25 papers on 2 separate Sundays; and

1 (ii) posting the job opportunity on the
2 appropriate Department of Labor Elec-
3 tronic Job Registry and at the employer’s
4 place of employment; and

5 (B) offers the job to an equally or better
6 qualified United States worker who—

7 (i) applies for the job; and

8 (ii) will be available at the time and
9 place of need.

10 (3) EXEMPTION FROM RULES WITH RESPECT
11 TO STAGGERING.—The Secretary of Labor shall not
12 consider an employer in the seafood industry who
13 brings H–2B nonimmigrants into the United States
14 during the 120-day period specified in paragraph (1)
15 to be staggering the date of need in violation of sec-
16 tion 655.20(d) of title 20, Code of Federal Regula-
17 tions, or any other applicable provision of law.

18 (b) H–2B NONIMMIGRANTS DEFINED.—In this sec-
19 tion, the term “H–2B nonimmigrants” means aliens ad-
20 mitted to the United States pursuant to section
21 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
22 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

23 SEC. 112. The determination of prevailing wage for
24 the purposes of the H–2B program shall be the greater
25 of—(1) the actual wage level paid by the employer to other

1 employees with similar experience and qualifications for
2 such position in the same location; or (2) the prevailing
3 wage level for the occupational classification of the posi-
4 tion in the geographic area in which the H-2B non-
5 immigrant will be employed, based on the best information
6 available at the time of filing the petition. In the deter-
7 mination of prevailing wage for the purposes of the H-
8 2B program, the Secretary shall accept private wage sur-
9 veys even in instances where Occupational Employment
10 Statistics survey data are available unless the Secretary
11 determines that the methodology and data in the provided
12 survey are not statistically supported.

13 SEC. 113. None of the funds in this Act shall be used
14 to enforce the definition of corresponding employment
15 found in 20 CFR 655.5 or the three-fourths guarantee
16 rule definition found in 20 CFR 655.20, or any references
17 thereto. Further, for the purpose of regulating admission
18 of temporary workers under the H-2B program, the defi-
19 nition of temporary need shall be that provided in 8 CFR
20 214.2(h)(6)(ii)(B).

21 SEC. 114. Notwithstanding any other provision of
22 law, the Secretary may furnish through grants, coopera-
23 tive agreements, contracts, and other arrangements, up to
24 \$2,000,000 of excess personal property to apprenticeship

1 programs for the purpose of training apprentices in those
2 programs.

3 SEC. 115. The proviso at the end of paragraph (1)
4 under the heading “Department of Labor—Employment
5 and Training Administration—State Unemployment In-
6 surance and Employment Service Operations” in title I
7 of division G of Public Law 113–235 shall be applied in
8 fiscal year 2018 by substituting “seven” for “six”.

9 SEC. 116. Section 5(b) of the HIRE Vets Act (divi-
10 sion O of Public Law 115–31) is amended to read as fol-
11 lows:

12 “(b) To the extent provided in advance in appropria-
13 tions Acts, the Secretary may assess a reasonable fee on
14 employers that apply for receipt of a HIRE Vets Medallion
15 Award and the Secretary shall deposit such fees into the
16 HIRE Vets Medallion Award Fund. The Secretary shall
17 establish the amount of the fee such that the amounts col-
18 lected as fees and deposited into the Fund are sufficient
19 to cover the costs associated with carrying out this divi-
20 sion.”.

21 SEC. 117. (a) The Act entitled “An Act to create a
22 Department of Labor”, approved March 4, 1913 (37 Stat.
23 736, chapter 141) shall be applied as if the following text
24 is part of such Act:

1 **“SEC. 12. SECURITY DETAIL.**

2 “(a) IN GENERAL.—The Secretary of Labor is au-
3 thorized to employ law enforcement officers or special
4 agents to—

5 “(1) provide protection for the Secretary of
6 Labor during the workday of the Secretary and dur-
7 ing any activity that is preliminary or postliminary
8 to the performance of official duties by the Sec-
9 retary;

10 “(2) provide protection, incidental to the protec-
11 tion provided to the Secretary, to a member of the
12 immediate family of the Secretary who is partici-
13 pating in an activity or event relating to the official
14 duties of the Secretary;

15 “(3) provide continuous protection to the Sec-
16 retary (including during periods not described in
17 paragraph (1)) and to the members of the imme-
18 diate family of the Secretary if there is a unique and
19 articulable threat of physical harm, in accordance
20 with guidelines established by the Secretary; and

21 “(4) provide protection to the Deputy Secretary
22 of Labor or another senior officer representing the
23 Secretary of Labor at a public event if there is a
24 unique and articulable threat of physical harm, in
25 accordance with guidelines established by the Sec-
26 retary.

1 “(b) AUTHORITIES.—The Secretary of Labor may
2 authorize a law enforcement officer or special agent em-
3 ployed under subsection (a), for the purpose of performing
4 the duties authorized under subsection (a), to—

5 “(1) carry firearms;

6 “(2) make arrests without a warrant for any of-
7 fense against the United States committed in the
8 presence of such officer or special agent;

9 “(3) perform protective intelligence work, in-
10 cluding identifying and mitigating potential threats
11 and conducting advance work to review security mat-
12 ters relating to sites and events;

13 “(4) coordinate with local law enforcement
14 agencies; and

15 “(5) initiate criminal and other investigations
16 into potential threats to the security of the Sec-
17 retary, in coordination with the Inspector General of
18 the Department of Labor.

19 “(c) COMPLIANCE WITH GUIDELINES.—A law en-
20 forcement officer or special agent employed under sub-
21 section (a) shall exercise any authority provided under this
22 section in accordance with any—

23 “(1) guidelines issued by the Attorney General;
24 and

1 “(2) guidelines prescribed by the Secretary of
2 Labor.”.

3 (b) This section shall be effective on the date of en-
4 actment of this Act.

5 SEC. 118. The Secretary is authorized to dispose of
6 or divest, by any means the Secretary determines appro-
7 priate, including an agreement or partnership to construct
8 a new Job Corps center, all or a portion of the real prop-
9 erty on which the Treasure Island Job Corps Center is
10 situated. Any sale or other disposition will not be subject
11 to any requirement of any Federal law or regulation relat-
12 ing to the disposition of Federal real property, including
13 but not limited to Subchapter III of Chapter 5 of Title
14 40 of the United States Code and Subchapter V of Chap-
15 ter 119 of Title 42 of the United States Code. The net
16 proceeds of such a sale shall be transferred to the Sec-
17 retary, which shall be available until expended to carry out
18 the Job Corps Program.

19 This title may be cited as the “Department of Labor
20 Appropriations Act, 2018”.

1 TITLE II
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 HEALTH RESOURCES AND SERVICES ADMINISTRATION
5 PRIMARY HEALTH CARE

6 For carrying out titles II and III of the Public Health
7 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,*
8 *That no more than \$1,000,000 shall be available until expended for carrying out the provisions of section 224(o)*
9 *of the PHS Act: Provided further, That no more than*
10 *\$114,893,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section*
11 *224 of the PHS Act, and for expenses incurred by the*
12 *Department of Health and Human Services (referred to*
13 *in this Act as “HHS”) pertaining to administrative claims*
14 *made under such law: Provided further, That the ninth*
15 *provisos under the heading “Department of Health and*
16 *Human Services—Health Resources and Services Administration—Health Resources and Services” in Public Laws*
17 *104–208 and 105–78 are amended by striking*
18 *“\$80,000,000” and inserting “\$152,700,000” in each*
19 *such ninth proviso and by adding at the end of each such*
20 *ninth proviso the following new proviso: “Provided further,*
21 *That no more than \$1,000,000 shall be available until expended for carrying out the provisions of section 224(o)*
22 *of the PHS Act: Provided further, That no more than*
23 *\$114,893,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section*
24 *224 of the PHS Act, and for expenses incurred by the*
25 *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,

1 That such costs, including the cost of modifying such
2 loans, shall be as defined in section 502 of the Congres-
3 sional Budget Act of 1974:” *Provided further*, That of
4 funds provided for the Health Centers program, as defined
5 by section 330 of the PHS Act, by this Act or any other
6 Act for fiscal year 2018, not less than \$200,000,000 shall
7 be obligated in fiscal year 2018 for improving quality of
8 care or expanded service grants under section 330 of the
9 PHS Act to support and enhance behavioral health, men-
10 tal health, or substance use disorder services.

11 Of the funds made available under this heading,
12 \$20,000,000 shall remain available until expended for the
13 cost of guaranteed loans, as authorized under part A of
14 title XVI of the PHS Act, for non-Federal lenders for the
15 construction, renovation, and modernization of medical fa-
16 cilities that are operated by health centers: *Provided*, That
17 such costs, including the cost of modifying such loans,
18 shall be as defined in section 502 of the Congressional
19 Budget Act of 1974: *Provided further*, That such funds
20 are available to subsidize total loan principal, any part of
21 which is to be guaranteed, not to exceed \$743,494,000.

22 HEALTH WORKFORCE

23 For carrying out titles III, VII, and VIII of the PHS
24 Act with respect to the health workforce, sections 1128E
25 and 1921 of the Social Security Act, and the Health Care

1 Quality Improvement Act of 1986, \$1,060,695,000, of
2 which \$111,916,000 shall remain available through Sep-
3 tember 30, 2019 to carry out sections 755 and 756 of
4 the PHS Act: *Provided*, That sections 747(c)(2),
5 751(j)(2), 762(k), and the proportional funding amounts
6 in paragraphs (1) through (4) of section 756(f) of the
7 PHS Act shall not apply to funds made available under
8 this heading: *Provided further*, That for any program oper-
9 ating under section 751 of the PHS Act on or before Jan-
10 uary 1, 2009, the Secretary of Health and Human Serv-
11 ices (referred to in this title as the “Secretary”) may here-
12 after waive any of the requirements contained in sections
13 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full
14 project period of a grant under such section: *Provided fur-*
15 *ther*, That no funds shall be available for section 340G–
16 1 of the PHS Act: *Provided further*, That fees collected
17 for the disclosure of information under section 427(b) of
18 the Health Care Quality Improvement Act of 1986 and
19 sections 1128E(d)(2) and 1921 of the Social Security Act
20 shall be sufficient to recover the full costs of operating
21 the programs authorized by such sections and shall remain
22 available until expended for the National Practitioner
23 Data Bank: *Provided further*, That funds transferred to
24 this account to carry out section 846 and subpart 3 of
25 part D of title III of the PHS Act may be used to make

1 prior year adjustments to awards made under such sec-
2 tions: *Provided further*, That \$105,000,000 shall remain
3 available until expended, for the purposes of providing pri-
4 mary health services, be used to assign National Health
5 Service Corps (“NHSC”) members to expand the delivery
6 of substance use disorder treatment services, notwith-
7 standing the assignment priorities and limitations in or
8 under sections 333(a)(1)(D), 333(b), and
9 333A(a)(1)(B)(ii) of the PHS Act, and to make NHSC
10 Loan Repayment Program awards under section 338B of
11 such Act: *Provided further*, That for purposes of the pre-
12 vious proviso, section 331(a)(3)(D) of the PHS Act shall
13 be applied as if the term “primary health services” in-
14 cludes clinical substance use disorder treatment services,
15 including those provided by masters level, licensed sub-
16 stance use disorder treatment counselors.

17 MATERNAL AND CHILD HEALTH

18 For carrying out titles III, XI, XII, and XIX of the
19 PHS Act with respect to maternal and child health, title
20 V of the Social Security Act, and section 712 of the Amer-
21 ican Jobs Creation Act of 2004, \$886,789,000, of which
22 \$10,000,000 shall remain available through September
23 30, 2022 to carry out section 330M of the PHS Act: *Pro-*
24 *vided*, That notwithstanding sections 502(a)(1) and
25 502(b)(1) of the Social Security Act, not more than

1 \$83,593,000 shall be available for carrying out special
2 projects of regional and national significance pursuant to
3 section 501(a)(2) of such Act and \$10,276,000 shall be
4 available for projects described in subparagraphs (A)
5 through (F) of section 501(a)(3) of such Act.

6 RYAN WHITE HIV/AIDS PROGRAM

7 For carrying out title XXVI of the PHS Act with
8 respect to the Ryan White HIV/AIDS program,
9 \$2,318,781,000, of which \$1,970,881,000 shall remain
10 available to the Secretary through September 30, 2020,
11 for parts A and B of title XXVI of the PHS Act, and
12 of which not less than \$900,313,000 shall be for State
13 AIDS Drug Assistance Programs under the authority of
14 section 2616 or 311(c) of such Act.

15 HEALTH CARE SYSTEMS

16 For carrying out titles III and XII of the PHS Act
17 with respect to health care systems, and the Stem Cell
18 Therapeutic and Research Act of 2005, \$111,693,000, of
19 which \$122,000 shall be available until expended for facili-
20 ties renovations at the Gillis W. Long Hansen's Disease
21 Center.

22 RURAL HEALTH

23 For carrying out titles III and IV of the PHS Act
24 with respect to rural health, section 427(a) of the Federal
25 Coal Mine Health and Safety Act of 1969, and sections

1 711 and 1820 of the Social Security Act, \$290,794,000,
2 of which \$49,609,000 from general revenues, notwith-
3 standing section 1820(j) of the Social Security Act, shall
4 be available for carrying out the Medicare rural hospital
5 flexibility grants program: *Provided*, That of the funds
6 made available under this heading for Medicare rural hos-
7 pital flexibility grants, \$15,942,000 shall be available for
8 the Small Rural Hospital Improvement Grant Program
9 for quality improvement and adoption of health informa-
10 tion technology and up to \$1,000,000 shall be to carry
11 out section 1820(g)(6) of the Social Security Act, with
12 funds provided for grants under section 1820(g)(6) avail-
13 able for the purchase and implementation of telehealth
14 services, including pilots and demonstrations on the use
15 of electronic health records to coordinate rural veterans
16 care between rural providers and the Department of Vet-
17 erans Affairs electronic health record system: *Provided*
18 *further*, That notwithstanding section 338J(k) of the PHS
19 Act, \$10,000,000 shall be available for State Offices of
20 Rural Health: *Provided further*, That \$15,000,000 shall
21 remain available through September 30, 2020 to support
22 the Rural Residency Development Program: *Provided fur-*
23 *ther*, That \$100,000,000 shall remain available through
24 September 30, 2022, for the Rural Communities Opioids
25 Response Program.

1 FAMILY PLANNING

2 For carrying out the program under title X of the
3 PHS Act to provide for voluntary family planning
4 projects, \$286,479,000: *Provided*, That amounts provided
5 to said projects under such title shall not be expended for
6 abortions, that all pregnancy counseling shall be nondirec-
7 tive, and that such amounts shall not be expended for any
8 activity (including the publication or distribution of lit-
9 erature) that in any way tends to promote public support
10 or opposition to any legislative proposal or candidate for
11 public office.

12 PROGRAM MANAGEMENT

13 For program support in the Health Resources and
14 Services Administration, \$155,000,000: *Provided*, That
15 funds made available under this heading may be used to
16 supplement program support funding provided under the
17 headings “Primary Health Care”, “Health Workforce”,
18 “Maternal and Child Health”, “Ryan White HIV/AIDS
19 Program”, “Health Care Systems”, and “Rural Health”.

20 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

21 For payments from the Vaccine Injury Compensation
22 Program Trust Fund (the “Trust Fund”), such sums as
23 may be necessary for claims associated with vaccine-re-
24 lated injury or death with respect to vaccines administered
25 after September 30, 1988, pursuant to subtitle 2 of title

1 XXI of the PHS Act, to remain available until expended:
2 *Provided*, That for necessary administrative expenses, not
3 to exceed \$9,200,000 shall be available from the Trust
4 Fund to the Secretary.

5 CENTERS FOR DISEASE CONTROL AND PREVENTION

6 IMMUNIZATION AND RESPIRATORY DISEASES

7 For carrying out titles II, III, XVII, and XXI, and
8 section 2821 of the PHS Act, titles II and IV of the Immi-
9 gration and Nationality Act, and section 501 of the Ref-
10 ugee Education Assistance Act, with respect to immuniza-
11 tion and respiratory diseases, \$474,055,000.

12 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED

13 DISEASES, AND TUBERCULOSIS PREVENTION

14 For carrying out titles II, III, XVII, and XXIII of
15 the PHS Act with respect to HIV/AIDS, viral hepatitis,
16 sexually transmitted diseases, and tuberculosis prevention,
17 \$1,127,278,000.

18 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

19 For carrying out titles II, III, and XVII, and section
20 2821 of the PHS Act, titles II and IV of the Immigration
21 and Nationality Act, and section 501 of the Refugee Edu-
22 cation Assistance Act, with respect to emerging and
23 zoonotic infectious diseases, \$562,572,000.

1 ENVIRONMENTAL HEALTH

2 For carrying out titles II, III, and XVII of the PHS
3 Act with respect to environmental health, \$188,750,000.

4 INJURY PREVENTION AND CONTROL

5 For carrying out titles II, III, and XVII of the PHS
6 Act with respect to injury prevention and control,
7 \$648,559,000, of which \$475,579,000 shall remain avail-
8 able until September 30, 2019 for an evidence-based
9 opioid drug overdose prevention program.

10 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
11 HEALTH

12 For carrying out titles II, III, and XVII of the PHS
13 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
14 of the Federal Mine Safety and Health Act, section 13
15 of the Mine Improvement and New Emergency Response
16 Act, and sections 20, 21, and 22 of the Occupational Safe-
17 ty and Health Act, with respect to occupational safety and
18 health, \$335,200,000.

19 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

20 COMPENSATION PROGRAM

21 For necessary expenses to administer the Energy
22 Employees Occupational Illness Compensation Program
23 Act, \$55,358,000, to remain available until expended: *Pro-*
24 *vided*, That this amount shall be available consistent with

1 the provision regarding administrative expenses in section
2 151(b) of division B, title I of Public Law 106–554.

3 GLOBAL HEALTH

4 For carrying out titles II, III, and XVII of the PHS
5 Act with respect to global health, \$488,621,000, of which
6 (1) \$128,421,000 shall remain available through Sep-
7 tember 30, 2019 for international HIV/AIDS and (2)
8 \$50,000,000 shall remain available through September
9 30, 2020 for Global Disease Detection and Emergency Re-
10 sponse: *Provided*, That funds may be used for purchase
11 and insurance of official motor vehicles in foreign coun-
12 tries.

13 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

14 For carrying out titles II, III, and XVII of the PHS
15 Act with respect to public health preparedness and re-
16 sponse, and for expenses necessary to support activities
17 related to countering potential biological, nuclear, radio-
18 logical, and chemical threats to civilian populations,
19 \$1,450,000,000, of which \$610,000,000 shall remain
20 available until expended for the Strategic National Stock-
21 pile: *Provided*, That in the event the Director of the Cen-
22 ters for Disease Control and Prevention (referred to in
23 this title as “CDC”) activates the Emergency Operations
24 Center, the Director of the CDC may detail CDC staff
25 without reimbursement for up to 90 days to support the

1 work of the CDC Emergency Operations Center, so long
2 as the Director provides a notice to the Committees on
3 Appropriations of the House of Representatives and the
4 Senate within 15 days of the use of this authority and
5 a full report within 30 days after use of this authority
6 which includes the number of staff and funding level bro-
7 ken down by the originating center and number of days
8 detailed: *Provided further*, That funds appropriated under
9 this heading may be used to support a contract for the
10 operation and maintenance of an aircraft in direct support
11 of activities throughout CDC to ensure the agency is pre-
12 pared to address public health preparedness emergencies.

13 BUILDINGS AND FACILITIES

14 (INCLUDING TRANSFER OF FUNDS)

15 For acquisition of real property, equipment, construc-
16 tion, demolition, and renovation of facilities,
17 \$270,000,000, which shall remain available until Sep-
18 tember 30, 2022, of which \$240,000,000 shall be for a
19 CDC biosafety level 4 laboratory: *Provided*, That in addi-
20 tion to the amount provided, \$240,000,000 shall be for
21 a CDC biosafety level 4 laboratory for the purposes de-
22 scribed in the previous proviso and shall be derived by
23 transfer from the Fund established by Public Law 110-
24 161, division G, title II, section 223 and shall remain
25 available until September 30, 2022: *Provided further*, That

1 funds previously set-aside by CDC for repair and upgrade
2 of the Lake Lynn Experimental Mine and Laboratory
3 shall be used to acquire a replacement mine safety re-
4 search facility: *Provided further*, That in addition, the
5 prior year unobligated balance of any amounts assigned
6 to former employees in accounts of CDC made available
7 for Individual Learning Accounts shall be credited to and
8 merged with the amounts made available under this head-
9 ing to support the replacement of the mine safety research
10 facility.

11 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

12 For carrying out titles II, III, XVII and XIX, and
13 section 2821 of the PHS Act and for cross-cutting activi-
14 ties and program support for activities funded in other
15 appropriations included in this Act for the Centers for
16 Disease Control and Prevention, \$113,570,000: *Provided*,
17 That paragraphs (1) through (3) of subsection (b) of sec-
18 tion 2821 of the PHS Act shall not apply to funds appro-
19 priated under this heading and in all other accounts of
20 the CDC: *Provided further*, That employees of CDC or the
21 Public Health Service, both civilian and commissioned of-
22 ficers, detailed to States, municipalities, or other organiza-
23 tions under authority of section 214 of the PHS Act, or
24 in overseas assignments, shall be treated as non-Federal
25 employees for reporting purposes only and shall not be in-

1 cluded within any personnel ceiling applicable to the Agen-
2 cy, Service, or HHS during the period of detail or assign-
3 ment: *Provided further*, That CDC may use up to \$10,000
4 from amounts appropriated to CDC in this Act for official
5 reception and representation expenses when specifically
6 approved by the Director of CDC: *Provided further*, That
7 in addition, such sums as may be derived from authorized
8 user fees, which shall be credited to the appropriation
9 charged with the cost thereof: *Provided further*, That with
10 respect to the previous proviso, authorized user fees from
11 the Vessel Sanitation Program and the Respirator Certifi-
12 cation Program shall be available through September 30,
13 2019.

14 NATIONAL INSTITUTES OF HEALTH

15 NATIONAL CANCER INSTITUTE

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to cancer, \$5,664,800,000, of which up
18 to \$30,000,000 may be used for facilities repairs and im-
19 provements at the National Cancer Institute—Frederick
20 Federally Funded Research and Development Center in
21 Frederick, Maryland.

22 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to cardiovascular, lung, and blood dis-
25 eases, and blood and blood products, \$3,383,201,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to dental and craniofacial diseases,
5 \$447,735,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to diabetes and digestive and kidney dis-
10 ease, \$1,970,797,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to neurological disorders and stroke,
15 \$2,145,149,000: *Provided*, That \$250,000,000 shall be
16 available until September 30, 2019 for research related
17 to opioid addiction, development of opioid alternatives,
18 pain management, and addiction treatment: *Provided fur-*
19 *ther*, That each for-profit recipient of funds provided in
20 the previous proviso shall be subject to a matching re-
21 quirement of funds or documented in-kind contributions
22 of not less than 50 percent of the total funds awarded
23 to such entity.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to allergy and infectious diseases,
5 \$5,260,210,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to general medical sciences,
9 \$2,785,400,000, of which \$922,871,000 shall be from
10 funds available under section 241 of the PHS Act: *Pro-*
11 *vided*, That not less than \$350,575,000 is provided for
12 the Institutional Development Awards program.

13 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
14 CHILD HEALTH AND HUMAN DEVELOPMENT

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to child health and human development,
17 \$1,452,006,000.

18 NATIONAL EYE INSTITUTE

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to eye diseases and visual disorders,
21 \$772,317,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$509,573,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,383,603,000: *Provided*,
9 That \$250,000,000 shall be available until September 30,
10 2019 for research related to opioid addiction, development
11 of opioid alternatives, pain management, and addiction
12 treatment: *Provided further*, That each for-profit recipient
13 of funds provided in the previous proviso shall be subject
14 to a matching requirement of funds or documented in-kind
15 contributions of not less than 50 percent of the total funds
16 awarded to such entity.

17 NATIONAL INSTITUTE OF MENTAL HEALTH

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to mental health, \$1,711,775,000.

20 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to human genome research,
23 \$556,881,000.

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to biomedical imaging and bioengineering
5 research, \$377,871,000.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
7 INTEGRATIVE HEALTH

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to complementary and integrative health,
10 \$142,184,000.

11 NATIONAL INSTITUTE ON MINORITY HEALTH AND
12 HEALTH DISPARITIES

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to minority health and health disparities
15 research, \$303,200,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

17 For carrying out the activities of the John E. Fogarty
18 International Center (described in subpart 2 of part E of
19 title IV of the PHS Act), \$75,733,000.

20 NATIONAL LIBRARY OF MEDICINE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to health information communications,
23 \$428,553,000: *Provided*, That of the amounts available for
24 improvement of information systems, \$4,000,000 shall be
25 available until September 30, 2019: *Provided further*, That

1 in fiscal year 2018, the National Library of Medicine may
2 enter into personal services contracts for the provision of
3 services in facilities owned, operated, or constructed under
4 the jurisdiction of the National Institutes of Health (re-
5 ferred to in this title as “NIH”).

6 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
7 SCIENCES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to translational sciences, \$742,354,000:
10 *Provided*, That up to \$25,835,000 shall be available to im-
11 plement section 480 of the PHS Act, relating to the Cures
12 Acceleration Network: *Provided further*, That at least
13 \$542,771,000 is provided to the Clinical and Translational
14 Sciences Awards program.

15 OFFICE OF THE DIRECTOR

16 For carrying out the responsibilities of the Office of
17 the Director, NIH, \$1,803,293,000: *Provided*, That fund-
18 ing shall be available for the purchase of not to exceed
19 29 passenger motor vehicles for replacement only: *Pro-*
20 *vided further*, That all funds credited to the NIH Manage-
21 ment Fund shall remain available for one fiscal year after
22 the fiscal year in which they are deposited: *Provided fur-*
23 *ther*, That \$165,000,000 shall be for the National Chil-
24 dren’s Study Follow-on: *Provided further*, That
25 \$588,116,000 shall be available for the Common Fund es-

1 tablished under section 402A(e)(1) of the PHS Act: *Pro-*
2 *vided further*, That of the funds provided, \$10,000 shall
3 be for official reception and representation expenses when
4 specifically approved by the Director of the NIH: *Provided*
5 *further*, That the Office of AIDS Research within the Of-
6 fice of the Director of the NIH may spend up to
7 \$8,000,000 to make grants for construction or renovation
8 of facilities as provided for in section 2354(a)(5)(B) of the
9 PHS Act.

10 In addition to other funds appropriated for the Com-
11 mon Fund established under section 402A(c) of the PHS
12 Act, \$12,600,000 is appropriated to the Common Fund
13 for the purpose of carrying out section 402(b)(7)(B)(ii)
14 of the PHS Act (relating to pediatric research), as author-
15 ized in the Gabriella Miller Kids First Research Act.

16 BUILDINGS AND FACILITIES

17 For the study of, construction of, demolition of, ren-
18 ovation of, and acquisition of equipment for, facilities of
19 or used by NIH, including the acquisition of real property,
20 \$128,863,000, to remain available through September 30,
21 2022.

22 NIH INNOVATION ACCOUNT, CURES ACT

23 For necessary expenses to carry out the purposes de-
24 scribed in section 1001(b)(4) of the 21st Century Cures
25 Act, in addition to amounts available for such purposes

1 in the appropriations provided to the NIH in this Act,
2 \$496,000,000, to remain available until expended: *Pro-*
3 *vided*, That such amounts are appropriated pursuant to
4 section 1001(b)(3) of such Act, are to be derived from
5 amounts transferred under section 1001(b)(2)(A) of such
6 Act, and may be transferred by the Director of the Na-
7 tional Institutes of Health to other accounts of the Na-
8 tional Institutes of Health solely for the purposes provided
9 in such Act: *Provided further*, That upon a determination
10 by the Director that funds transferred pursuant to the
11 previous proviso are not necessary for the purposes pro-
12 vided, such amounts may be transferred back to the Ac-
13 count: *Provided further*, That the transfer authority pro-
14 vided under this heading is in addition to any other trans-
15 fer authority provided by law.

16 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

17 ADMINISTRATION

18 MENTAL HEALTH

19 For carrying out titles III, V, and XIX of the PHS
20 Act with respect to mental health, and the Protection and
21 Advocacy for Individuals with Mental Illness Act,
22 \$1,453,972,000: *Provided*, That notwithstanding section
23 520A(f)(2) of the PHS Act, no funds appropriated for car-
24 rying out section 520A shall be available for carrying out
25 section 1971 of the PHS Act: *Provided further*, That in

1 addition to amounts provided herein, \$21,039,000 shall be
2 available under section 241 of the PHS Act to carry out
3 subpart I of part B of title XIX of the PHS Act to fund
4 section 1920(b) technical assistance, national data, data
5 collection and evaluation activities, and further that the
6 total available under this Act for section 1920(b) activities
7 shall not exceed 5 percent of the amounts appropriated
8 for subpart I of part B of title XIX: *Provided further*, That
9 up to 10 percent of the amounts made available to carry
10 out the Children’s Mental Health Services program may
11 be used to carry out demonstration grants or contracts
12 for early interventions with persons not more than 25
13 years of age at clinical high risk of developing a first epi-
14 sode of psychosis: *Provided further*, That section
15 520E(b)(2) of the PHS Act shall not apply to funds ap-
16 propriated in this Act for fiscal year 2018: *Provided fur-*
17 *ther*, That States shall expend at least 10 percent of the
18 amount each receives for carrying out section 1911 of the
19 PHS Act to support evidence-based programs that address
20 the needs of individuals with early serious mental illness,
21 including psychotic disorders, regardless of the age of the
22 individual at onset: *Provided further*, That \$100,000,000
23 shall be available until September 30, 2020 for grants to
24 communities and community organizations who meet cri-
25 teria for Certified Community Behavioral Health Clinics

1 pursuant to section 223(a) of Public Law 113-93: *Pro-*
2 *vided further*, That none of the funds provided for section
3 1911 of the PHS Act shall be subject to section 241 of
4 such Act: *Provided further*, That of the funds made avail-
5 able under this heading, \$15,000,000 shall be to carry out
6 section 224 of the Protecting Access to Medicare Act of
7 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

8 SUBSTANCE ABUSE TREATMENT

9 For carrying out titles III and V of the PHS Act
10 with respect to substance abuse treatment and title XIX
11 of such Act with respect to substance abuse treatment and
12 prevention, \$3,182,306,000: *Provided*, That
13 \$1,000,000,000 shall be for State Opioid Response Grants
14 for carrying out activities pertaining to opioids undertaken
15 by the State agency responsible for administering the sub-
16 stance abuse prevention and treatment block grant under
17 subpart II of part B of title XIX of the PHS Act (42
18 U.S.C. 300x–21 et seq.): *Provided further*, That of such
19 amount \$50,000,000 shall be made available to Indian
20 Tribes or tribal organizations: *Provided further*, That 15
21 percent of the remaining amount shall be for the States
22 with the highest mortality rate related to opioid use dis-
23 orders: *Provided further*, That of the amounts provided for
24 State Opioid Response Grants not more than 2 percent
25 shall be available for Federal administrative expenses,

1 training, technical assistance, and evaluation: *Provided*
2 *further*, That of the amount not reserved by the previous
3 three provisos, the Secretary shall make allocations to
4 States, territories, and the District of Columbia according
5 to a formula using national survey results that the Sec-
6 retary determines are the most objective and reliable
7 measure of drug use and drug-related deaths: *Provided*
8 *further*, That the Secretary shall submit the formula meth-
9 odology to the Committees on Appropriations of the House
10 of Representatives and the Senate not less than 30 days
11 prior to publishing a Funding Opportunity Announce-
12 ment: *Provided further*, That prevention and treatment ac-
13 tivities funded through such grants may include education,
14 treatment (including the provision of medication), behav-
15 ioral health services for individuals in treatment programs,
16 referral to treatment services, recovery support, and med-
17 ical screening associated with such treatment: *Provided*
18 *further*, That each State, as well as the District of Colum-
19 bia, shall receive not less than \$4,000,000: *Provided fur-*
20 *ther*, That in addition to amounts provided herein, the fol-
21 lowing amounts shall be available under section 241 of the
22 PHS Act: (1) \$79,200,000 to carry out subpart II of part
23 B of title XIX of the PHS Act to fund section 1935(b)
24 technical assistance, national data, data collection and
25 evaluation activities, and further that the total available

1 under this Act for section 1935(b) activities shall not ex-
2 ceed 5 percent of the amounts appropriated for subpart
3 II of part B of title XIX; and (2) \$2,000,000 to evaluate
4 substance abuse treatment programs: *Provided further*,
5 That none of the funds provided for section 1921 of the
6 PHS Act or State Opioid Response Grants shall be subject
7 to section 241 of such Act.

8 SUBSTANCE ABUSE PREVENTION

9 For carrying out titles III and V of the PHS Act
10 with respect to substance abuse prevention, \$248,219,000.

11 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

12 For program support and cross-cutting activities that
13 supplement activities funded under the headings “Mental
14 Health”, “Substance Abuse Treatment”, and “Substance
15 Abuse Prevention” in carrying out titles III, V, and XIX
16 of the PHS Act and the Protection and Advocacy for Indi-
17 viduals with Mental Illness Act in the Substance Abuse
18 and Mental Health Services Administration,
19 \$128,830,000: *Provided*, That in addition to amounts pro-
20 vided herein, \$31,428,000 shall be available under section
21 241 of the PHS Act to supplement funds available to
22 carry out national surveys on drug abuse and mental
23 health, to collect and analyze program data, and to con-
24 duct public awareness and technical assistance activities:
25 *Provided further*, That, in addition, fees may be collected

1 for the costs of publications, data, data tabulations, and
2 data analysis completed under title V of the PHS Act and
3 provided to a public or private entity upon request, which
4 shall be credited to this appropriation and shall remain
5 available until expended for such purposes: *Provided fur-*
6 *ther*, That amounts made available in this Act for carrying
7 out section 501(m) of the PHS Act shall remain available
8 through September 30, 2019: *Provided further*, That funds
9 made available under this heading may be used to supple-
10 ment program support funding provided under the head-
11 ings “Mental Health”, “Substance Abuse Treatment”,
12 and “Substance Abuse Prevention”.

13 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

14 HEALTHCARE RESEARCH AND QUALITY

15 For carrying out titles III and IX of the PHS Act,
16 part A of title XI of the Social Security Act, and section
17 1013 of the Medicare Prescription Drug, Improvement,
18 and Modernization Act of 2003, \$334,000,000: *Provided*,
19 That section 947(c) of the PHS Act shall not apply in
20 fiscal year 2018: *Provided further*, That in addition,
21 amounts received from Freedom of Information Act fees,
22 reimbursable and interagency agreements, and the sale of
23 data shall be credited to this appropriation and shall re-
24 main available until September 30, 2019.

1 CENTERS FOR MEDICARE AND MEDICAID SERVICES

2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$284,798,384,000,
5 to remain available until expended.

6 For making, after May 31, 2018, payments to States
7 under title XIX or in the case of section 1928 on behalf
8 of States under title XIX of the Social Security Act for
9 the last quarter of fiscal year 2018 for unanticipated costs
10 incurred for the current fiscal year, such sums as may be
11 necessary.

12 For making payments to States or in the case of sec-
13 tion 1928 on behalf of States under title XIX of the Social
14 Security Act for the first quarter of fiscal year 2019,
15 \$134,847,759,000, to remain available until expended.

16 Payment under such title XIX may be made for any
17 quarter with respect to a State plan or plan amendment
18 in effect during such quarter, if submitted in or prior to
19 such quarter and approved in that or any subsequent
20 quarter.

21 PAYMENTS TO HEALTH CARE TRUST FUNDS

22 For payment to the Federal Hospital Insurance
23 Trust Fund and the Federal Supplementary Medical In-
24 surance Trust Fund, as provided under sections 217(g),
25 1844, and 1860D–16 of the Social Security Act, sections

1 103(c) and 111(d) of the Social Security Amendments of
2 1965, section 278(d)(3) of Public Law 97–248, and for
3 administrative expenses incurred pursuant to section
4 201(g) of the Social Security Act, \$323,497,300,000.

5 In addition, for making matching payments under
6 section 1844 and benefit payments under section 1860D–
7 16 of the Social Security Act that were not anticipated
8 in budget estimates, such sums as may be necessary.

9 PROGRAM MANAGEMENT

10 For carrying out, except as otherwise provided, titles
11 XI, XVIII, XIX, and XXI of the Social Security Act, titles
12 XIII and XXVII of the PHS Act, the Clinical Laboratory
13 Improvement Amendments of 1988, and other responsibil-
14 ities of the Centers for Medicare and Medicaid Services,
15 not to exceed \$3,669,744,000, to be transferred from the
16 Federal Hospital Insurance Trust Fund and the Federal
17 Supplementary Medical Insurance Trust Fund, as author-
18 ized by section 201(g) of the Social Security Act; together
19 with all funds collected in accordance with section 353 of
20 the PHS Act and section 1857(e)(2) of the Social Security
21 Act, funds retained by the Secretary pursuant to section
22 1893(h) of the Social Security Act, and such sums as may
23 be collected from authorized user fees and the sale of data,
24 which shall be credited to this account and remain avail-
25 able until expended: *Provided*, That all funds derived in

1 accordance with 31 U.S.C. 9701 from organizations estab-
2 lished under title XIII of the PHS Act shall be credited
3 to and available for carrying out the purposes of this ap-
4 propriation: *Provided further*, That the Secretary is di-
5 rected to collect fees in fiscal year 2018 from Medicare
6 Advantage organizations pursuant to section 1857(e)(2)
7 of the Social Security Act and from eligible organizations
8 with risk-sharing contracts under section 1876 of that Act
9 pursuant to section 1876(k)(4)(D) of that Act.

10 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

11 In addition to amounts otherwise available for pro-
12 gram integrity and program management, \$745,000,000,
13 to remain available through September 30, 2019, to be
14 transferred from the Federal Hospital Insurance Trust
15 Fund and the Federal Supplementary Medical Insurance
16 Trust Fund, as authorized by section 201(g) of the Social
17 Security Act, of which \$500,368,000 shall be for the Medi-
18 care Integrity Program at the Centers for Medicare and
19 Medicaid Services, including administrative costs, to con-
20 duct oversight activities for Medicare Advantage under
21 Part C and the Medicare Prescription Drug Program
22 under Part D of the Social Security Act and for activities
23 described in section 1893(b) of such Act, of which
24 \$84,398,000 shall be for the Department of Health and
25 Human Services Office of Inspector General to carry out

1 fraud and abuse activities authorized by section
2 1817(k)(3) of such Act, of which \$84,398,000 shall be for
3 the Medicaid and Children’s Health Insurance Program
4 (“CHIP”) program integrity activities, and of which
5 \$75,836,000 shall be for the Department of Justice to
6 carry out fraud and abuse activities authorized by section
7 1817(k)(3) of such Act: *Provided*, That the report re-
8 quired by section 1817(k)(5) of the Social Security Act
9 for fiscal year 2018 shall include measures of the oper-
10 ational efficiency and impact on fraud, waste, and abuse
11 in the Medicare, Medicaid, and CHIP programs for the
12 funds provided by this appropriation: *Provided further*,
13 That of the amount provided under this heading,
14 \$311,000,000 is provided to meet the terms of section
15 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985, as amended, and
17 \$434,000,000 is additional new budget authority specified
18 for purposes of section 251(b)(2)(C) of such Act: *Provided*
19 *further*, That the Secretary shall provide not less than
20 \$17,621,000 for the Senior Medicare Patrol program to
21 combat health care fraud and abuse from the funds pro-
22 vided to this account.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 PAYMENTS TO STATES FOR CHILD SUPPORT

3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

4 For carrying out, except as otherwise provided, titles
5 I, IV–D, X, XI, XIV, and XVI of the Social Security Act
6 and the Act of July 5, 1960, \$2,995,400,000, to remain
7 available until expended; and for such purposes for the
8 first quarter of fiscal year 2019, \$1,400,000,000, to re-
9 main available until expended.

10 For carrying out, after May 31 of the current fiscal
11 year, except as otherwise provided, titles I, IV–D, X, XI,
12 XIV, and XVI of the Social Security Act and the Act of
13 July 5, 1960, for the last 3 months of the current fiscal
14 year for unanticipated costs, incurred for the current fiscal
15 year, such sums as may be necessary.

16 LOW INCOME HOME ENERGY ASSISTANCE

17 For making payments under subsections (b) and (d)
18 of section 2602 of the Low Income Home Energy Assist-
19 ance Act of 1981, \$3,640,304,000: *Provided*, That all but
20 \$678,500,000 of this amount shall be allocated as though
21 the total appropriation for such payments for fiscal year
22 2018 was less than \$1,975,000,000: *Provided further*,
23 That notwithstanding section 2609A(a), of the amounts
24 appropriated under section 2602(b), not more than
25 \$2,988,000 of such amounts may be reserved by the Sec-

1 retary for technical assistance, training, and monitoring
2 of program activities for compliance with internal controls,
3 policies and procedures and may, in addition to the au-
4 thorities provided in section 2609A(a)(1), use such funds
5 through contracts with private entities that do not qualify
6 as nonprofit organizations.

7 REFUGEE AND ENTRANT ASSISTANCE

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses for refugee and entrant as-
10 sistance activities authorized by section 414 of the Immi-
11 gration and Nationality Act and section 501 of the Ref-
12 ugee Education Assistance Act of 1980, and for carrying
13 out section 462 of the Homeland Security Act of 2002,
14 section 235 of the William Wilberforce Trafficking Victims
15 Protection Reauthorization Act of 2008, the Trafficking
16 Victims Protection Act of 2000 (“TVPA”), and the Tor-
17 ture Victims Relief Act of 1998, \$1,864,936,000, of which
18 \$1,830,446,000 shall remain available through September
19 30, 2020 for carrying out such sections 414, 501, 462,
20 and 235: *Provided*, That amounts available under this
21 heading to carry out the TVPA shall also be available for
22 research and evaluation with respect to activities under
23 such Act: *Provided further*, That the limitation in section
24 205 of this Act regarding transfers increasing any appro-

1 priation shall apply to transfers to appropriations under
2 this heading by substituting “10 percent” for “3 percent”.

3 PAYMENTS TO STATES FOR THE CHILD CARE AND
4 DEVELOPMENT BLOCK GRANT

5 For carrying out the Child Care and Development
6 Block Grant Act of 1990 (“CCDBG Act”),
7 \$5,226,000,000 shall be used to supplement, not supplant
8 State general revenue funds for child care assistance for
9 low-income families: *Provided*, That technical assistance
10 under section 658I(a)(3) of such Act may be provided di-
11 rectly, or through the use of contracts, grants, cooperative
12 agreements, or interagency agreements: *Provided further*,
13 That all funds made available to carry out section 418
14 of the Social Security Act (42 U.S.C. 618), including
15 funds appropriated for that purpose in such section 418
16 or any other provision of law, shall be subject to the res-
17 ervation of funds authority in paragraphs (4) and (5) of
18 section 658O(a) of the CCDBG Act: *Provided further*,
19 That in addition to the amounts required to be reserved
20 by the Secretary under section 658O(a)(2)(A) of such Act,
21 \$156,780,000 shall be for Indian tribes and tribal organi-
22 zations.

23 SOCIAL SERVICES BLOCK GRANT

24 For making grants to States pursuant to section
25 2002 of the Social Security Act, \$1,700,000,000: *Pro-*

1 *vided*, That notwithstanding subparagraph (B) of section
2 404(d)(2) of such Act, the applicable percent specified
3 under such subparagraph for a State to carry out State
4 programs pursuant to title XX–A of such Act shall be 10
5 percent.

6 CHILDREN AND FAMILIES SERVICES PROGRAMS

7 For carrying out, except as otherwise provided, the
8 Runaway and Homeless Youth Act, the Head Start Act,
9 the Every Student Succeeds Act, the Child Abuse Preven-
10 tion and Treatment Act, sections 303 and 313 of the
11 Family Violence Prevention and Services Act, the Native
12 American Programs Act of 1974, title II of the Child
13 Abuse Prevention and Treatment and Adoption Reform
14 Act of 1978 (adoption opportunities), part B–1 of title IV
15 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
16 of the Social Security Act, and the Community Services
17 Block Grant Act (“CSBG Act”); and for necessary admin-
18 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
19 XVI, and XX–A of the Social Security Act, the Act of
20 July 5, 1960, the Low-Income Home Energy Assistance
21 Act of 1981, the Child Care and Development Block Grant
22 Act of 1990, the Assets for Independence Act, title IV of
23 the Immigration and Nationality Act, and section 501 of
24 the Refugee Education Assistance Act of 1980,
25 \$12,022,225,000, of which \$75,000,000, to remain avail-

1 able through September 30, 2019, shall be for grants to
2 States for adoption and legal guardianship incentive pay-
3 ments, as defined by section 473A of the Social Security
4 Act and may be made for adoptions and legal
5 guardianships completed before September 30, 2018: *Pro-*
6 *vided*, That \$9,863,095,000 shall be for making payments
7 under the Head Start Act: *Provided further*, That of the
8 amount in the previous proviso, \$8,823,095,000 shall be
9 available for payments under section 640 of the Head
10 Start Act, of which \$216,000,000 shall be available for
11 a cost of living adjustment notwithstanding section
12 640(a)(3)(A) of such Act: *Provided further*, That notwith-
13 standing such section 640, of the amount in the second
14 preceding proviso, \$260,000,000 (of which up to one per-
15 cent may be reserved for research and evaluation) shall
16 be available through March 31, 2019 for award by the
17 Secretary to grantees that apply for supplemental funding
18 to increase their hours of program operations and for
19 training and technical assistance for such activities: *Pro-*
20 *vided further*, That of the amount provided for making
21 payments under the Head Start Act, \$25,000,000 shall
22 be available for allocation by the Secretary to supplement
23 activities described in paragraphs (7)(B) and (9) of sec-
24 tion 641(c) of such Act under the Designation Renewal
25 System, established under the authority of sections

1 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Pro-*
2 *vided further*, That notwithstanding such section 640, of
3 the amount provided for making payments under the
4 Head Start Act, and in addition to funds otherwise avail-
5 able under such section 640 for such purposes,
6 \$755,000,000 shall be available through March 31, 2019
7 for Early Head Start programs as described in section
8 645A of such Act, for conversion of Head Start services
9 to Early Head Start services as described in section
10 645(a)(5)(A) of such Act, for discretionary grants for high
11 quality infant and toddler care through Early Head Start-
12 Child Care Partnerships, to entities defined as eligible
13 under section 645A(d) of such Act, for training and tech-
14 nical assistance for such activities, and for up to
15 \$16,000,000 in Federal costs of administration and eval-
16 uation, and, notwithstanding section 645A(c)(2) of such
17 Act, these funds are available to serve children under age
18 4: *Provided further*, That funds described in the preceding
19 two provisos shall not be included in the calculation of
20 “base grant” in subsequent fiscal years, as such term is
21 used in section 640(a)(7)(A) of such Act: *Provided further*,
22 That \$250,000,000 shall be available until December 31,
23 2018 for carrying out sections 9212 and 9213 of the
24 Every Student Succeeds Act: *Provided further*, That up
25 to 3 percent of the funds in the preceding proviso shall

1 be available for technical assistance and evaluation related
2 to grants awarded under such section 9212: *Provided fur-*
3 *ther*, That \$742,883,000 shall be for making payments
4 under the CSBG Act: *Provided further*, That \$28,233,000
5 shall be for sections 680 and 678E(b)(2) of the CSBG
6 Act, of which not less than \$19,883,000 shall be for sec-
7 tion 680(a)(2) and not less than \$8,000,000 shall be for
8 section 680(a)(3)(B) of such Act: *Provided further*, That,
9 notwithstanding section 675C(a)(3) of such Act, to the ex-
10 tent Community Services Block Grant funds are distrib-
11 uted as grant funds by a State to an eligible entity as
12 provided under such Act, and have not been expended by
13 such entity, they shall remain with such entity for carry-
14 over into the next fiscal year for expenditure by such enti-
15 ty consistent with program purposes: *Provided further*,
16 That the Secretary shall establish procedures regarding
17 the disposition of intangible assets and program income
18 that permit such assets acquired with, and program in-
19 come derived from, grant funds authorized under section
20 680 of the CSBG Act to become the sole property of such
21 grantees after a period of not more than 12 years after
22 the end of the grant period for any activity consistent with
23 section 680(a)(2)(A) of the CSBG Act: *Provided further*,
24 That intangible assets in the form of loans, equity invest-
25 ments and other debt instruments, and program income

1 may be used by grantees for any eligible purpose con-
2 sistent with section 680(a)(2)(A) of the CSBG Act: *Pro-*
3 *vided further*, That these procedures shall apply to such
4 grant funds made available after November 29, 1999: *Pro-*
5 *vided further*, That funds appropriated for section
6 680(a)(2) of the CSBG Act shall be available for financing
7 construction and rehabilitation and loans or investments
8 in private business enterprises owned by community devel-
9 opment corporations: *Provided further*, That
10 \$160,000,000 shall be for carrying out section 303(a) of
11 the Family Violence Prevention and Services Act, of which
12 \$5,000,000 shall be allocated notwithstanding section
13 303(a)(2) of such Act for carrying out section 309 of such
14 Act: *Provided further*, That the percentages specified in
15 section 112(a)(2) of the Child Abuse Prevention and
16 Treatment Act shall not apply to funds appropriated
17 under this heading: *Provided further* That \$1,864,000
18 shall be for a human services case management system
19 for federally declared disasters, to include a comprehensive
20 national case management contract and Federal costs of
21 administering the system: *Provided further*, That up to
22 \$2,000,000 shall be for improving the Public Assistance
23 Reporting Information System, including grants to States
24 to support data collection for a study of the system's effec-
25 tiveness.

1 PROMOTING SAFE AND STABLE FAMILIES

2 For carrying out, except as otherwise provided, sec-
3 tion 436 of the Social Security Act, \$345,000,000 and,
4 for carrying out, except as otherwise provided, section 437
5 of such Act, \$99,765,000: *Provided*, That of the funds
6 available to carry out section 437, \$59,765,000 shall be
7 allocated consistent with subsections (b) through (d) of
8 such section (as such section shall be so in effect on Octo-
9 ber 1, 2018): *Provided further*, That of the funds available
10 to carry out section 437, to assist in meeting the require-
11 ments described in section 471(e)(4)(C) (as such section
12 shall be so in effect on October 1, 2018), \$20,000,000
13 shall be for grants to each State, territory, and Indian
14 tribe operating title IV–E plans for developing, enhancing,
15 or evaluating kinship navigator programs, as described in
16 section 427(a)(1) of such Act, and \$20,000,000, in addi-
17 tion to funds otherwise appropriated in section 436 for
18 such purposes, shall be for competitive grants to regional
19 partnerships as described in section 437(f): *Provided fur-*
20 *ther*, That section 437(b)(1) shall be applied to amounts
21 in the previous proviso by substituting “5 percent” for
22 “3.3 percent”, and notwithstanding section 436(b)(1),
23 such reserved amounts may be used for identifying, estab-
24 lishing, and disseminating practices to meet the criteria
25 specified in section 471(e)(4)(C) (as such section shall be

1 so in effect on October 1, 2018): *Provided further*, That
2 the reservation in section 437(b)(2) and the limitations
3 in section 437(d) shall not apply to funds specified in the
4 second proviso: *Provided further*, That the minimum grant
5 award for kinship navigator programs in the case of States
6 and territories shall be \$200,000, and, in the case of
7 tribes, shall be \$25,000.

8 PAYMENTS FOR FOSTER CARE AND PERMANENCY

9 For carrying out, except as otherwise provided, title
10 IV–E of the Social Security Act, \$6,225,000,000.

11 For carrying out, except as otherwise provided, title
12 IV–E of the Social Security Act, for the first quarter of
13 fiscal year 2019, \$2,700,000,000.

14 For carrying out, after May 31 of the current fiscal
15 year, except as otherwise provided, section 474 of title IV–
16 E of the Social Security Act, for the last 3 months of the
17 current fiscal year for unanticipated costs, incurred for the
18 current fiscal year, such sums as may be necessary.

19 ADMINISTRATION FOR COMMUNITY LIVING

20 AGING AND DISABILITY SERVICES PROGRAMS

21 (INCLUDING TRANSFER OF FUNDS)

22 For carrying out, to the extent not otherwise pro-
23 vided, the Older Americans Act of 1965 (“OAA”), titles
24 III and XXIX of the PHS Act, sections 1252 and 1253
25 of the PHS Act, section 119 of the Medicare Improve-

1 ments for Patients and Providers Act of 2008, title XX–
2 B of the Social Security Act, the Developmental Disabil-
3 ities Assistance and Bill of Rights Act, parts 2 and 5 of
4 subtitle D of title II of the Help America Vote Act of
5 2002, the Assistive Technology Act of 1998, titles II and
6 VII (and section 14 with respect to such titles) of the Re-
7 habilitation Act of 1973, and for Department-wide coordi-
8 nation of policy and program activities that assist individ-
9 uals with disabilities, \$2,095,100,000, together with
10 \$49,115,000 to be transferred from the Federal Hospital
11 Insurance Trust Fund and the Federal Supplementary
12 Medical Insurance Trust Fund to carry out section 4360
13 of the Omnibus Budget Reconciliation Act of 1990: *Pro-*
14 *vided*, That amounts appropriated under this heading may
15 be used for grants to States under section 361 of the OAA
16 only for disease prevention and health promotion pro-
17 grams and activities which have been demonstrated
18 through rigorous evaluation to be evidence-based and ef-
19 fective: *Provided further*, That of amounts made available
20 under this heading to carry out sections 311, 331, and
21 336 of the OAA, up to one percent of such amounts shall
22 be available for developing and implementing evidence-
23 based practices for enhancing senior nutrition: *Provided*
24 *further*, That notwithstanding any other provision of this
25 Act, funds made available under this heading to carry out

1 section 311 of the OAA may be transferred to the Sec-
2 retary of Agriculture in accordance with such section: *Pro-*
3 *vided further*, That \$2,000,000 shall be for competitive
4 grants to support alternative financing programs that pro-
5 vide for the purchase of assistive technology devices, such
6 as a low-interest loan fund; an interest buy-down program;
7 a revolving loan fund; a loan guarantee; or an insurance
8 program: *Provided further*, That applicants shall provide
9 an assurance that, and information describing the manner
10 in which, the alternative financing program will expand
11 and emphasize consumer choice and control: *Provided fur-*
12 *ther*, That State agencies and community-based disability
13 organizations that are directed by and operated for indi-
14 viduals with disabilities shall be eligible to compete: *Pro-*
15 *vided further*, That none of the funds made available under
16 this heading may be used by an eligible system (as defined
17 in section 102 of the Protection and Advocacy for Individ-
18 uals with Mental Illness Act (42 U.S.C. 10802)) to con-
19 tinue to pursue any legal action in a Federal or State
20 court on behalf of an individual or group of individuals
21 with a developmental disability (as defined in section
22 102(8)(A) of the Developmental Disabilities and Assist-
23 ance and Bill of Rights Act of 2000 (20 U.S.C.
24 15002(8)(A)) that is attributable to a mental impairment
25 (or a combination of mental and physical impairments),

1 that has as the requested remedy the closure of State op-
2 erated intermediate care facilities for people with intellec-
3 tual or developmental disabilities, unless reasonable public
4 notice of the action has been provided to such individuals
5 (or, in the case of mental incapacitation, the legal guard-
6 ians who have been specifically awarded authority by the
7 courts to make healthcare and residential decisions on be-
8 half of such individuals) who are affected by such action,
9 within 90 days of instituting such legal action, which in-
10 forms such individuals (or such legal guardians) of their
11 legal rights and how to exercise such rights consistent with
12 current Federal Rules of Civil Procedure: *Provided further*,
13 That the limitations in the immediately preceding proviso
14 shall not apply in the case of an individual who is neither
15 competent to consent nor has a legal guardian, nor shall
16 the proviso apply in the case of individuals who are a ward
17 of the State or subject to public guardianship.

18 OFFICE OF THE SECRETARY

19 GENERAL DEPARTMENTAL MANAGEMENT

20 For necessary expenses, not otherwise provided, for
21 general departmental management, including hire of six
22 passenger motor vehicles, and for carrying out titles III,
23 XVII, XXI, and section 229 of the PHS Act, the United
24 States-Mexico Border Health Commission Act, and re-
25 search studies under section 1110 of the Social Security

1 Act, \$470,629,000, together with \$64,828,000 from the
2 amounts available under section 241 of the PHS Act to
3 carry out national health or human services research and
4 evaluation activities: *Provided*, That of this amount,
5 \$53,900,000 shall be for minority AIDS prevention and
6 treatment activities: *Provided further*, That of the funds
7 made available under this heading, \$101,000,000 shall be
8 for making competitive contracts and grants to public and
9 private entities to fund medically accurate and age appro-
10 priate programs that reduce teen pregnancy and for the
11 Federal costs associated with administering and evalu-
12 ating such contracts and grants, of which not more than
13 10 percent of the available funds shall be for training and
14 technical assistance, evaluation, outreach, and additional
15 program support activities, and of the remaining amount
16 75 percent shall be for replicating programs that have
17 been proven effective through rigorous evaluation to re-
18 duce teenage pregnancy, behavioral risk factors underlying
19 teenage pregnancy, or other associated risk factors, and
20 25 percent shall be available for research and demonstra-
21 tion grants to develop, replicate, refine, and test additional
22 models and innovative strategies for preventing teenage
23 pregnancy: *Provided further*, That of the amounts pro-
24 vided under this heading from amounts available under
25 section 241 of the PHS Act, \$6,800,000 shall be available

1 to carry out evaluations (including longitudinal evalua-
2 tions) of teenage pregnancy prevention approaches: *Pro-*
3 *vided further*, That of the funds made available under this
4 heading, \$25,000,000 shall be for making competitive
5 grants which exclusively implement education in sexual
6 risk avoidance (defined as voluntarily refraining from non-
7 marital sexual activity): *Provided further*, That funding for
8 such competitive grants for sexual risk avoidance shall use
9 medically accurate information referenced to peer-re-
10 viewed publications by educational, scientific, govern-
11 mental, or health organizations; implement an evidence-
12 based approach integrating research findings with prac-
13 tical implementation that aligns with the needs and de-
14 sired outcomes for the intended audience; and teach the
15 benefits associated with self-regulation, success sequenc-
16 ing for poverty prevention, healthy relationships, goal set-
17 ting, and resisting sexual coercion, dating violence, and
18 other youth risk behaviors such as underage drinking or
19 illicit drug use without normalizing teen sexual activity:
20 *Provided further*, That no more than 10 percent of the
21 funding for such competitive grants for sexual risk avoid-
22 ance shall be available for technical assistance and admin-
23 istrative costs of such programs: *Provided further*, That
24 funds provided in this Act for embryo adoption activities
25 may be used to provide to individuals adopting embryos,

1 through grants and other mechanisms, medical and ad-
2 ministrative services deemed necessary for such adoptions:
3 *Provided further*, That such services shall be provided con-
4 sistent with 42 CFR 59.5(a)(4).

5 ACCOUNT FOR THE STATE RESPONSE TO THE OPIOID
6 ABUSE CRISIS, CURES ACT
7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses to carry out the purposes de-
9 scribed in section 1003(c) of the 21st Century Cures Act,
10 \$500,000,000 to remain available until expended: *Pro-*
11 *vided*, That such amounts are appropriated pursuant to
12 section 1003(b)(3) of such Act, are to be derived from
13 amounts transferred under section 1003(b)(2)(A) of such
14 Act, and may be transferred by the Secretary of Health
15 and Human Services to other accounts of the Department
16 solely for the purposes provided in such Act: *Provided fur-*
17 *ther*, That the transfer authority provided under this head-
18 ing is in addition to any other transfer authority provided
19 by law.

20 OFFICE OF MEDICARE HEARINGS AND APPEALS

21 For expenses necessary for the Office of Medicare
22 Hearings and Appeals, \$182,381,000 shall remain avail-
23 able until September 30, 2019, to be transferred in appro-
24 priate part from the Federal Hospital Insurance Trust

1 Fund and the Federal Supplementary Medical Insurance
2 Trust Fund.

3 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
4 INFORMATION TECHNOLOGY

5 For expenses necessary for the Office of the National
6 Coordinator for Health Information Technology, including
7 grants, contracts, and cooperative agreements for the de-
8 velopment and advancement of interoperable health infor-
9 mation technology, \$60,367,000.

10 OFFICE OF INSPECTOR GENERAL

11 For expenses necessary for the Office of Inspector
12 General, including the hire of passenger motor vehicles for
13 investigations, in carrying out the provisions of the Inspec-
14 tor General Act of 1978, \$80,000,000: *Provided*, That of
15 such amount, necessary sums shall be available for pro-
16 viding protective services to the Secretary and inves-
17 tigating non-payment of child support cases for which non-
18 payment is a Federal offense under 18 U.S.C. 228.

19 OFFICE FOR CIVIL RIGHTS

20 For expenses necessary for the Office for Civil
21 Rights, \$38,798,000.

22 RETIREMENT PAY AND MEDICAL BENEFITS FOR
23 COMMISSIONED OFFICERS

24 For retirement pay and medical benefits of Public
25 Health Service Commissioned Officers as authorized by

1 law, for payments under the Retired Serviceman's Family
2 Protection Plan and Survivor Benefit Plan, and for med-
3 ical care of dependents and retired personnel under the
4 Dependents' Medical Care Act, such amounts as may be
5 required during the current fiscal year.

6 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

7 FUND

8 For expenses necessary to support activities related
9 to countering potential biological, nuclear, radiological,
10 chemical, and cybersecurity threats to civilian populations,
11 and for other public health emergencies, \$993,458,000, of
12 which \$536,700,000 shall remain available through Sep-
13 tember 30, 2019, for expenses necessary to support ad-
14 vanced research and development pursuant to section
15 319L of the PHS Act and other administrative expenses
16 of the Biomedical Advanced Research and Development
17 Authority: *Provided*, That funds provided under this head-
18 ing for the purpose of acquisition of security counter-
19 measures shall be in addition to any other funds available
20 for such purpose: *Provided further*, That products pur-
21 chased with funds provided under this heading may, at
22 the discretion of the Secretary, be deposited in the Stra-
23 tegic National Stockpile pursuant to section 319F-2 of
24 the PHS Act: *Provided further*, That \$5,000,000 of the

1 amounts made available to support emergency operations
2 shall remain available through September 30, 2020.

3 For expenses necessary for procuring security coun-
4 termeasures (as defined in section 319F–2(c)(1)(B) of the
5 PHS Act), \$710,000,000, to remain available until ex-
6 pended.

7 For an additional amount for expenses necessary to
8 prepare for or respond to an influenza pandemic,
9 \$250,000,000; of which \$215,000,000 shall be available
10 until expended, for activities including the development
11 and purchase of vaccine, antivirals, necessary medical sup-
12 plies, diagnostics, and other surveillance tools: *Provided*,
13 That notwithstanding section 496(b) of the PHS Act,
14 funds may be used for the construction or renovation of
15 privately owned facilities for the production of pandemic
16 influenza vaccines and other biologics, if the Secretary
17 finds such construction or renovation necessary to secure
18 sufficient supplies of such vaccines or biologics.

19 GENERAL PROVISIONS

20 SEC. 201. Funds appropriated in this title shall be
21 available for not to exceed \$50,000 for official reception
22 and representation expenses when specifically approved by
23 the Secretary.

24 SEC. 202. None of the funds appropriated in this title
25 shall be used to pay the salary of an individual, through

1 a grant or other extramural mechanism, at a rate in excess
2 of Executive Level II.

3 SEC. 203. None of the funds appropriated in this Act
4 may be expended pursuant to section 241 of the PHS Act,
5 except for funds specifically provided for in this Act, or
6 for other taps and assessments made by any office located
7 in HHS, prior to the preparation and submission of a re-
8 port by the Secretary to the Committees on Appropria-
9 tions of the House of Representatives and the Senate de-
10 tailing the planned uses of such funds.

11 SEC. 204. Notwithstanding section 241(a) of the
12 PHS Act, such portion as the Secretary shall determine,
13 but not more than 2.5 percent, of any amounts appro-
14 priated for programs authorized under such Act shall be
15 made available for the evaluation (directly, or by grants
16 or contracts) and the implementation and effectiveness of
17 programs funded in this title.

18 (TRANSFER OF FUNDS)

19 SEC. 205. Not to exceed 1 percent of any discre-
20 tionary funds (pursuant to the Balanced Budget and
21 Emergency Deficit Control Act of 1985) which are appro-
22 priated for the current fiscal year for HHS in this Act
23 may be transferred between appropriations, but no such
24 appropriation shall be increased by more than 3 percent
25 by any such transfer: *Provided*, That the transfer author-

1 ity granted by this section shall not be used to create any
2 new program or to fund any project or activity for which
3 no funds are provided in this Act: *Provided further*, That
4 the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate are notified at least 15 days
6 in advance of any transfer.

7 SEC. 206. In lieu of the timeframe specified in section
8 338E(c)(2) of the PHS Act, terminations described in
9 such section may occur up to 60 days after the execution
10 of a contract awarded in fiscal year 2018 under section
11 338B of such Act.

12 SEC. 207. None of the funds appropriated in this Act
13 may be made available to any entity under title X of the
14 PHS Act unless the applicant for the award certifies to
15 the Secretary that it encourages family participation in
16 the decision of minors to seek family planning services and
17 that it provides counseling to minors on how to resist at-
18 tempts to coerce minors into engaging in sexual activities.

19 SEC. 208. Notwithstanding any other provision of
20 law, no provider of services under title X of the PHS Act
21 shall be exempt from any State law requiring notification
22 or the reporting of child abuse, child molestation, sexual
23 abuse, rape, or incest.

24 SEC. 209. None of the funds appropriated by this Act
25 (including funds appropriated to any trust fund) may be

1 used to carry out the Medicare Advantage program if the
2 Secretary denies participation in such program to an oth-
3 erwise eligible entity (including a Provider Sponsored Or-
4 ganization) because the entity informs the Secretary that
5 it will not provide, pay for, provide coverage of, or provide
6 referrals for abortions: *Provided*, That the Secretary shall
7 make appropriate prospective adjustments to the capita-
8 tion payment to such an entity (based on an actuarially
9 sound estimate of the expected costs of providing the serv-
10 ice to such entity's enrollees): *Provided further*, That noth-
11 ing in this section shall be construed to change the Medi-
12 care program's coverage for such services and a Medicare
13 Advantage organization described in this section shall be
14 responsible for informing enrollees where to obtain infor-
15 mation about all Medicare covered services.

16 SEC. 210. None of the funds made available in this
17 title may be used, in whole or in part, to advocate or pro-
18 mote gun control.

19 SEC. 211. The Secretary shall make available through
20 assignment not more than 60 employees of the Public
21 Health Service to assist in child survival activities and to
22 work in AIDS programs through and with funds provided
23 by the Agency for International Development, the United
24 Nations International Children's Emergency Fund or the
25 World Health Organization.

1 SEC. 212. In order for HHS to carry out inter-
2 national health activities, including HIV/AIDS and other
3 infectious disease, chronic and environmental disease, and
4 other health activities abroad during fiscal year 2018:

5 (1) The Secretary may exercise authority equiv-
6 alent to that available to the Secretary of State in
7 section 2(c) of the State Department Basic Authori-
8 ties Act of 1956. The Secretary shall consult with
9 the Secretary of State and relevant Chief of Mission
10 to ensure that the authority provided in this section
11 is exercised in a manner consistent with section 207
12 of the Foreign Service Act of 1980 and other appli-
13 cable statutes administered by the Department of
14 State.

15 (2) The Secretary is authorized to provide such
16 funds by advance or reimbursement to the Secretary
17 of State as may be necessary to pay the costs of ac-
18 quisition, lease, alteration, renovation, and manage-
19 ment of facilities outside of the United States for
20 the use of HHS. The Department of State shall co-
21 operate fully with the Secretary to ensure that HHS
22 has secure, safe, functional facilities that comply
23 with applicable regulation governing location, set-
24 back, and other facilities requirements and serve the
25 purposes established by this Act. The Secretary is

1 authorized, in consultation with the Secretary of
2 State, through grant or cooperative agreement, to
3 make available to public or nonprofit private institu-
4 tions or agencies in participating foreign countries,
5 funds to acquire, lease, alter, or renovate facilities in
6 those countries as necessary to conduct programs of
7 assistance for international health activities, includ-
8 ing activities relating to HIV/AIDS and other infec-
9 tious diseases, chronic and environmental diseases,
10 and other health activities abroad.

11 (3) The Secretary is authorized to provide to
12 personnel appointed or assigned by the Secretary to
13 serve abroad, allowances and benefits similar to
14 those provided under chapter 9 of title I of the For-
15 eign Service Act of 1980, and 22 U.S.C. 4081
16 through 4086 and subject to such regulations pre-
17 scribed by the Secretary. The Secretary is further
18 authorized to provide locality-based comparability
19 payments (stated as a percentage) up to the amount
20 of the locality-based comparability payment (stated
21 as a percentage) that would be payable to such per-
22 sonnel under section 5304 of title 5, United States
23 Code if such personnel's official duty station were in
24 the District of Columbia. Leaves of absence for per-
25 sonnel under this subsection shall be on the same

1 basis as that provided under subchapter I of chapter
2 63 of title 5, United States Code, or section 903 of
3 the Foreign Service Act of 1980, to individuals serv-
4 ing in the Foreign Service.

5 (TRANSFER OF FUNDS)

6 SEC. 213. The Director of the NIH, jointly with the
7 Director of the Office of AIDS Research, may transfer up
8 to 3 percent among institutes and centers from the total
9 amounts identified by these two Directors as funding for
10 research pertaining to the human immunodeficiency virus:
11 *Provided*, That the Committees on Appropriations of the
12 House of Representatives and the Senate are notified at
13 least 15 days in advance of any transfer.

14 (TRANSFER OF FUNDS)

15 SEC. 214. Of the amounts made available in this Act
16 for NIH, the amount for research related to the human
17 immunodeficiency virus, as jointly determined by the Di-
18 rector of NIH and the Director of the Office of AIDS Re-
19 search, shall be made available to the “Office of AIDS
20 Research” account. The Director of the Office of AIDS
21 Research shall transfer from such account amounts nec-
22 essary to carry out section 2353(d)(3) of the PHS Act.

23 SEC. 215. (a) AUTHORITY.—Notwithstanding any
24 other provision of law, the Director of NIH (“Director”)
25 may use funds authorized under section 402(b)(12) of the

1 PHS Act to enter into transactions (other than contracts,
2 cooperative agreements, or grants) to carry out research
3 identified pursuant to or research and activities described
4 in such section 402(b)(12).

5 (b) PEER REVIEW.—In entering into transactions
6 under subsection (a), the Director may utilize such peer
7 review procedures (including consultation with appropriate
8 scientific experts) as the Director determines to be appro-
9 priate to obtain assessments of scientific and technical
10 merit. Such procedures shall apply to such transactions
11 in lieu of the peer review and advisory council review pro-
12 cedures that would otherwise be required under sections
13 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
14 and 494 of the PHS Act.

15 SEC. 216. Not to exceed \$45,000,000 of funds appro-
16 priated by this Act to the institutes and centers of the
17 National Institutes of Health may be used for alteration,
18 repair, or improvement of facilities, as necessary for the
19 proper and efficient conduct of the activities authorized
20 herein, at not to exceed \$3,500,000 per project.

21 (TRANSFER OF FUNDS)

22 SEC. 217. Of the amounts made available for NIH,
23 1 percent of the amount made available for National Re-
24 search Service Awards (“NRSA”) shall be made available
25 to the Administrator of the Health Resources and Services

1 Administration to make NRSA awards for research in pri-
2 mary medical care to individuals affiliated with entities
3 who have received grants or contracts under sections 736,
4 739, or 747 of the PHS Act, and 1 percent of the amount
5 made available for NRSA shall be made available to the
6 Director of the Agency for Healthcare Research and Qual-
7 ity to make NRSA awards for health service research.

8 SEC. 218. (a) The Biomedical Advanced Research
9 and Development Authority (“BARDA”) may enter into
10 a contract, for more than one but no more than 10 pro-
11 gram years, for purchase of research services or of security
12 countermeasures, as that term is defined in section 319F-
13 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d-6b(c)(1)(B)),
14 if—

15 (1) funds are available and obligated—

16 (A) for the full period of the contract or
17 for the first fiscal year in which the contract is
18 in effect; and

19 (B) for the estimated costs associated with
20 a necessary termination of the contract; and

21 (2) the Secretary determines that a multi-year
22 contract will serve the best interests of the Federal
23 Government by encouraging full and open competi-
24 tion or promoting economy in administration, per-
25 formance, and operation of BARDA’s programs.

1 (b) A contract entered into under this section—

2 (1) shall include a termination clause as de-
3 scribed by subsection (c) of section 3903 of title 41,
4 United States Code; and

5 (2) shall be subject to the congressional notice
6 requirement stated in subsection (d) of such section.

7 SEC. 219. (a) The Secretary shall publish in the fiscal
8 year 2020 budget justification and on Departmental Web
9 sites information concerning the employment of full-time
10 equivalent Federal employees or contractors for the pur-
11 poses of implementing, administering, enforcing, or other-
12 wise carrying out the provisions of the ACA, and the
13 amendments made by that Act, in the proposed fiscal year
14 and each fiscal year since the enactment of the ACA.

15 (b) With respect to employees or contractors sup-
16 ported by all funds appropriated for purposes of carrying
17 out the ACA (and the amendments made by that Act),
18 the Secretary shall include, at a minimum, the following
19 information:

20 (1) For each such fiscal year, the section of
21 such Act under which such funds were appropriated,
22 a statement indicating the program, project, or ac-
23 tivity receiving such funds, the Federal operating di-
24 vision or office that administers such program, and

1 the amount of funding received in discretionary or
2 mandatory appropriations.

3 (2) For each such fiscal year, the number of
4 full-time equivalent employees or contracted employ-
5 ees assigned to each authorized and funded provision
6 detailed in accordance with paragraph (1).

7 (c) In carrying out this section, the Secretary may
8 exclude from the report employees or contractors who—

9 (1) are supported through appropriations en-
10 acted in laws other than the ACA and work on pro-
11 grams that existed prior to the passage of the ACA;

12 (2) spend less than 50 percent of their time on
13 activities funded by or newly authorized in the ACA;
14 or

15 (3) work on contracts for which FTE reporting
16 is not a requirement of their contract, such as fixed-
17 price contracts.

18 SEC. 220. The Secretary shall publish, as part of the
19 fiscal year 2020 budget of the President submitted under
20 section 1105(a) of title 31, United States Code, informa-
21 tion that details the uses of all funds used by the Centers
22 for Medicare and Medicaid Services specifically for Health
23 Insurance Exchanges for each fiscal year since the enact-
24 ment of the ACA and the proposed uses for such funds
25 for fiscal year 2020. Such information shall include, for

1 each such fiscal year, the amount of funds used for each
2 activity specified under the heading “Health Insurance
3 Exchange Transparency” in the explanatory statement de-
4 scribed in section 4 (in the matter preceding division A
5 of this consolidated Act).

6 SEC. 221. (a) The Secretary shall provide to the
7 Committees on Appropriations of the House of Represent-
8 atives and the Senate:

9 (1) Detailed monthly enrollment figures from
10 the Exchanges established under the Patient Protec-
11 tion and Affordable Care Act of 2010 pertaining to
12 enrollments during the open enrollment period; and

13 (2) Notification of any new or competitive grant
14 awards, including supplements, authorized under
15 section 330 of the Public Health Service Act.

16 (b) The Committees on Appropriations of the House
17 and Senate must be notified at least 2 business days in
18 advance of any public release of enrollment information
19 or the award of such grants.

20 SEC. 222. None of the funds made available by this
21 Act from the Federal Hospital Insurance Trust Fund or
22 the Federal Supplemental Medical Insurance Trust Fund,
23 or transferred from other accounts funded by this Act to
24 the “Centers for Medicare and Medicaid Services—Pro-
25 gram Management” account, may be used for payments

1 under section 1342(b)(1) of Public Law 111–148 (relating
2 to risk corridors).

3 SEC. 223. The Secretary shall include in the fiscal
4 year 2020 budget justification an analysis of how section
5 2713 of the PHS Act will impact eligibility for discre-
6 tionary HHS programs.

7 (TRANSFER OF FUNDS)

8 SEC. 224. (a) Within 45 days of enactment of this
9 Act, the Secretary shall transfer funds appropriated under
10 section 4002 of the ACA to the accounts specified, in the
11 amounts specified, and for the activities specified under
12 the heading “Prevention and Public Health Fund” in the
13 explanatory statement described in section 4 (in the mat-
14 ter preceding division A of this consolidated Act).

15 (b) Notwithstanding section 4002(c) of the ACA, the
16 Secretary may not further transfer these amounts.

17 (c) Funds transferred for activities authorized under
18 section 2821 of the PHS Act shall be made available with-
19 out reference to section 2821(b) of such Act.

20 SEC. 225. Effective during the period beginning on
21 November 1, 2015 and ending January 1, 2020, any pro-
22 vision of law that refers (including through cross-reference
23 to another provision of law) to the current recommenda-
24 tions of the United States Preventive Services Task Force
25 with respect to breast cancer screening, mammography,

1 and prevention shall be administered by the Secretary in-
2 volved as if—

3 (1) such reference to such current recommenda-
4 tions were a reference to the recommendations of
5 such Task Force with respect to breast cancer
6 screening, mammography, and prevention last issued
7 before 2009; and

8 (2) such recommendations last issued before
9 2009 applied to any screening mammography modal-
10 ity under section 1861(jj) of the Social Security Act
11 (42 U.S.C. 1395x(jj)).

12 SEC. 226. In making Federal financial assistance, the
13 provisions relating to indirect costs in part 75 of title 45,
14 Code of Federal Regulations, including with respect to the
15 approval of deviations from negotiated rates, shall con-
16 tinue to apply to the National Institutes of Health to the
17 same extent and in the same manner as such provisions
18 were applied in the third quarter of fiscal year 2017. None
19 of the funds appropriated in this or prior Acts or otherwise
20 made available to the Department of Health and Human
21 Services or to any department or agency may be used to
22 develop or implement a modified approach to such provi-
23 sions, or to intentionally or substantially expand the fiscal
24 effect of the approval of such deviations from negotiated

1 Grant Act of 1990 may be provided to any child care pro-
2 vider if a list of providers (as mentioned in part 98 of
3 title 45 of the Code of Federal Regulations, applicable to
4 the Department of Health and Human Services, Adminis-
5 tration of Children and Families, and in the final rule pub-
6 lished in the Federal Register, Vol. 81, No. 190, on Sept.
7 30, 2016) indicates that a serious injury or death occurred
8 at the provider due to a substantiated health or safety vio-
9 lation.

10 This title may be cited as the “Department of Health
11 and Human Services Appropriations Act, 2018”.

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED

4 For carrying out title I and subpart 2 of part B of
5 title II of the Elementary and Secondary Education Act
6 of 1965 (referred to in this Act as “ESEA”) and section
7 418A of the Higher Education Act of 1965 (referred to
8 in this Act as “HEA”), \$16,443,790,000, of which
9 \$5,525,990,000 shall become available on July 1, 2018,
10 and shall remain available through September 30, 2019,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2018, and shall remain available through Sep-
13 tember 30, 2019, for academic year 2018–2019: *Provided*,
14 That \$6,459,401,000 shall be for basic grants under sec-
15 tion 1124 of the ESEA: *Provided further*, That up to
16 \$5,000,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2017, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$3,969,050,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$3,969,050,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$217,000,000 shall be for carrying out subpart
3 2 of part B of title II: *Provided further*, That \$44,623,000
4 shall be for carrying out section 418A of the HEA.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VII of the
8 ESEA, \$1,414,112,000, of which \$1,270,242,000 shall be
9 for basic support payments under section 7003(b),
10 \$48,316,000 shall be for payments for children with dis-
11 abilities under section 7003(d), \$17,406,000 shall be for
12 construction under section 7007(a), \$73,313,000 shall be
13 for Federal property payments under section 7002, and
14 \$4,835,000, to remain available until expended, shall be
15 for facilities maintenance under section 7008: *Provided*,
16 That for purposes of computing the amount of a payment
17 for an eligible local educational agency under section
18 7003(a) for school year 2017–2018, children enrolled in
19 a school of such agency that would otherwise be eligible
20 for payment under section 7003(a)(1)(B) of such Act, but
21 due to the deployment of both parents or legal guardians,
22 or a parent or legal guardian having sole custody of such
23 children, or due to the death of a military parent or legal
24 guardian while on active duty (so long as such children
25 reside on Federal property as described in section

1 7003(a)(1)(B)), are no longer eligible under such section,
2 shall be considered as eligible students under such section,
3 provided such students remain in average daily attendance
4 at a school in the same local educational agency they at-
5 tended prior to their change in eligibility status.

6 SCHOOL IMPROVEMENT PROGRAMS

7 For carrying out school improvement activities au-
8 thorized by part B of title I, part A of title II, subpart
9 1 of part A of title IV, part B of title IV, part B of title
10 V, and parts B and C of title VI of the ESEA; the McKin-
11 ney-Vento Homeless Assistance Act; section 203 of the
12 Educational Technical Assistance Act of 2002; the Com-
13 pact of Free Association Amendments Act of 2003; and
14 the Civil Rights Act of 1964, \$5,158,467,000, of which
15 \$3,329,902,000 shall become available on July 1, 2018,
16 and remain available through September 30, 2019, and
17 of which \$1,681,441,000 shall become available on Octo-
18 ber 1, 2018, and shall remain available through September
19 30, 2019, for academic year 2018–2019: *Provided*, That
20 \$378,000,000 shall be for part B of title I: *Provided fur-*
21 *ther*, That \$1,211,673,000 shall be for part B of title IV:
22 *Provided further*, That \$36,397,000 shall be for part B
23 of title VI and may be used for construction, renovation,
24 and modernization of any elementary school, secondary
25 school, or structure related to an elementary school or sec-

1 2 of part A of title VI and \$6,865,000 shall be for subpart
2 3 of part A of title VI.

3 INNOVATION AND IMPROVEMENT

4 For carrying out activities authorized by subparts 1,
5 3 and 4 of part B of title II, and parts C, D, and E and
6 subparts 1 and 4 of part F of title IV of the ESEA,
7 \$982,256,000: *Provided*, That \$278,515,000 shall be for
8 subparts 1, 3 and 4 of part B of title II and shall be made
9 available without regard to sections 2201, 2231(b) and
10 2241: *Provided further*, That \$583,741,000 shall be for
11 parts C, D, and E and subpart 4 of part F of title IV,
12 and shall be made available without regard to sections
13 4311, 4409(a), and 4601 of the ESEA: *Provided further*,
14 That section 4303(d)(3)(A)(i) shall not apply to the funds
15 available for part C of title IV: *Provided further*, That of
16 the funds available for part C of title IV, the Secretary
17 shall use \$50,000,000 to carry out section 4304, of which
18 not more than \$10,000,000 shall be available to carry out
19 section 4304(k), \$120,000,000, to remain available
20 through March 31, 2019, to carry out section 4305(b),
21 and not more than \$14,000,000 to carry out the activities
22 in section 4305(a)(3): *Provided further*, That notwith-
23 standing section 4601(b), \$120,000,000 shall be available
24 through December 31, 2018 for subpart 1 of part F of
25 title IV.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out activities authorized by subparts 2
3 and 3 of part F of title IV of the ESEA, \$185,754,000:
4 *Provided*, That \$90,000,000 shall be available for section
5 4631, of which up to \$5,000,000, to remain available until
6 expended, shall be for the Project School Emergency Re-
7 sponse to Violence (“Project SERV”) program: *Provided*
8 *further*, That \$17,500,000 shall be available for section
9 4625: *Provided further*, That \$78,254,000 shall be avail-
10 able through December 31, 2018, for section 4624: *Pro-*
11 *vided further*, That section 4623(b) of the ESEA shall
12 apply to funds appropriated for Promise Neighborhoods
13 under this heading in prior appropriations acts: *Provided*
14 *further*, That, no later than June 1, 2018, the Secretary
15 shall award extension grants under such section on a com-
16 petitive basis to implementation grantees that have dem-
17 onstrated the ability to collect, track, and report longitu-
18 dinal data on performance indicators established by the
19 Department and required to be reported on annually as
20 part of the initial implementation grant; demonstrated the
21 most positive and promising results during their initial im-
22 plementation grant based on such indicators, emphasizing
23 getting children ready to learn; demonstrated a commit-
24 ment to operating in the most underserved and under-
25 resourced, including rural, areas; and propose continuing

1 to pursue ambitious goals during an extension of that
2 grant.

3 ENGLISH LANGUAGE ACQUISITION

4 For carrying out part A of title III of the ESEA,
5 \$737,400,000, which shall become available on July 1,
6 2018, and shall remain available through September 30,
7 2019, except that 6.5 percent of such amount shall be
8 available on October 1, 2017, and shall remain available
9 through September 30, 2019, to carry out activities under
10 section 3111(c)(1)(C).

11 SPECIAL EDUCATION

12 For carrying out the Individuals with Disabilities
13 Education Act (IDEA) and the Special Olympics Sport
14 and Empowerment Act of 2004, \$13,366,184,000, of
15 which \$3,845,585,000 shall become available on July 1,
16 2018, and shall remain available through September 30,
17 2019, and of which \$9,283,383,000 shall become available
18 on October 1, 2018, and shall remain available through
19 September 30, 2019, for academic year 2018–2019: *Pro-*
20 *vided*, That the amount for section 611(b)(2) of the IDEA
21 shall be equal to the lesser of the amount available for
22 that activity during fiscal year 2017, increased by the
23 amount of inflation as specified in section 619(d)(2)(B)
24 of the IDEA, or the percent change in the funds appro-
25 priated under section 611(i) of the IDEA, but not less

1 than the amount for that activity during fiscal year 2017:
2 *Provided further*, That the Secretary shall, without regard
3 to section 611(d) of the IDEA, distribute to all other
4 States (as that term is defined in section 611(g)(2)), sub-
5 ject to the third proviso, any amount by which a State's
6 allocation under section 611, from funds appropriated
7 under this heading, is reduced under section
8 612(a)(18)(B), according to the following: 85 percent on
9 the basis of the States' relative populations of children
10 aged 3 through 21 who are of the same age as children
11 with disabilities for whom the State ensures the avail-
12 ability of a free appropriate public education under this
13 part, and 15 percent to States on the basis of the States'
14 relative populations of those children who are living in pov-
15 erty: *Provided further*, That the Secretary may not dis-
16 tribute any funds under the previous proviso to any State
17 whose reduction in allocation from funds appropriated
18 under this heading made funds available for such a dis-
19 tribution: *Provided further*, That the States shall allocate
20 such funds distributed under the second proviso to local
21 educational agencies in accordance with section 611(f):
22 *Provided further*, That the amount by which a State's allo-
23 cation under section 611(d) of the IDEA is reduced under
24 section 612(a)(18)(B) and the amounts distributed to
25 States under the previous provisos in fiscal year 2012 or

1 any subsequent year shall not be considered in calculating
2 the awards under section 611(d) for fiscal year 2013 or
3 for any subsequent fiscal years: *Provided further*, That,
4 notwithstanding the provision in section 612(a)(18)(B) re-
5 garding the fiscal year in which a State's allocation under
6 section 611(d) is reduced for failure to comply with the
7 requirement of section 612(a)(18)(A), the Secretary may
8 apply the reduction specified in section 612(a)(18)(B) over
9 a period of consecutive fiscal years, not to exceed five,
10 until the entire reduction is applied: *Provided further*,
11 That the Secretary may, in any fiscal year in which a
12 State's allocation under section 611 is reduced in accord-
13 ance with section 612(a)(18)(B), reduce the amount a
14 State may reserve under section 611(e)(1) by an amount
15 that bears the same relation to the maximum amount de-
16 scribed in that paragraph as the reduction under section
17 612(a)(18)(B) bears to the total allocation the State
18 would have received in that fiscal year under section
19 611(d) in the absence of the reduction: *Provided further*,
20 That the Secretary shall either reduce the allocation of
21 funds under section 611 for any fiscal year following the
22 fiscal year for which the State fails to comply with the
23 requirement of section 612(a)(18)(A) as authorized by
24 section 612(a)(18)(B), or seek to recover funds under sec-
25 tion 452 of the General Education Provisions Act (20

1 U.S.C. 1234a): *Provided further*, That the funds reserved
2 under 611(c) of the IDEA may be used to provide tech-
3 nical assistance to States to improve the capacity of the
4 States to meet the data collection requirements of sections
5 616 and 618 and to administer and carry out other serv-
6 ices and activities to improve data collection, coordination,
7 quality, and use under parts B and C of the IDEA: *Pro-*
8 *vided further*, That the Secretary may use funds made
9 available for the State Personnel Development Grants pro-
10 gram under part D, subpart 1 of IDEA to evaluate pro-
11 gram performance under such subpart.

12 REHABILITATION SERVICES

13 For carrying out, to the extent not otherwise pro-
14 vided, the Rehabilitation Act of 1973 and the Helen Keller
15 National Center Act, \$3,587,130,000, of which
16 \$3,452,931,000 shall be for grants for vocational rehabili-
17 tation services under title I of the Rehabilitation Act: *Pro-*
18 *vided*, That the Secretary may use amounts provided in
19 this Act that remain available subsequent to the reallocot-
20 ment of funds to States pursuant to section 110(b) of the
21 Rehabilitation Act for innovative activities aimed at im-
22 proving the outcomes of individuals with disabilities as de-
23 fined in section 7(20)(B) of the Rehabilitation Act, includ-
24 ing activities aimed at improving the education and post-
25 school outcomes of children receiving Supplemental Secu-

1 rity Income (“SSI”) and their families that may result
2 in long-term improvement in the SSI child recipient’s eco-
3 nomic status and self-sufficiency: *Provided further*, That
4 States may award subgrants for a portion of the funds
5 to other public and private, nonprofit entities: *Provided*
6 *further*, That any funds made available subsequent to real-
7 lotment for innovative activities aimed at improving the
8 outcomes of individuals with disabilities shall remain avail-
9 able until September 30, 2019.

10 SPECIAL INSTITUTIONS FOR PERSONS WITH
11 DISABILITIES

12 AMERICAN PRINTING HOUSE FOR THE BLIND

13 For carrying out the Act to promote the Education
14 of the Blind of March 3, 1879, \$27,431,000.

15 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

16 For the National Technical Institute for the Deaf
17 under titles I and II of the Education of the Deaf Act
18 of 1986, \$73,000,000: *Provided*, That from the total
19 amount available, the Institute may at its discretion use
20 funds for the endowment program as authorized under
21 section 207 of such Act.

22 GALLAUDET UNIVERSITY

23 For the Kendall Demonstration Elementary School,
24 the Model Secondary School for the Deaf, and the partial
25 support of Gallaudet University under titles I and II of

1 the Education of the Deaf Act of 1986, \$128,000,000:
2 *Provided*, That from the total amount available, the Uni-
3 versity may at its discretion use funds for the endowment
4 program as authorized under section 207 of such Act.

5 CAREER, TECHNICAL, AND ADULT EDUCATION

6 For carrying out, to the extent not otherwise pro-
7 vided, the Carl D. Perkins Career and Technical Edu-
8 cation Act of 2006 and the Adult Education and Family
9 Literacy Act (“AEFLA”), \$1,830,686,000, of which
10 \$1,039,686,000 shall become available on July 1, 2018,
11 and shall remain available through September 30, 2019,
12 and of which \$791,000,000 shall become available on Oc-
13 tober 1, 2018, and shall remain available through Sep-
14 tember 30, 2019: *Provided*, That of the amounts made
15 available for AEFLA, \$13,712,000 shall be for national
16 leadership activities under section 242.

17 STUDENT FINANCIAL ASSISTANCE

18 For carrying out subparts 1, 3, and 10 of part A,
19 and part C of title IV of the HEA, \$24,445,352,000,
20 which shall remain available through September 30, 2019.

21 The maximum Pell Grant for which a student shall
22 be eligible during award year 2018–2019 shall be \$5,035.

23 STUDENT AID ADMINISTRATION

24 For Federal administrative expenses to carry out part
25 D of title I, and subparts 1, 3, 9, and 10 of part A, and

1 parts B, C, D, and E of title IV of the HEA, and subpart
2 1 of part A of title VII of the Public Health Service Act,
3 \$1,678,943,000, to remain available through September
4 30, 2019: *Provided*, That the Secretary shall allocate new
5 student loan borrower accounts to eligible student loan
6 servicers on the basis of their performance compared to
7 all loan servicers utilizing established common metrics,
8 and on the basis of the capacity of each servicer to process
9 new and existing accounts: *Provided further*, That the Sec-
10 retary shall, no later than September 30, 2017, allow stu-
11 dent loan borrowers who are consolidating Federal student
12 loans to select from any student loan servicer to service
13 their new consolidated student loan under the current stu-
14 dent loan servicing contracts: *Provided further*, That in
15 order to promote accountability and high-quality service
16 to borrowers, the Secretary shall not award funding for
17 any contract solicitation for a new Federal student loan
18 servicing environment, including the solicitation for the
19 FSA Next Generation Processing and Servicing Environ-
20 ment as amended by the Department of Education on
21 February 20, 2018, unless such an environment provides
22 for the participation of multiple student loan servicers that
23 contract directly with the Department of Education to
24 manage a unique portfolio of borrower accounts and the
25 full life-cycle of loans from disbursement to pay-off with

1 certain limited exceptions, and allocates student loan bor-
2 rower accounts to eligible student loan servicers based on
3 performance: *Provided further*, That such servicers de-
4 scribed in the previous proviso shall be evaluated based
5 on their ability to meet contract requirements, future per-
6 formance on the contracts, and history of compliance with
7 applicable consumer protections laws: *Provided further*,
8 That to the extent Federal Student Aid (FSA) permits
9 student loan servicing subcontracting, FSA shall hold such
10 subcontractors accountable for meeting the requirements
11 of the contract: *Provided further*, That FSA shall create
12 a fee structure with contractors that provides more sup-
13 port to borrowers at risk of being distressed.

14 HIGHER EDUCATION

15 For carrying out, to the extent not otherwise pro-
16 vided, titles II, III, IV, V, VI, and VII of the HEA, the
17 Mutual Educational and Cultural Exchange Act of 1961,
18 and section 117 of the Carl D. Perkins Career and Tech-
19 nical Education Act of 2006, \$2,246,551,000: *Provided*,
20 That notwithstanding any other provision of law, funds
21 made available in this Act to carry out title VI of the HEA
22 and section 102(b)(6) of the Mutual Educational and Cul-
23 tural Exchange Act of 1961 may be used to support visits
24 and study in foreign countries by individuals who are par-
25 ticipating in advanced foreign language training and inter-

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
2 CAPITAL FINANCING PROGRAM ACCOUNT

3 For the cost of guaranteed loans, \$20,150,000, as au-
4 thorized pursuant to part D of title III of the HEA, which
5 shall remain available through September 30, 2019: *Pro-*
6 *vided*, That such costs, including the cost of modifying
7 such loans, shall be as defined in section 502 of the Con-
8 gressional Budget Act of 1974: *Provided further*, That
9 these funds are available to subsidize total loan principal,
10 any part of which is to be guaranteed, not to exceed
11 \$313,863,000: *Provided further*, That these funds may be
12 used to support loans to public and private Historically
13 Black Colleges and Universities without regard to the limi-
14 tations within section 344(a) of the HEA.

15 In addition, \$10,000,000 shall be made available to
16 provide for the deferment of loans made under part D of
17 title III of the HEA to eligible institutions that are private
18 Historically Black Colleges and Universities, which apply
19 for the deferment of such a loan and demonstrate financial
20 need for such deferment by having a score of 2.6 or less
21 on the Department of Education's financial responsibility
22 test: *Provided*, That during the period of deferment of
23 such a loan, interest on the loan will not accrue or be cap-
24 italized, and the period of deferment shall be for at least
25 a period of 3-fiscal years and not more than 6-fiscal years:

1 *Provided further*, That when determining priority for such
2 institutions to receive such a deferment, the Secretary
3 shall give priority to institutions that operated in a finan-
4 cial deficit for at least one of the previous 5 years accord-
5 ing to audits provided to the Department, or were sanc-
6 tioned for financial related reasons by the agency or asso-
7 ciation that accredited such institutions: *Provided further*,
8 That the Secretary shall create and execute an outreach
9 plan to work with States and the Capital Financing Advi-
10 sory Board to improve outreach to States and help addi-
11 tional public Historically Black Colleges and Universities
12 participate in the program.

13 In addition, for administrative expenses to carry out
14 the Historically Black College and University Capital Fi-
15 nancing Program entered into pursuant to part D of title
16 III of the HEA, \$334,000.

17 INSTITUTE OF EDUCATION SCIENCES

18 For carrying out activities authorized by the Edu-
19 cation Sciences Reform Act of 2002, the National Assess-
20 ment of Educational Progress Authorization Act, section
21 208 of the Educational Technical Assistance Act of 2002,
22 and section 664 of the Individuals with Disabilities Edu-
23 cation Act, \$613,462,000, which shall remain available
24 through September 30, 2019: *Provided*, That funds avail-
25 able to carry out section 208 of the Educational Technical

1 Assistance Act may be used to link Statewide elementary
2 and secondary data systems with early childhood, postsec-
3 ondary, and workforce data systems, or to further develop
4 such systems: *Provided further*, That up to \$6,000,000 of
5 the funds available to carry out section 208 of the Edu-
6 cational Technical Assistance Act may be used for awards
7 to public or private organizations or agencies to support
8 activities to improve data coordination, quality, and use
9 at the local, State, and national levels.

10 DEPARTMENTAL MANAGEMENT

11 PROGRAM ADMINISTRATION

12 For carrying out, to the extent not otherwise pro-
13 vided, the Department of Education Organization Act, in-
14 cluding rental of conference rooms in the District of Co-
15 lumbia and hire of three passenger motor vehicles,
16 \$430,000,000: *Provided*, That, notwithstanding any other
17 provision of law, none of the funds provided by this Act
18 or provided by previous Appropriations Acts to the De-
19 partment of Education available for obligation or expendi-
20 ture in the current fiscal year may be used for any activity
21 relating to implementing a reorganization that decentral-
22 izes, reduces the staffing level, or alters the responsibil-
23 ities, structure, authority, or functionality of the Budget
24 Service of the Department of Education, relative to the

1 organization and operation of the Budget Service as in
2 effect on January 1, 2018.

3 OFFICE FOR CIVIL RIGHTS

4 For expenses necessary for the Office for Civil
5 Rights, as authorized by section 203 of the Department
6 of Education Organization Act, \$117,000,000.

7 OFFICE OF INSPECTOR GENERAL

8 For expenses necessary for the Office of Inspector
9 General, as authorized by section 212 of the Department
10 of Education Organization Act, \$61,143,000.

11 GENERAL PROVISIONS

12 SEC. 301. No funds appropriated in this Act may be
13 used for the transportation of students or teachers (or for
14 the purchase of equipment for such transportation) in
15 order to overcome racial imbalance in any school or school
16 system, or for the transportation of students or teachers
17 (or for the purchase of equipment for such transportation)
18 in order to carry out a plan of racial desegregation of any
19 school or school system.

20 SEC. 302. None of the funds contained in this Act
21 shall be used to require, directly or indirectly, the trans-
22 portation of any student to a school other than the school
23 which is nearest the student's home, except for a student
24 requiring special education, to the school offering such
25 special education, in order to comply with title VI of the

1 SEC. 305. Section 105(f)(1)(B)(ix) of the Compact
2 of Free Association Amendments Act of 2003 (48 U.S.C.
3 1921d(f)(1)(B)(ix)) shall be applied by substituting
4 “2018” for “2017”.

5 SEC. 306. Funds appropriated in this Act and con-
6 solidated for evaluation purposes under section 8601(c) of
7 the ESEA shall be available from July 1, 2018, through
8 September 30, 2019.

9 SEC. 307. (a) An institution of higher education that
10 maintains an endowment fund supported with funds ap-
11 propriated for title III or V of the HEA for fiscal year
12 2018 may use the income from that fund to award schol-
13 arships to students, subject to the limitation in section
14 331(c)(3)(B)(i) of the HEA. The use of such income for
15 such purposes, prior to the enactment of this Act, shall
16 be considered to have been an allowable use of that in-
17 come, subject to that limitation.

18 (b) Subsection (a) shall be in effect until titles III
19 and V of the HEA are reauthorized.

20 SEC. 308. Section 114(f) of the HEA (20 U.S.C.
21 1011c(f)) is amended by striking “2017” and inserting
22 “2018”.

23 SEC. 309. Section 458(a) of the HEA (20 U.S.C.
24 1087h(a)) is amended in paragraph (4) by striking
25 “2017” and inserting “2018”.

1 (RESCISSION)

2 SEC. 310. Section 401(b)(7)(A)(iv)(VIII) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1070a(b)(7)(A)(iv)(VIII)) is amended by striking
5 “\$1,382,000,000” and inserting “\$1,334,000,000”.

6 SEC. 311. (a) Notwithstanding any other provision
7 of law except as provided under subsection (c), with re-
8 spect to a local educational agency that was notified by
9 the Secretary in fiscal year 2017 of the agency’s eligibility
10 to receive a basic support payment pursuant to section
11 7003(b)(2)(B)(i)(III) of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(III))
13 for fiscal year 2017 but did not receive a payment under
14 section 7003(b)(2) of such Act for fiscal year 2017, in ad-
15 dition to payments received by the local educational agen-
16 cy under section 7003(b)(1) of such Act, the Secretary
17 shall reserve from funds appropriated to carry out section
18 7003(b) of such Act and make payments from such funds
19 to such local educational agency for fiscal years 2017,
20 2018, 2019, and 2020 in the following amounts:

21 (1) \$3,000,000 for fiscal year 2017.

22 (2) \$5,000,000 for fiscal year 2018.

23 (3) \$4,000,000 for fiscal year 2019.

24 (4) \$4,000,000 for fiscal year 2020.

1 (b) For fiscal year 2017, a local educational agency
2 described in subsection (a) shall not be eligible for a basic
3 support payment pursuant to section 7003(b)(2) of the El-
4 ementary and Secondary Education Act of 1965 (20
5 U.S.C. 7703(b)(2)).

6 (c) For fiscal year 2018 and succeeding fiscal years,
7 if a local educational agency described in subsection (a)
8 is eligible to receive a basic support payment pursuant to
9 section 7003(b)(2) of the Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C. 7703(b)(2)), the payment
11 received by the local educational agency shall be calculated
12 under section 7003(b)(2) of such Act and not under sub-
13 section (a).

14 (d) Section 7003(b)(2)(B) of the Elementary and
15 Secondary Education Act (20 U.S.C. 7703(b)(2)(B)) is
16 amended—

17 (1) in clause (i)(III)—

18 (A) in item (aa), by striking “and” after
19 the semicolon;

20 (B) in item (bb)(BB)—

21 (i) by inserting “and received assist-
22 ance for fiscal year 2017 pursuant to sub-
23 paragraph (G)” after “not less than 65
24 percent”; and

1 (ii) by inserting “and” after the semi-
2 colon; and

3 (C) by adding at the end the following:

4 “(cc) received assistance
5 under subparagraph (A) of sec-
6 tion 8003(b)(2), as such section
7 was in effect on the day before
8 the date of enactment of the
9 Every Student Succeeds Act
10 (Public Law 114–95; 129 Stat.
11 1802), for a fiscal year prior to
12 fiscal year 2017;” and

13 (2) by striking clause (iii) and inserting the fol-
14 lowing:

15 “(iii) ELIGIBILITY.—

16 “(I) FIRST TIME.—A local edu-
17 cational agency seeking a payment
18 under this paragraph for the first
19 time shall apply for and be deter-
20 mined eligible under clause (i) for 2
21 consecutive years before receiving
22 such a payment, and shall not receive
23 such a payment for the first year of
24 eligibility.

1 “(II) RESUMPTION OF ELIGI-
2 BILITY.—A heavily impacted local
3 educational agency described in clause
4 (i) that becomes ineligible under such
5 clause for 1 or more fiscal years may
6 resume eligibility for a basic support
7 payment under this paragraph for a
8 subsequent fiscal year only if the
9 agency meets the requirements of
10 clause (i) for that subsequent fiscal
11 year, except that such agency shall
12 not receive a basic support payment
13 under this paragraph until the fiscal
14 year succeeding the fiscal year for
15 which the eligibility determination is
16 made.”.

17 (e) Section 579(c)(2) of the National Defense Au-
18 thorization Act for Fiscal Year 2017 (Public Law 114–
19 328; 130 Stat. 2145) is amended, in the matter preceding
20 subparagraph (A), by striking “for fiscal year 2017, 2018,
21 or 2019,” and inserting “for fiscal year 2017 and any suc-
22 ceeding fiscal year,”.

23 SEC. 312. For the purpose of providing temporary
24 emergency impact aid for displaced students under the
25 Hurricane Education Recovery heading in title VIII of

1 subdivision 1 of division B of the Bipartisan Budget Act
2 of 2018 (Public Law 115–123), paragraph (2)(E) under
3 such heading is amended by inserting before the semicolon
4 at the end the following: “and each reference to the end
5 of the 2005–2006 school year in section 107(f) of title
6 IV of division B of Public Law 109–148, shall be to De-
7 cember 31, 2018”.

8 SEC. 313. (a) Notwithstanding the limitations on
9 sharing data described in paragraph (3)(E) of section
10 483(a) of the HEA, an institution of higher education
11 may, with explicit written consent of an applicant who has
12 completed a FAFSA under such section 483(a), provide
13 such information collected from the applicant’s FAFSA as
14 is necessary to a scholarship granting organization, includ-
15 ing a tribal organization (defined in section 4 of the Indian
16 Self-Determination and Education Assistance Act (25
17 U.S.C. 5304)), designated by the applicant to assist the
18 applicant in applying for and receiving financial assistance
19 for the applicant’s cost of attendance (defined in section
20 472 of the HEA) at that institution.

21 (b) An organization that receives information pursu-
22 ant to subsection (a) shall not sell or otherwise share such
23 information.

24 (c) This section shall be in effect until title IV of the
25 HEA is reauthorized.

1 SEC. 314. (a) IN GENERAL.—For the purpose of car-
2 rying out section 435(a)(2) of the Higher Education Act
3 of 1965 (20 U.S.C. 1085(a)(2)), the Secretary of Edu-
4 cation may waive the requirements under sections
5 435(a)(5)(A)(i) and 435(a)(5)(A)(ii) of such Act (20
6 U.S.C. 1085(a)(5)(A)(i) and 20 U.S.C.
7 1085(a)(5)(A)(ii))—

8 (1) for an institution of higher education that
9 offers an associate degree, is a public institution,
10 and is located in an economically distressed county,
11 defined as a county that ranks in the lowest 5 per-
12 cent of all counties in the United States based on a
13 national index of county economic status; and

14 (2) for an institution—

15 (A) that is a public institution of higher
16 education or a Tribal College or University (as
17 defined in section 316(b) of such Act (20
18 U.S.C. 1059e)); and

19 (B) whose fall enrollment for the most re-
20 cently completed academic year was comprised
21 of a majority of students who are Indian (as de-
22 fined in such section) or Alaska Natives (as de-
23 fined in section 317(b) of such Act (20 U.S.C.
24 1059d(b))).

1 (b) APPLICABILITY.—Subsection (a) shall apply to an
2 institution of higher education that otherwise would be in-
3 eligible to participate in a program under part A of title
4 IV of the Higher Education Act of 1965 on or after the
5 date of enactment of this Act due to the application of
6 section 435(a)(2) of the Higher Education Act of 1965
7 (20 U.S.C. 1085(a)(2)).

8 (c) COVERAGE.—This section shall be in effect for the
9 period covered by this Act and for the succeeding fiscal
10 year.

11 SEC. 315. For an additional amount for “Department
12 of Education—Federal Direct Student Loan Program Ac-
13 count”, \$350,000,000, to remain available until expended,
14 shall be for the cost, as defined under section 502 of the
15 Congressional Budget Act of 1974, of the Secretary of
16 Education providing loan cancellation in the same manner
17 as under section 455(m) of the Higher Education Act of
18 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made
19 under part D of title IV of such Act who would qualify
20 for loan cancellation under section 455(m) except some,
21 or all, of the 120 required payments under section
22 455(m)(1)(A) do not qualify for purposes of the program
23 because they were monthly payments made in accordance
24 with graduated or extended repayment plans as described
25 under subparagraph (B) or (C) of section 455(d)(1) or

1 the corresponding repayment plan for a consolidation loan
2 made under section 455(g) and that were less than the
3 amount calculated under section 455(d)(1)(A), based on
4 a 10-year repayment period: *Provided*, That the monthly
5 payment made 12 months before the borrower applied for
6 loan cancellation as described in the matter preceding this
7 proviso and the most recent monthly payment made by
8 the borrower at the time of such application were each
9 not less than the monthly amount that would be calculated
10 under, and for which the borrower would otherwise qualify
11 for, clause (i) or (iv) of section 455(m)(1)(A) regarding
12 income-based or income-contingent repayment plans, with
13 exception for a borrower who would have otherwise been
14 eligible under this section but demonstrates an unusual
15 fluctuation of income over the past 5 years: *Provided fur-*
16 *ther*, That the total loan volume, including outstanding
17 principal, fees, capitalized interest, or accrued interest, at
18 application that is eligible for such loan cancellation by
19 such borrowers shall not exceed \$500,000,000: *Provided*
20 *further*, That the Secretary shall develop and make avail-
21 able a simple method for borrowers to apply for loan can-
22 cellation under this section within 60 days of enactment
23 of this Act: *Provided further*, That the Secretary shall pro-
24 vide loan cancellation under this section to eligible bor-
25 rowers on a first-come, first-serve basis, based on the date

1 of application and subject to both the limitation on total
2 loan volume at application for such loan cancellation speci-
3 fied in the second proviso and the availability of appropria-
4 tions under this section: *Provided further*, That no bor-
5 rower may, for the same service, receive a reduction of
6 loan obligations under both this section and section 428J,
7 428K, 428L, or 460 of such Act.

8 SEC. 316. Of the amounts made available under this
9 title under the heading “Student Aid Administration”,
10 \$2,300,000 shall be used by the Secretary of Education
11 to conduct outreach to borrowers of loans made under part
12 D of title IV of the Higher Education Act of 1965 who
13 may intend to qualify for loan cancellation under 455(m)
14 of such Act (20 U.S.C. 1087e(m)), to ensure that bor-
15 rowers are meeting the terms and conditions of such loan
16 cancellation: *Provided*, That the Secretary shall specifi-
17 cally conduct outreach to assist borrowers who would qual-
18 ify for loan cancellation under 455(m) of such Act except
19 that the borrower has made some, or all, of the 120 re-
20 quired payments under a repayment plan that is not de-
21 scribed under section 455(m)(A) of such Act, to encourage
22 borrowers to enroll in a qualifying repayment plan: *Pro-*
23 *vided further*, That the Secretary shall also communicate
24 to all Direct Loan borrowers the full requirements of
25 455(m) of such Act and improve the filing of employment

1 certification by providing improved outreach and informa-
2 tion such as outbound calls, electronic communications,
3 ensuring prominent access to program requirements and
4 benefits on each servicer’s website, and creating an option
5 for all borrowers to complete the entire payment certifi-
6 cation process electronically and on a centralized website.

7 CHILDREN OF FALLEN HEROES SCHOLARSHIP ACT

8 SEC. 317. Section 473(b) of the Higher Education
9 Act of 1965 (20 U.S.C. 1087mm(b)) is amended—

10 (1) in paragraph (2)—

11 (A) in the matter preceding subparagraph
12 (A), by inserting “(in the case of a student who
13 meets the requirement of subparagraph (B)(i)),
14 or academic year 2018–2019 (in the case of a
15 student who meets the requirement of subpara-
16 graph (B)(ii)),” after “academic year 2009–
17 2010”; and

18 (B) by amending subparagraph (B) to read
19 as follows:

20 “(B) whose parent or guardian was—

21 “(i) a member of the Armed Forces of
22 the United States and died as a result of
23 performing military service in Iraq or Af-
24 ghanistan after September 11, 2001; or

1 “(ii) actively serving as a public safety
2 officer and died in the line of duty while
3 performing as a public safety officer; and”;

4 (2) in paragraph (3)—

5 (A) by striking “Notwithstanding” and in-
6 serting the following:

7 “(A) ARMED FORCES.—Notwithstanding”;

8 (B) by striking “paragraph (2)” and in-
9 serting “subparagraphs (A), (B)(i), and (C) of
10 paragraph (2)”;

11 (C) by adding at the end the following:

12 “(B) PUBLIC SAFETY OFFICERS.—Not-
13 withstanding any other provision of law, unless
14 the Secretary establishes an alternate method
15 to adjust the expected family contribution, for
16 each student who meets the requirements of
17 subparagraphs (A), (B)(ii), and (C) of para-
18 graph (2), a financial aid administrator shall—

19 “(i) verify with the student that the
20 student is eligible for the adjustment;

21 “(ii) adjust the expected family con-
22 tribution in accordance with this sub-
23 section; and

1 “(iii) notify the Secretary of the ad-
2 justment and the student’s eligibility for
3 the adjustment.”; and

4 (3) by adding at the end the following:

5 “(4) TREATMENT OF PELL AMOUNT.—Notwith-
6 standing section 1212 of the Omnibus Crime Control
7 and Safe Streets Act of 1968 (42 U.S.C. 3796d–1),
8 in the case of a student who receives an increased
9 Federal Pell Grant amount under this section, the
10 total amount of such Federal Pell Grant, including
11 the increase under this subsection, shall not be con-
12 sidered in calculating that student’s educational as-
13 sistance benefits under the Public Safety Officers’
14 Benefits program under subpart 2 of part L of title
15 I of such Act.

16 “(5) DEFINITION OF PUBLIC SAFETY OFFI-
17 CER.—For purposes of this subsection, the term
18 ‘public safety officer’ means—

19 “(A) a public safety officer, as defined in
20 section 1204 of title I of the Omnibus Crime
21 Control and Safe Streets Act of 1968 (42
22 U.S.C. 3796b); or

23 “(B) a fire police officer, defined as an in-
24 dividual who—

1 “(i) is serving in accordance with
2 State or local law as an officially recog-
3 nized or designated member of a legally or-
4 ganized public safety agency;

5 “(ii) is not a law enforcement officer,
6 a firefighter, a chaplain, or a member of a
7 rescue squad or ambulance crew; and

8 “(iii) provides scene security or di-
9 rects traffic—

10 “(I) in response to any fire drill,
11 fire call, or other fire, rescue, or police
12 emergency; or

13 “(II) at a planned special
14 event.”.

15 SEC. 318. Notwithstanding any other provision of law
16 funds awarded under part D of title IV of the Elementary
17 and Secondary Education Act of 1965 for fiscal years
18 2017 and 2018 may be used for the purposes in section
19 4407(a)(9) of such Act.

20 This title may be cited as the “Department of Edu-
21 cation Appropriations Act, 2018”.

1015

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES

6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 established under section 8502 of title 41, United States
9 Code, \$8,250,000: *Provided*, That in order to authorize
10 any central nonprofit agency designated pursuant to sec-
11 tion 8503(e) of title 41, United States Code, to perform
12 contract requirements of the Committee as prescribed
13 under section 51–3.2 of title 41, Code of Federal Regula-
14 tions, the Committee shall enter into a written agreement
15 with any such central nonprofit agency: *Provided further*,
16 That such agreement entered into under the preceding
17 proviso shall contain such auditing, oversight, and report-
18 ing provisions as necessary to implement chapter 85 of
19 title 41, United States Code: *Provided further*, That such
20 agreement shall include the elements listed under this
21 heading in the explanatory statement accompanying Pub-
22 lic Law 114–113: *Provided further*, That a fee may not
23 be charged under section 51–3.5 of title 41, Code of Fed-
24 eral Regulations, unless such fee is under the terms of
25 the written agreement between the Committee and any

1 such central nonprofit agency: *Provided further*, That no
2 less than \$1,250,000 shall be available for the Office of
3 Inspector General.

4 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
5 OPERATING EXPENSES

6 For necessary expenses for the Corporation for Na-
7 tional and Community Service (referred to in this title as
8 “CNCS”) to carry out the Domestic Volunteer Service Act
9 of 1973 (referred to in this title as “1973 Act”) and the
10 National and Community Service Act of 1990 (referred
11 to in this title as “1990 Act”), \$767,629,000, notwith-
12 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
13 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
14 amounts provided under this heading: (1) up to 1 percent
15 of program grant funds may be used to defray the costs
16 of conducting grant application reviews, including the use
17 of outside peer reviewers and electronic management of
18 the grants cycle; (2) \$17,538,000 shall be available to pro-
19 vide assistance to State commissions on national and com-
20 munity service, under section 126(a) of the 1990 Act and
21 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
22 \$32,000,000 shall be available to carry out subtitle E of
23 the 1990 Act; and (4) \$5,400,000 shall be available for
24 expenses authorized under section 501(a)(4)(F) of the
25 1990 Act, which, notwithstanding the provisions of section

1 198P shall be awarded by CNCS on a competitive basis:
2 *Provided further*, That for the purposes of carrying out
3 the 1990 Act, satisfying the requirements in section
4 122(c)(1)(D) may include a determination of need by the
5 local community.

6 PAYMENT TO THE NATIONAL SERVICE TRUST

7 (INCLUDING TRANSFER OF FUNDS)

8 For payment to the National Service Trust estab-
9 lished under subtitle D of title I of the 1990 Act,
10 \$206,842,000, to remain available until expended: *Pro-*
11 *vided*, That CNCS may transfer additional funds from the
12 amount provided within “Operating Expenses” allocated
13 to grants under subtitle C of title I of the 1990 Act to
14 the National Service Trust upon determination that such
15 transfer is necessary to support the activities of national
16 service participants and after notice is transmitted to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate: *Provided further*, That amounts ap-
19 propriated for or transferred to the National Service Trust
20 may be invested under section 145(b) of the 1990 Act
21 without regard to the requirement to apportion funds
22 under 31 U.S.C. 1513(b).

23 SALARIES AND EXPENSES

24 For necessary expenses of administration as provided
25 under section 501(a)(5) of the 1990 Act and under section

1 504(a) of the 1973 Act, including payment of salaries, au-
2 thorized travel, hire of passenger motor vehicles, the rental
3 of conference rooms in the District of Columbia, the em-
4 ployment of experts and consultants authorized under 5
5 U.S.C. 3109, and not to exceed \$2,500 for official recep-
6 tion and representation expenses, \$83,737,000.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the Inspector General Act of 1978,
10 \$5,750,000.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 401. CNCS shall make any significant changes
13 to program requirements, service delivery or policy only
14 through public notice and comment rulemaking. For fiscal
15 year 2018, during any grant selection process, an officer
16 or employee of CNCS shall not knowingly disclose any cov-
17 ered grant selection information regarding such selection,
18 directly or indirectly, to any person other than an officer
19 or employee of CNCS that is authorized by CNCS to re-
20 ceive such information.

21 SEC. 402. AmeriCorps programs receiving grants
22 under the National Service Trust program shall meet an
23 overall minimum share requirement of 24 percent for the
24 first 3 years that they receive AmeriCorps funding, and
25 thereafter shall meet the overall minimum share require-

1 ment as provided in section 2521.60 of title 45, Code of
2 Federal Regulations, without regard to the operating costs
3 match requirement in section 121(e) or the member sup-
4 port Federal share limitations in section 140 of the 1990
5 Act, and subject to partial waiver consistent with section
6 2521.70 of title 45, Code of Federal Regulations.

7 SEC. 403. Donations made to CNCS under section
8 196 of the 1990 Act for the purposes of financing pro-
9 grams and operations under titles I and II of the 1973
10 Act or subtitle B, C, D, or E of title I of the 1990 Act
11 shall be used to supplement and not supplant current pro-
12 grams and operations.

13 SEC. 404. In addition to the requirements in section
14 146(a) of the 1990 Act, use of an educational award for
15 the purpose described in section 148(a)(4) shall be limited
16 to individuals who are veterans as defined under section
17 101 of the Act.

18 SEC. 405. For the purpose of carrying out section
19 189D of the 1990 Act—

20 (1) entities described in paragraph (a) of such
21 section shall be considered “qualified entities” under
22 section 3 of the National Child Protection Act of
23 1993 (“NCPA”);

1 (2) individuals described in such section shall
2 be considered “volunteers” under section 3 of
3 NCPA; and

4 (3) State Commissions on National and Com-
5 munity Service established pursuant to section 178
6 of the 1990 Act, are authorized to receive criminal
7 history record information, consistent with Public
8 Law 92–544.

9 SEC. 406. Notwithstanding sections 139(b), 146 and
10 147 of the 1990 Act, an individual who successfully com-
11 pletes a term of service of not less than 1,200 hours dur-
12 ing a period of not more than one year may receive a na-
13 tional service education award having a value of 70 per-
14 cent of the value of a national service education award
15 determined under section 147(a) of the Act.

16 CORPORATION FOR PUBLIC BROADCASTING

17 For payment to the Corporation for Public Broad-
18 casting (“CPB”), as authorized by the Communications
19 Act of 1934, an amount which shall be available within
20 limitations specified by that Act, for the fiscal year 2020,
21 \$445,000,000: *Provided*, That none of the funds made
22 available to CPB by this Act shall be used to pay for re-
23 ceptions, parties, or similar forms of entertainment for
24 Government officials or employees: *Provided further*, That
25 none of the funds made available to CPB by this Act shall

1 be available or used to aid or support any program or ac-
2 tivity from which any person is excluded, or is denied ben-
3 efits, or is discriminated against, on the basis of race,
4 color, national origin, religion, or sex: *Provided further*,
5 That none of the funds made available to CPB by this
6 Act shall be used to apply any political test or qualification
7 in selecting, appointing, promoting, or taking any other
8 personnel action with respect to officers, agents, and em-
9 ployees of CPB: *Provided further*, That none of the funds
10 made available to CPB by this Act shall be used to support
11 the Television Future Fund or any similar purpose.

12 In addition, for the costs associated with replacing
13 and upgrading the public broadcasting interconnection
14 system and other technologies and services that create in-
15 frastructure and efficiencies within the public media sys-
16 tem, \$20,000,000.

17 FEDERAL MEDIATION AND CONCILIATION SERVICE

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Mediation
20 and Conciliation Service (“Service”) to carry out the func-
21 tions vested in it by the Labor-Management Relations Act,
22 1947, including hire of passenger motor vehicles; for ex-
23 penses necessary for the Labor-Management Cooperation
24 Act of 1978; and for expenses necessary for the Service
25 to carry out the functions vested in it by the Civil Service

1 Reform Act, \$46,650,000, including up to \$900,000 to re-
2 main available through September 30, 2019, for activities
3 authorized by the Labor-Management Cooperation Act of
4 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
5 fees charged, up to full-cost recovery, for special training
6 activities and other conflict resolution services and tech-
7 nical assistance, including those provided to foreign gov-
8 ernments and international organizations, and for arbitra-
9 tion services shall be credited to and merged with this ac-
10 count, and shall remain available until expended: *Provided*
11 *further*, That fees for arbitration services shall be available
12 only for education, training, and professional development
13 of the agency workforce: *Provided further*, That the Direc-
14 tor of the Service is authorized to accept and use on behalf
15 of the United States gifts of services and real, personal,
16 or other property in the aid of any projects or functions
17 within the Director's jurisdiction.

18 FEDERAL MINE SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Federal Mine Safety
22 and Health Review Commission, \$17,184,000.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$240,000,000.

7 MEDICAID AND CHIP PAYMENT AND ACCESS

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out section 1900 of
11 the Social Security Act, \$8,480,000.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$12,545,000, to be transferred to
16 this appropriation from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

21 For expenses necessary for the National Council on
22 Disability as authorized by title IV of the Rehabilitation
23 Act of 1973, \$3,250,000.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$274,224,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 407. None of the funds provided by this Act
21 or previous Acts making appropriations for the National
22 Labor Relations Board may be used to issue any new ad-
23 ministrative directive or regulation that would provide em-
24 ployees any means of voting through any electronic means

1 in an election to determine a representative for the pur-
2 poses of collective bargaining.

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the provisions
6 of the Railway Labor Act, including emergency boards ap-
7 pointed by the President, \$13,800,000.

8 OCCUPATIONAL SAFETY AND HEALTH REVIEW

9 COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Occupational Safety
12 and Health Review Commission, \$13,225,000.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$22,000,000, which shall include
18 amounts becoming available in fiscal year 2018 pursuant
19 to section 224(e)(1)(B) of Public Law 98–76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds the amount available for payment
24 of vested dual benefits: *Provided*, That the total amount
25 provided herein shall be credited in 12 approximately

1 equal amounts on the first day of each month in the fiscal
2 year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2019, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board (“Board”) for administration of the Railroad Re-
15 tirement Act and the Railroad Unemployment Insurance
16 Act, \$123,500,000, to be derived in such amounts as de-
17 termined by the Board from the railroad retirement ac-
18 counts and from moneys credited to the railroad unem-
19 ployment insurance administration fund: *Provided*, That
20 notwithstanding section 7(b)(9) of the Railroad Retire-
21 ment Act this limitation may be used to hire attorneys
22 only through the excepted service: *Provided further*, That
23 the previous proviso shall not change the status under
24 Federal employment laws of any attorney hired by the
25 Railroad Retirement Board prior to January 1, 2013: *Pro-*

1 *vided further*, That \$10,000,000, to remain available until
2 expended, shall be used to supplement, not supplant, exist-
3 ing resources devoted to operations and improvements for
4 the Board's Information Technology Investment Initia-
5 tives.

6 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General for audit, investigatory and review activities, as
9 authorized by the Inspector General Act of 1978, not more
10 than \$11,000,000, to be derived from the railroad retire-
11 ment accounts and railroad unemployment insurance ac-
12 count.

13 SOCIAL SECURITY ADMINISTRATION

14 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

15 For payment to the Federal Old-Age and Survivors
16 Insurance Trust Fund and the Federal Disability Insur-
17 ance Trust Fund, as provided under sections 201(m) and
18 1131(b)(2) of the Social Security Act, \$11,400,000.

19 SUPPLEMENTAL SECURITY INCOME PROGRAM

20 For carrying out titles XI and XVI of the Social Se-
21 curity Act, section 401 of Public Law 92-603, section 212
22 of Public Law 93-66, as amended, and section 405 of
23 Public Law 95-216, including payment to the Social Secu-
24 rity trust funds for administrative expenses incurred pur-
25 suant to section 201(g)(1) of the Social Security Act,

1 \$38,487,277,000, to remain available until expended: *Pro-*
2 *vided*, That any portion of the funds provided to a State
3 in the current fiscal year and not obligated by the State
4 during that year shall be returned to the Treasury: *Pro-*
5 *vided further*, That not more than \$101,000,000 shall be
6 available for research and demonstrations under sections
7 1110, 1115, and 1144 of the Social Security Act, and re-
8 main available through September 30, 2020.

9 For making, after June 15 of the current fiscal year,
10 benefit payments to individuals under title XVI of the So-
11 cial Security Act, for unanticipated costs incurred for the
12 current fiscal year, such sums as may be necessary.

13 For making benefit payments under title XVI of the
14 Social Security Act for the first quarter of fiscal year
15 2019, \$19,500,000,000, to remain available until ex-
16 pended.

17 LIMITATION ON ADMINISTRATIVE EXPENSES

18 For necessary expenses, including the hire of two pas-
19 senger motor vehicles, and not to exceed \$20,000 for offi-
20 cial reception and representation expenses, not more than
21 \$12,753,945,000 may be expended, as authorized by sec-
22 tion 201(g)(1) of the Social Security Act, from any one
23 or all of the trust funds referred to in such section: *Pro-*
24 *vided*, That not less than \$2,300,000 shall be for the So-
25 cial Security Advisory Board: *Provided further*, That

1 \$280,000,000 shall remain available until expended for in-
2 formation technology modernization, including related
3 hardware and software infrastructure and equipment, and
4 for administrative expenses directly associated with infor-
5 mation technology modernization: *Provided further*, That
6 \$100,000,000 shall remain available through September
7 30, 2019, for activities to address the disability hearings
8 backlog within the Office of Hearings Operations: *Pro-*
9 *vided further*, That unobligated balances of funds provided
10 under this paragraph at the end of fiscal year 2018 not
11 needed for fiscal year 2018 shall remain available until
12 expended to invest in the Social Security Administration
13 information technology and telecommunications hardware
14 and software infrastructure, including related equipment
15 and non-payroll administrative expenses associated solely
16 with this information technology and telecommunications
17 infrastructure: *Provided further*, That the Commissioner
18 of Social Security shall notify the Committees on Appro-
19 priations of the House of Representatives and the Senate
20 prior to making unobligated balances available under the
21 authority in the previous proviso: *Provided further*, That
22 reimbursement to the trust funds under this heading for
23 expenditures for official time for employees of the Social
24 Security Administration pursuant to 5 U.S.C. 7131, and
25 for facilities or support services for labor organizations

1 pursuant to policies, regulations, or procedures referred
2 to in section 7135(b) of such title shall be made by the
3 Secretary of the Treasury, with interest, from amounts in
4 the general fund not otherwise appropriated, as soon as
5 possible after such expenditures are made.

6 Of the total amount made available under this head-
7 ing, not more than \$1,735,000,000, to remain available
8 through March 31, 2019, is for the costs associated with
9 continuing disability reviews under titles II and XVI of
10 the Social Security Act, including work-related continuing
11 disability reviews to determine whether earnings derived
12 from services demonstrate an individual's ability to engage
13 in substantial gainful activity, for the cost associated with
14 conducting redeterminations of eligibility under title XVI
15 of the Social Security Act, for the cost of co-operative dis-
16 ability investigation units, and for the cost associated with
17 the prosecution of fraud in the programs and operations
18 of the Social Security Administration by Special Assistant
19 United States Attorneys: *Provided*, That, of such amount,
20 \$273,000,000 is provided to meet the terms of section
21 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985, as amended, and
23 \$1,462,000,000 is additional new budget authority speci-
24 fied for purposes of section 251(b)(2)(B) of such Act: *Pro-*
25 *vided further*, That the Commissioner shall provide to the

1 Congress (at the conclusion of the fiscal year) a report
2 on the obligation and expenditure of these funds, similar
3 to the reports that were required by section 103(d)(2) of
4 Public Law 104–121 for fiscal years 1996 through 2002.

5 In addition, \$118,000,000 to be derived from admin-
6 istration fees in excess of \$5.00 per supplementary pay-
7 ment collected pursuant to section 1616(d) of the Social
8 Security Act or section 212(b)(3) of Public Law 93–66,
9 which shall remain available until expended. To the extent
10 that the amounts collected pursuant to such sections in
11 fiscal year 2018 exceed \$118,000,000, the amounts shall
12 be available in fiscal year 2019 only to the extent provided
13 in advance in appropriations Acts.

14 In addition, up to \$1,000,000 to be derived from fees
15 collected pursuant to section 303(c) of the Social Security
16 Protection Act, which shall remain available until ex-
17 pended.

18 OFFICE OF INSPECTOR GENERAL

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary for the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$30,000,000, together with not to
23 exceed \$75,500,000, to be transferred and expended as
24 authorized by section 201(g)(1) of the Social Security Act

1 from the Federal Old-Age and Survivors Insurance Trust
2 Fund and the Federal Disability Insurance Trust Fund.

3 In addition, an amount not to exceed 3 percent of
4 the total provided in this appropriation may be transferred
5 from the “Limitation on Administrative Expenses”, Social
6 Security Administration, to be merged with this account,
7 to be available for the time and purposes for which this
8 account is available: *Provided*, That notice of such trans-
9 fers shall be transmitted promptly to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate at least 15 days in advance of any transfer.

1 TITLE V

2 GENERAL PROVISIONS

3 (TRANSFER OF FUNDS)

4 SEC. 501. The Secretaries of Labor, Health and
5 Human Services, and Education are authorized to transfer
6 unexpended balances of prior appropriations to accounts
7 corresponding to current appropriations provided in this
8 Act. Such transferred balances shall be used for the same
9 purpose, and for the same periods of time, for which they
10 were originally appropriated.

11 SEC. 502. No part of any appropriation contained in
12 this Act shall remain available for obligation beyond the
13 current fiscal year unless expressly so provided herein.

14 SEC. 503. (a) No part of any appropriation contained
15 in this Act or transferred pursuant to section 4002 of
16 Public Law 111–148 shall be used, other than for normal
17 and recognized executive-legislative relationships, for pub-
18 licity or propaganda purposes, for the preparation, dis-
19 tribution, or use of any kit, pamphlet, booklet, publication,
20 electronic communication, radio, television, or video pres-
21 entation designed to support or defeat the enactment of
22 legislation before the Congress or any State or local legis-
23 lature or legislative body, except in presentation to the
24 Congress or any State or local legislature itself, or de-
25 signed to support or defeat any proposed or pending regu-

1 lation, administrative action, or order issued by the execu-
2 tive branch of any State or local government, except in
3 presentation to the executive branch of any State or local
4 government itself.

5 (b) No part of any appropriation contained in this
6 Act or transferred pursuant to section 4002 of Public Law
7 111–148 shall be used to pay the salary or expenses of
8 any grant or contract recipient, or agent acting for such
9 recipient, related to any activity designed to influence the
10 enactment of legislation, appropriations, regulation, ad-
11 ministrative action, or Executive order proposed or pend-
12 ing before the Congress or any State government, State
13 legislature or local legislature or legislative body, other
14 than for normal and recognized executive-legislative rela-
15 tionships or participation by an agency or officer of a
16 State, local or tribal government in policymaking and ad-
17 ministrative processes within the executive branch of that
18 government.

19 (c) The prohibitions in subsections (a) and (b) shall
20 include any activity to advocate or promote any proposed,
21 pending or future Federal, State or local tax increase, or
22 any proposed, pending, or future requirement or restric-
23 tion on any legal consumer product, including its sale or
24 marketing, including but not limited to the advocacy or
25 promotion of gun control.

1 SEC. 504. The Secretaries of Labor and Education
2 are authorized to make available not to exceed \$28,000
3 and \$20,000, respectively, from funds available for sala-
4 ries and expenses under titles I and III, respectively, for
5 official reception and representation expenses; the Direc-
6 tor of the Federal Mediation and Conciliation Service is
7 authorized to make available for official reception and rep-
8 resentation expenses not to exceed \$5,000 from the funds
9 available for “Federal Mediation and Conciliation Service,
10 Salaries and Expenses”; and the Chairman of the Na-
11 tional Mediation Board is authorized to make available for
12 official reception and representation expenses not to ex-
13 ceed \$5,000 from funds available for “National Mediation
14 Board, Salaries and Expenses”.

15 SEC. 505. When issuing statements, press releases,
16 requests for proposals, bid solicitations and other docu-
17 ments describing projects or programs funded in whole or
18 in part with Federal money, all grantees receiving Federal
19 funds included in this Act, including but not limited to
20 State and local governments and recipients of Federal re-
21 search grants, shall clearly state—

22 (1) the percentage of the total costs of the pro-
23 gram or project which will be financed with Federal
24 money;

1 (2) the dollar amount of Federal funds for the
2 project or program; and

3 (3) percentage and dollar amount of the total
4 costs of the project or program that will be financed
5 by non-governmental sources.

6 SEC. 506. (a) None of the funds appropriated in this
7 Act, and none of the funds in any trust fund to which
8 funds are appropriated in this Act, shall be expended for
9 any abortion.

10 (b) None of the funds appropriated in this Act, and
11 none of the funds in any trust fund to which funds are
12 appropriated in this Act, shall be expended for health ben-
13 efits coverage that includes coverage of abortion.

14 (c) The term “health benefits coverage” means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

18 SEC. 507. (a) The limitations established in the pre-
19 ceding section shall not apply to an abortion—

20 (1) if the pregnancy is the result of an act of
21 rape or incest; or

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 (d)(1) None of the funds made available in this Act
16 may be made available to a Federal agency or program,
17 or to a State or local government, if such agency, program,
18 or government subjects any institutional or individual
19 health care entity to discrimination on the basis that the
20 health care entity does not provide, pay for, provide cov-
21 erage of, or refer for abortions.

22 (2) In this subsection, the term "health care entity"
23 includes an individual physician or other health care pro-
24 fessional, a hospital, a provider-sponsored organization, a
25 health maintenance organization, a health insurance plan,

1 or any other kind of health care facility, organization, or
2 plan.

3 SEC. 508. (a) None of the funds made available in
4 this Act may be used for—

5 (1) the creation of a human embryo or embryos
6 for research purposes; or

7 (2) research in which a human embryo or em-
8 bryos are destroyed, discarded, or knowingly sub-
9 jected to risk of injury or death greater than that
10 allowed for research on fetuses in utero under 45
11 CFR 46.204(b) and section 498(b) of the Public
12 Health Service Act (42 U.S.C. 289g(b)).

13 (b) For purposes of this section, the term “human
14 embryo or embryos” includes any organism, not protected
15 as a human subject under 45 CFR 46 as of the date of
16 the enactment of this Act, that is derived by fertilization,
17 parthenogenesis, cloning, or any other means from one or
18 more human gametes or human diploid cells.

19 SEC. 509. (a) None of the funds made available in
20 this Act may be used for any activity that promotes the
21 legalization of any drug or other substance included in
22 schedule I of the schedules of controlled substances estab-
23 lished under section 202 of the Controlled Substances Act
24 except for normal and recognized executive-congressional
25 communications.

1 (b) The limitation in subsection (a) shall not apply
2 when there is significant medical evidence of a therapeutic
3 advantage to the use of such drug or other substance or
4 that federally sponsored clinical trials are being conducted
5 to determine therapeutic advantage.

6 SEC. 510. None of the funds made available in this
7 Act may be used to promulgate or adopt any final stand-
8 ard under section 1173(b) of the Social Security Act pro-
9 viding for, or providing for the assignment of, a unique
10 health identifier for an individual (except in an individ-
11 ual's capacity as an employer or a health care provider),
12 until legislation is enacted specifically approving the
13 standard.

14 SEC. 511. None of the funds made available in this
15 Act may be obligated or expended to enter into or renew
16 a contract with an entity if—

17 (1) such entity is otherwise a contractor with
18 the United States and is subject to the requirement
19 in 38 U.S.C. 4212(d) regarding submission of an
20 annual report to the Secretary of Labor concerning
21 employment of certain veterans; and

22 (2) such entity has not submitted a report as
23 required by that section for the most recent year for
24 which such requirement was applicable to such enti-
25 ty.

1 SEC. 512. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriation Act.

6 SEC. 513. None of the funds made available by this
7 Act to carry out the Library Services and Technology Act
8 may be made available to any library covered by para-
9 graph (1) of section 224(f) of such Act, as amended by
10 the Children’s Internet Protection Act, unless such library
11 has made the certifications required by paragraph (4) of
12 such section.

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2018, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

- 21 (1) creates new programs;
- 22 (2) eliminates a program, project, or activity;
- 23 (3) increases funds or personnel by any means
24 for any project or activity for which funds have been
25 denied or restricted;

1 (4) relocates an office or employees;

2 (5) reorganizes or renames offices;

3 (6) reorganizes programs or activities; or

4 (7) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;

6 unless the Committees on Appropriations of the House of
7 Representatives and the Senate are consulted 15 days in
8 advance of such reprogramming or of an announcement
9 of intent relating to such reprogramming, whichever oc-
10 curs earlier, and are notified in writing 10 days in advance
11 of such reprogramming.

12 (b) None of the funds provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2018, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds in excess of \$500,000
20 or 10 percent, whichever is less, that—

21 (1) augments existing programs, projects (in-
22 cluding construction projects), or activities;

23 (2) reduces by 10 percent funding for any exist-
24 ing program, project, or activity, or numbers of per-
25 sonnel by 10 percent as approved by Congress; or

1 (3) results from any general savings from a re-
2 duction in personnel which would result in a change
3 in existing programs, activities, or projects as ap-
4 proved by Congress;
5 unless the Committees on Appropriations of the House of
6 Representatives and the Senate are consulted 15 days in
7 advance of such reprogramming or of an announcement
8 of intent relating to such reprogramming, whichever oc-
9 curs earlier, and are notified in writing 10 days in advance
10 of such reprogramming.

11 SEC. 515. (a) None of the funds made available in
12 this Act may be used to request that a candidate for ap-
13 pointment to a Federal scientific advisory committee dis-
14 close the political affiliation or voting history of the can-
15 didate or the position that the candidate holds with re-
16 spect to political issues not directly related to and nec-
17 essary for the work of the committee involved.

18 (b) None of the funds made available in this Act may
19 be used to disseminate information that is deliberately
20 false or misleading.

21 SEC. 516. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2018 that are different than those specified

1 in this Act, the accompanying detailed table in the explan-
2 atory statement described in section 4 (in the matter pre-
3 ceding division A of this consolidated Act) or the fiscal
4 year 2018 budget request.

5 SEC. 517. The Secretaries of Labor, Health and
6 Human Services, and Education shall each prepare and
7 submit to the Committees on Appropriations of the House
8 of Representatives and the Senate a report on the number
9 and amount of contracts, grants, and cooperative agree-
10 ments exceeding \$500,000 in value and awarded by the
11 Department on a non-competitive basis during each quar-
12 ter of fiscal year 2018, but not to include grants awarded
13 on a formula basis or directed by law. Such report shall
14 include the name of the contractor or grantee, the amount
15 of funding, the governmental purpose, including a jus-
16 tification for issuing the award on a non-competitive basis.
17 Such report shall be transmitted to the Committees within
18 30 days after the end of the quarter for which the report
19 is submitted.

20 SEC. 518. None of the funds appropriated in this Act
21 shall be expended or obligated by the Commissioner of So-
22 cial Security, for purposes of administering Social Security
23 benefit payments under title II of the Social Security Act,
24 to process any claim for credit for a quarter of coverage
25 based on work performed under a social security account

1 number that is not the claimant's number and the per-
2 formance of such work under such number has formed the
3 basis for a conviction of the claimant of a violation of sec-
4 tion 208(a)(6) or (7) of the Social Security Act.

5 SEC. 519. None of the funds appropriated by this Act
6 may be used by the Commissioner of Social Security or
7 the Social Security Administration to pay the compensa-
8 tion of employees of the Social Security Administration
9 to administer Social Security benefit payments, under any
10 agreement between the United States and Mexico estab-
11 lishing totalization arrangements between the social secu-
12 rity system established by title II of the Social Security
13 Act and the social security system of Mexico, which would
14 not otherwise be payable but for such agreement.

15 SEC. 520. Notwithstanding any other provision of
16 this Act, no funds appropriated in this Act shall be used
17 to purchase sterile needles or syringes for the hypodermic
18 injection of any illegal drug: *Provided*, That such limita-
19 tion does not apply to the use of funds for elements of
20 a program other than making such purchases if the rel-
21 evant State or local health department, in consultation
22 with the Centers for Disease Control and Prevention, de-
23 termines that the State or local jurisdiction, as applicable,
24 is experiencing, or is at risk for, a significant increase in
25 hepatitis infections or an HIV outbreak due to injection

1 drug use, and such program is operating in accordance
2 with State and local law.

3 SEC. 521. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

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

11 SEC. 522. None of the funds made available under
12 this or any other Act, or any prior Appropriations Act,
13 may be provided to the Association of Community Organi-
14 zations for Reform Now (ACORN), or any of its affiliates,
15 subsidiaries, allied organizations, or successors.

16 SEC. 523. For purposes of carrying out Executive
17 Order 13589, Office of Management and Budget Memo-
18 randum M-12-12 dated May 11, 2012, and requirements
19 contained in the annual appropriations bills relating to
20 conference attendance and expenditures:

21 (1) the operating divisions of HHS shall be con-
22 sidered independent agencies; and

23 (2) attendance at and support for scientific con-
24 ferences shall be tabulated separately from and not
25 included in agency totals.

1 SEC. 524. Federal agencies funded under this Act
2 shall clearly state within the text, audio, or video used for
3 advertising or educational purposes, including emails or
4 Internet postings, that the communication is printed, pub-
5 lished, or produced and disseminated at U.S. taxpayer ex-
6 pense. The funds used by a Federal agency to carry out
7 this requirement shall be derived from amounts made
8 available to the agency for advertising or other commu-
9 nications regarding the programs and activities of the
10 agency.

11 SEC. 525. (a) Federal agencies may use Federal dis-
12 cretionary funds that are made available in this Act to
13 carry out up to 10 Performance Partnership Pilots. Such
14 Pilots shall be governed by the provisions of section 526
15 of division H of Public Law 113–76, except that in car-
16 rying out such Pilots section 526 shall be applied by sub-
17 stituting “FISCAL YEAR 2018” for “FISCAL YEAR 2014”
18 in the title of subsection (b) and by substituting “Sep-
19 tember 30, 2022” for “September 30, 2018” each place
20 it appears: *Provided*, That such pilots shall include com-
21 munities that have experienced civil unrest.

22 (b) In addition, Federal agencies may use Federal
23 discretionary funds that are made available in this Act to
24 participate in Performance Partnership Pilots that are
25 being carried out pursuant to the authority provided by

1 section 526 of division H of Public Law 113–76, section
2 524 of division G of Public Law 113–235, section 525 of
3 division H of Public Law 114–113, and section 525 of
4 division H of Public Law 115–31.

5 (c) Pilot sites selected under authorities in this Act
6 and prior appropriations Acts may be granted by relevant
7 agencies up to an additional 5 years to operate under such
8 authorities.

9 SEC. 526. Not later than 30 days after the end of
10 each calendar quarter, beginning with the first quarter of
11 fiscal year 2013, the Departments of Labor, Health and
12 Human Services and Education and the Social Security
13 Administration shall provide the Committees on Appro-
14 priations of the House of Representatives and Senate a
15 quarterly report on the status of balances of appropria-
16 tions: *Provided*, That for balances that are unobligated
17 and uncommitted, committed, and obligated but unex-
18 pended, the quarterly reports shall separately identify the
19 amounts attributable to each source year of appropriation
20 (beginning with fiscal year 2012, or, to the extent feasible,
21 earlier fiscal years) from which balances were derived.

22 (RESCISSION)

23 SEC. 527. Of any available amounts appropriated
24 under section 2104(a)(21) of the Social Security Act (42
25 U.S.C. 1397dd) that are unobligated as of September 25,

1 2018, \$3,572,000,000 are hereby rescinded as of such
2 date.

3 SEC. 528. Amounts deposited in the Child Enroll-
4 ment Contingency Fund prior to the beginning of fiscal
5 year 2018 under section 2104(n)(2) of the Social Security
6 Act and the income derived from investment of those
7 funds pursuant to section 2104(n)(2)(C) of that Act, shall
8 not be available for obligation in this fiscal year.

9 SEC. 529. Of the amounts deposited in the Child En-
10 rollment Contingency Fund for fiscal year 2018 under sec-
11 tion 2104(n)(2) of the Social Security Act and the income
12 derived from investment of those funds pursuant to sec-
13 tion 2104(n)(2)(C) of that Act, \$1,967,678,000 shall not
14 be available for obligation in this fiscal year.

15 (RESCISSION)

16 SEC. 530. Of the funds made available for purposes
17 of carrying out section 2105(a)(3) of the Social Security
18 Act, \$88,613,000 are hereby rescinded.

19 (RESCISSION)

20 SEC. 531. Any unobligated balances of available
21 amounts appropriated under section 108 of Public Law
22 111–3, as amended, other than amounts subject to section
23 210(f) of the Social Security Act, are hereby rescinded.

1 This division may be cited as the “Departments of
2 Labor, Health and Human Services, and Education, and
3 Related Agencies Appropriations Act, 2018”.

1 **DIVISION I—LEGISLATIVE BRANCH**
2 **APPROPRIATIONS ACT, 2018**

3 **TITLE I**

4 **LEGISLATIVE BRANCH**

5 **SENATE**

6 **EXPENSE ALLOWANCES**

7 For expense allowances of the Vice President,
8 \$18,760; the President Pro Tempore of the Senate,
9 \$37,520; Majority Leader of the Senate, \$39,920; Minor-
10 ity Leader of the Senate, \$39,920; Majority Whip of the
11 Senate, \$9,980; Minority Whip of the Senate, \$9,980;
12 President Pro Tempore Emeritus, \$15,000; Chairmen of
13 the Majority and Minority Conference Committees, \$4,690
14 for each Chairman; and Chairmen of the Majority and Mi-
15 nority Policy Committees, \$4,690 for each Chairman; in
16 all, \$189,840.

17 For representation allowances of the Majority and
18 Minority Leaders of the Senate, \$14,070 for each such
19 Leader; in all, \$28,140.

20 **SALARIES, OFFICERS AND EMPLOYEES**

21 For compensation of officers, employees, and others
22 as authorized by law, including agency contributions,
23 \$194,867,812, which shall be paid from this appropriation
24 as follows:

1 OFFICE OF THE VICE PRESIDENT

2 For the Office of the Vice President, \$2,417,248.

3 OFFICE OF THE PRESIDENT PRO TEMPORE

4 For the Office of the President Pro Tempore,
5 \$723,466.

6 OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

7 For the Office of the President Pro Tempore Emer-
8 itus, \$309,000.

9 OFFICES OF THE MAJORITY AND MINORITY LEADERS

10 For Offices of the Majority and Minority Leaders,
11 \$5,255,576.

12 OFFICES OF THE MAJORITY AND MINORITY WHIPS

13 For Offices of the Majority and Minority Whips,
14 \$3,359,424.

15 COMMITTEE ON APPROPRIATIONS

16 For salaries of the Committee on Appropriations,
17 \$15,142,000.

18 CONFERENCE COMMITTEES

19 For the Conference of the Majority and the Con-
20 ference of the Minority, at rates of compensation to be
21 fixed by the Chairman of each such committee,
22 \$1,658,000 for each such committee; in all, \$3,316,000.

1 OFFICES OF THE SECRETARIES OF THE CONFERENCE OF
2 THE MAJORITY AND THE CONFERENCE OF THE MINORITY
3 For Offices of the Secretaries of the Conference of
4 the Majority and the Conference of the Minority,
5 \$817,402.

6 POLICY COMMITTEES

7 For salaries of the Majority Policy Committee and
8 the Minority Policy Committee, \$1,692,905 for each such
9 committee; in all, \$3,385,810.

10 OFFICE OF THE CHAPLAIN

11 For Office of the Chaplain, \$436,886.

12 OFFICE OF THE SECRETARY

13 For Office of the Secretary, \$25,132,000.

14 OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

15 For Office of the Sergeant at Arms and Doorkeeper,
16 \$78,565,000.

17 OFFICES OF THE SECRETARIES FOR THE MAJORITY AND
18 MINORITY

19 For Offices of the Secretary for the Majority and the
20 Secretary for the Minority, \$1,810,000.

21 AGENCY CONTRIBUTIONS AND RELATED EXPENSES

22 For agency contributions for employee benefits, as
23 authorized by law, and related expenses, \$54,198,000.

1 OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

2 For salaries and expenses of the Office of the Legisla-
3 tive Counsel of the Senate, \$6,115,000.

4 OFFICE OF SENATE LEGAL COUNSEL

5 For salaries and expenses of the Office of Senate
6 Legal Counsel, \$1,147,000.

7 EXPENSE ALLOWANCES OF THE SECRETARY OF THE
8 SENATE, SERGEANT AT ARMS AND DOORKEEPER OF
9 THE SENATE, AND SECRETARIES FOR THE MAJOR-
10 ITY AND MINORITY OF THE SENATE

11 For expense allowances of the Secretary of the Sen-
12 ate, \$7,110; Sergeant at Arms and Doorkeeper of the Sen-
13 ate, \$7,110; Secretary for the Majority of the Senate,
14 \$7,110; Secretary for the Minority of the Senate, \$7,110;
15 in all, \$28,440.

16 CONTINGENT EXPENSES OF THE SENATE

17 INQUIRIES AND INVESTIGATIONS

18 For expenses of inquiries and investigations ordered
19 by the Senate, or conducted under paragraph 1 of rule
20 XXVI of the Standing Rules of the Senate, section 112
21 of the Supplemental Appropriations and Rescission Act,
22 1980 (Public Law 96–304), and Senate Resolution 281,
23 96th Congress, agreed to March 11, 1980, \$133,265,000,
24 of which \$26,650,000 shall remain available until Sep-
25 tember 30, 2020.

1054

1 U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS
2 CONTROL

3 For expenses of the United States Senate Caucus on
4 International Narcotics Control, \$508,000.

5 SECRETARY OF THE SENATE

6 For expenses of the Office of the Secretary of the
7 Senate, \$10,536,000 of which \$7,036,000 shall remain
8 available until September 30, 2022 and of which
9 \$4,100,000 shall remain available until expended.

10 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

11 For expenses of the Office of the Sergeant at Arms
12 and Doorkeeper of the Senate, \$130,076,000, which shall
13 remain available until September 30, 2022.

14 MISCELLANEOUS ITEMS

15 For miscellaneous items, \$18,870,349 which shall re-
16 main available until September 30, 2020.

17 SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE
18 ACCOUNT

19 For Senators' Official Personnel and Office Expense
20 Account, \$424,000,000 of which \$20,128,950 shall remain
21 available until September 30, 2020.

22 OFFICIAL MAIL COSTS

23 For expenses necessary for official mail costs of the
24 Senate, \$300,000.

1 ADMINISTRATIVE PROVISIONS

2 REQUIRING AMOUNTS REMAINING IN SENATORS' OFFI-
3 CIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT
4 TO BE USED FOR DEFICIT REDUCTION OR TO RE-
5 DUCE THE FEDERAL DEBT

6 SEC. 101. Notwithstanding any other provision of
7 law, any amounts appropriated under this Act under the
8 heading "SENATE" under the heading "CONTINGENT
9 EXPENSES OF THE SENATE" under the heading "SEN-
10 ATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE AC-
11 COUNT" shall be available for obligation only during the
12 fiscal year or fiscal years for which such amounts are
13 made available. Any unexpended balances under such al-
14 lowances remaining after the end of the period of avail-
15 ability shall be returned to the Treasury in accordance
16 with the undesignated paragraph under the center heading
17 "GENERAL PROVISION" under chapter XI of the
18 Third Supplemental Appropriation Act, 1957 (2 U.S.C.
19 4107) and used for deficit reduction (or, if there is no
20 Federal budget deficit after all such payments have been
21 made, for reducing the Federal debt, in such manner as
22 the Secretary of the Treasury considers appropriate).

23 SENATE PROCUREMENTS

24 SEC. 102. Section 6102 of title 41, United States
25 Code, is amended by adding at the end the following:

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

4 STUDENT LOAN REPAYMENT FOR EMPLOYEES OF
5 DEPARTING SENATORS AND VICE PRESIDENTS

6 SEC. 103. (a) Section 102 of the Legislative Branch
7 Appropriations Act, 2002 (2 U.S.C. 4579) is amended—

8 (1) in subsection (a)—

9 (A) by redesignating paragraphs (1)
10 through (5) as paragraphs (3) through (7), re-
11 spectively;

12 (B) by inserting before paragraph (3), as
13 so redesignated, the following:

14 “(1) DEPARTURE DATE.—The term ‘departure
15 date’ means the earlier of—

16 “(A) the date on which the term of a de-
17 parting Senator or Vice President ends; or

18 “(B) the date on which the departing Sen-
19 ator or Vice President will retire or resign.

20 “(2) DEPARTING SENATOR OR VICE PRESI-
21 DENT.—The term ‘departing Senator or Vice Presi-
22 dent’ means a Senator or Vice President who will
23 not serve in the next term due to retirement, res-
24 ignment, a decision to not seek reelection, or a fail-
25 ure to secure reelection.”; and

1 (C) in paragraph (3)(B), as so redesign-
2 nated, by striking “rate of basic pay for an em-
3 ployee for a position at ES-1” and all that fol-
4 lows and inserting “rate of basic pay payable
5 for a position at level IV of the Executive
6 Schedule under section 5315 of title 5, United
7 States Code.”;

8 (2) in subsection (b)(1)(A)(ii), by striking “1-
9 year”;

10 (3) in subsection (c)(1)—

11 (A) by striking “The term” and inserting
12 the following:

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the term”;

15 (B) by adding at the end the following:

16 “(B) DEPARTING SENATORS AND VICE
17 PRESIDENTS.—After the date that is 1 year be-
18 fore the departure date of a departing Senator
19 or Vice President, the departing Senator or
20 Vice President may enter into a service agree-
21 ment under this section with an eligible em-
22 ployee of the office of the Senator or Vice
23 President (including an eligible employee who
24 has completed a required period of employment

1 under a previous service agreement) that in-
2 cludes a required period of employment that—

3 “(i) is less than 1 year; and

4 “(ii) shall end on the last day of the
5 last full pay period ending on or before the
6 departure date of the departing Senator or
7 Vice President.”;

8 (4) in subsection (d)—

9 (A) in paragraph (2)—

10 (i) in subparagraph (A), by striking
11 “or” at the end;

12 (ii) in subparagraph (B), by striking
13 “under subsection (f)(7).” and inserting a
14 semicolon; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(C) the agreement is terminated as pro-
18 vided under subsection (f)(7)(A); or

19 “(D) the employee separates from service
20 with the office of a departing Senator or Vice
21 President.”; and

22 (B) in paragraph (3), by inserting “(in-
23 cluding a required period of employment de-
24 scribed in subsection (c)(1)(B))” after “re-
25 quired period of employment”; and

1 (5) in subsection (f), by striking paragraph (7)
2 and inserting the following:

3 “(7) CHANGE IN PAYMENTS.—

4 “(A) REDUCTION.—

5 “(i) IN GENERAL.—Notwithstanding
6 the terms of a service agreement under
7 this section, the head of an employing of-
8 fice may reduce the amount of student
9 loan payments made under the agreement
10 if adequate funds are not available to such
11 office.

12 “(ii) NOTICE.—If the head of an em-
13 ploying office decides to reduce the amount
14 of student loan payments to an eligible em-
15 ployee under clause (i)—

16 “(I) the employing office shall
17 concurrently notify the eligible em-
18 ployee and the Secretary of the Sen-
19 ate of the reduction; and

20 “(II) not later than 30 days after
21 the date of the concurrent notice, the
22 eligible employee may terminate the
23 service agreement.

24 “(B) INCREASE.—Notwithstanding the
25 terms of a service agreement under this section,

1 the head of an employing office, with the con-
2 sent of an eligible employee, may increase the
3 amount of student loan payments made under
4 the agreement with the eligible employee, if—

5 “(i) the office has adequate funds
6 available for the purpose of agreements
7 under this section;

8 “(ii) the amount of the increased pay-
9 ment does not exceed the limitations under
10 this section; and

11 “(iii) the total amount of the loan
12 payments to be made (including such in-
13 crease) during the remainder of the re-
14 quired period of employment does not ex-
15 ceed the amount of student loan indebted-
16 ness of the eligible employee as of the date
17 of the increase.”.

18 (b) The amendments made by this section shall—

19 (1) take effect on the date of enactment of this
20 Act; and

21 (2) apply to a service agreement under section
22 102 of the Legislative Branch Appropriations Act,
23 2002 (2 U.S.C. 4579) that is in effect on the date
24 of enactment of this Act or entered into on or after
25 the date of enactment of this Act.

1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For salaries and expenses of the House of Represent-
4 atives, \$1,200,000,766, as follows:

5 HOUSE LEADERSHIP OFFICES

6 For salaries and expenses, as authorized by law,
7 \$22,278,891, including: Office of the Speaker,
8 \$6,645,417, including \$25,000 for official expenses of the
9 Speaker; Office of the Majority Floor Leader, \$2,180,048,
10 including \$10,000 for official expenses of the Majority
11 Leader; Office of the Minority Floor Leader, \$7,114,471,
12 including \$10,000 for official expenses of the Minority
13 Leader; Office of the Majority Whip, including the Chief
14 Deputy Majority Whip, \$1,886,632, including \$5,000 for
15 official expenses of the Majority Whip; Office of the Mi-
16 nority Whip, including the Chief Deputy Minority Whip,
17 \$1,459,639, including \$5,000 for official expenses of the
18 Minority Whip; Republican Conference, \$1,505,426;
19 Democratic Caucus, \$1,487,258: *Provided*, That such
20 amount for salaries and expenses shall remain available
21 from January 3, 2018 until January 2, 2019.

1 MEMBERS' REPRESENTATIONAL ALLOWANCES
2 INCLUDING MEMBERS' CLERK HIRE, OFFICIAL
3 EXPENSES OF MEMBERS, AND OFFICIAL MAIL

4 For Members' representational allowances, including
5 Members' clerk hire, official expenses, and official mail,
6 \$562,632,498.

7 COMMITTEE EMPLOYEES

8 STANDING COMMITTEES, SPECIAL AND SELECT

9 For salaries and expenses of standing committees,
10 special and select, authorized by House resolutions,
11 \$127,053,373: *Provided*, That such amount shall remain
12 available for such salaries and expenses until December
13 31, 2018, except that \$3,150,200 of such amount shall
14 remain available until expended for committee room up-
15 grading.

16 COMMITTEE ON APPROPRIATIONS

17 For salaries and expenses of the Committee on Ap-
18 propriations, \$23,226,000, including studies and examina-
19 tions of executive agencies and temporary personal serv-
20 ices for such committee, to be expended in accordance with
21 section 202(b) of the Legislative Reorganization Act of
22 1946 and to be available for reimbursement to agencies
23 for services performed: *Provided*, That such amount shall
24 remain available for such salaries and expenses until De-
25 cember 31, 2018.

1 SALARIES, OFFICERS AND EMPLOYEES

2 For compensation and expenses of officers and em-
3 ployees, as authorized by law, \$204,356,000, including:
4 for salaries and expenses of the Office of the Clerk, includ-
5 ing the positions of the Chaplain and the Historian, and
6 including not more than \$25,000 for official representa-
7 tion and reception expenses, of which not more than
8 \$20,000 is for the Family Room and not more than
9 \$2,000 is for the Office of the Chaplain, \$27,945,000; for
10 salaries and expenses of the Office of the Sergeant at
11 Arms, including the position of Superintendent of Garages
12 and the Office of Emergency Management, and including
13 not more than \$3,000 for official representation and re-
14 ception expenses, \$20,505,000 of which \$6,696,000 shall
15 remain available until expended; for salaries and expenses
16 of the Office of the Chief Administrative Officer including
17 not more than \$3,000 for official representation and re-
18 ception expenses, \$132,865,000, of which \$2,108,000
19 shall remain available until expended; for salaries and ex-
20 penses of the Office of the Inspector General, \$4,968,000;
21 for salaries and expenses of the Office of General Counsel,
22 \$1,492,000; for salaries and expenses of the Office of the
23 Parliamentarian, including the Parliamentarian, \$2,000
24 for preparing the Digest of Rules, and not more than
25 \$1,000 for official representation and reception expenses,

1 \$2,037,000; for salaries and expenses of the Office of the
2 Law Revision Counsel of the House, \$3,209,000; for sala-
3 ries and expenses of the Office of the Legislative Counsel
4 of the House, \$9,937,000; for salaries and expenses of the
5 Office of Interparliamentary Affairs, \$814,000; for other
6 authorized employees, \$584,000.

7 ALLOWANCES AND EXPENSES

8 For allowances and expenses as authorized by House
9 resolution or law, \$260,454,004, including: supplies, mate-
10 rials, administrative costs and Federal tort claims,
11 \$3,625,000; official mail for committees, leadership of-
12 fices, and administrative offices of the House, \$190,000;
13 Government contributions for health, retirement, Social
14 Security, and other applicable employee benefits,
15 \$233,040,004, to remain available until March 31, 2019;
16 Business Continuity and Disaster Recovery, \$16,186,000
17 of which \$5,000,000 shall remain available until expended;
18 transition activities for new members and staff,
19 \$2,273,000, to remain available until expended; Wounded
20 Warrior Program \$2,750,000, to remain available until
21 expended; Office of Congressional Ethics, \$1,670,000; and
22 miscellaneous items including purchase, exchange, mainte-
23 nance, repair and operation of House motor vehicles,
24 interparliamentary receptions, and gratuities to heirs of
25 deceased employees of the House, \$720,000.

1 ADMINISTRATIVE PROVISIONS

2 REQUIRING AMOUNTS REMAINING IN MEMBERS' REP-
3 REPRESENTATIONAL ALLOWANCES TO BE USED FOR
4 DEFICIT REDUCTION OR TO REDUCE THE FEDERAL
5 DEBT

6 SEC. 110. (a) Notwithstanding any other provision
7 of law, any amounts appropriated under this Act for
8 "HOUSE OF REPRESENTATIVES—SALARIES AND
9 EXPENSES—MEMBERS' REPRESENTATIONAL ALLOW-
10 ANCES" shall be available only for fiscal year 2018. Any
11 amount remaining after all payments are made under such
12 allowances for fiscal year 2018 shall be deposited in the
13 Treasury and used for deficit reduction (or, if there is no
14 Federal budget deficit after all such payments have been
15 made, for reducing the Federal debt, in such manner as
16 the Secretary of the Treasury considers appropriate).

17 (b) REGULATIONS.—The Committee on House Ad-
18 ministration of the House of Representatives shall have
19 authority to prescribe regulations to carry out this section.

20 (c) DEFINITION.—As used in this section, the term
21 "Member of the House of Representatives" means a Rep-
22 resentative in, or a Delegate or Resident Commissioner
23 to, the Congress.

1 DELIVERY OF BILLS AND RESOLUTIONS

2 SEC. 111. None of the funds made available in this
3 Act may be used to deliver a printed copy of a bill, joint
4 resolution, or resolution to the office of a Member of the
5 House of Representatives (including a Delegate or Resi-
6 dent Commissioner to the Congress) unless the Member
7 requests a copy.

8 DELIVERY OF CONGRESSIONAL RECORD

9 SEC. 112. None of the funds made available by this
10 Act may be used to deliver a printed copy of any version
11 of the Congressional Record to the office of a Member of
12 the House of Representatives (including a Delegate or
13 Resident Commissioner to the Congress).

14 LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

15 SEC. 113. None of the funds made available in this
16 Act may be used by the Chief Administrative Officer of
17 the House of Representatives to make any payments from
18 any Members' Representational Allowance for the leasing
19 of a vehicle, excluding mobile district offices, in an aggre-
20 gate amount that exceeds \$1,000 for the vehicle in any
21 month.

22 LIMITATION ON PRINTED COPIES OF U.S. CODE TO
23 HOUSE

24 SEC. 114. None of the funds made available by this
25 Act may be used to provide an aggregate number of more

1 than 50 printed copies of any edition of the United States
2 Code to all offices of the House of Representatives.

3 DELIVERY OF REPORTS OF DISBURSEMENTS

4 SEC. 115. None of the funds made available by this
5 Act may be used to deliver a printed copy of the report
6 of disbursements for the operations of the House of Rep-
7 resentatives under section 106 of the House of Represent-
8 atives Administrative Reform Technical Corrections Act
9 (2 U.S.C. 5535) to the office of a Member of the House
10 of Representatives (including a Delegate or Resident Com-
11 missioner to the Congress).

12 DELIVERY OF DAILY CALENDAR

13 SEC. 116. None of the funds made available by this
14 Act may be used to deliver to the office of a Member of
15 the House of Representatives (including a Delegate or
16 Resident Commissioner to the Congress) a printed copy
17 of the Daily Calendar of the House of Representatives
18 which is prepared by the Clerk of the House of Represent-
19 atives.

20 DELIVERY OF CONGRESSIONAL PICTORIAL DIRECTORY

21 SEC. 117. None of the funds made available by this
22 Act may be used to deliver a printed copy of the Congres-
23 sional Pictorial Directory to the office of a Member of the
24 House of Representatives (including a Delegate or Resi-
25 dent Commissioner to the Congress).

1 AMENDING THE HOUSE SERVICES REVOLVING FUND

2 SEC. 118. (a) COLLECTION OF CERTAIN SERVICE
3 FEES.—Section 105(a) of the Legislative Branch Appro-
4 priations Act, 2005 (2 U.S.C. 5545(a)) is amended by
5 adding at the end the following new paragraph:

6 “(7) The collection of a service fee from ven-
7 dors of the Master Web Services Agreement or the
8 Technology Services Contract for failure to abide by
9 and maintain House of Representatives security poli-
10 cies.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect on the date of the enact-
13 ment of this Act.

14 TRANSFER OF FUNDS

15 SEC. 119. (a) Notwithstanding any other provision
16 of law, upon completion of the second fiscal year which
17 begins after the end of the period during which amounts
18 appropriated under any of the items under the heading
19 “House of Representatives, Salaries and Expenses” are
20 available for obligation or expenditure, any such amounts
21 which remain unobligated and unexpended shall be trans-
22 ferred to the heading “House of Representatives, Salaries
23 and Expenses, Allowances and Expenses” and shall be
24 available until expended for purposes of House of Rep-
25 resentatives Business Continuity and Disaster Recovery.

1 OFFICE OF THE ATTENDING PHYSICIAN

2 For medical supplies, equipment, and contingent ex-
3 penses of the emergency rooms, and for the Attending
4 Physician and his assistants, including:

5 (1) an allowance of \$2,175 per month to the
6 Attending Physician;

7 (2) an allowance of \$1,300 per month to the
8 Senior Medical Officer;

9 (3) an allowance of \$725 per month each to
10 three medical officers while on duty in the Office of
11 the Attending Physician;

12 (4) an allowance of \$725 per month to 2 assist-
13 ants and \$580 per month each not to exceed 11 as-
14 sistants on the basis heretofore provided for such as-
15 sistants; and

16 (5) \$2,780,000 for reimbursement to the De-
17 partment of the Navy for expenses incurred for staff
18 and equipment assigned to the Office of the Attend-
19 ing Physician, which shall be advanced and credited
20 to the applicable appropriation or appropriations
21 from which such salaries, allowances, and other ex-
22 penses are payable and shall be available for all the
23 purposes thereof, \$3,838,000, to be disbursed by the
24 Chief Administrative Officer of the House of Rep-
25 resentatives.

1071

1 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

2 SALARIES AND EXPENSES

3 For salaries and expenses of the Office of Congres-
4 sional Accessibility Services, \$1,444,000, to be disbursed
5 by the Secretary of the Senate.

6 CAPITOL POLICE

7 SALARIES

8 For salaries of employees of the Capitol Police, in-
9 cluding overtime, hazardous duty pay, and Government
10 contributions for health, retirement, social security, pro-
11 fessional liability insurance, and other applicable employee
12 benefits, \$351,700,000 of which overtime shall not exceed
13 \$45,000,000 unless the Committee on Appropriations of
14 the House and Senate are notified, to be disbursed by the
15 Chief of the Capitol Police or his designee.

16 GENERAL EXPENSES

17 For necessary expenses of the Capitol Police, includ-
18 ing motor vehicles, communications and other equipment,
19 security equipment and installation, uniforms, weapons,
20 supplies, materials, training, medical services, forensic
21 services, stenographic services, personal and professional
22 services, the employee assistance program, the awards pro-
23 gram, postage, communication services, travel advances,
24 relocation of instructor and liaison personnel for the Fed-
25 eral Law Enforcement Training Center, and not more

1 than \$5,000 to be expended on the certification of the
2 Chief of the Capitol Police in connection with official rep-
3 resentation and reception expenses, \$74,800,000, to be
4 disbursed by the Chief of the Capitol Police or his des-
5 ignee: *Provided*, That, notwithstanding any other provi-
6 sion of law, the cost of basic training for the Capitol Police
7 at the Federal Law Enforcement Training Center for fis-
8 cal year 2018 shall be paid by the Secretary of Homeland
9 Security from funds available to the Department of Home-
10 land Security.

11 OFFICE OF COMPLIANCE

12 SALARIES AND EXPENSES

13 For salaries and expenses of the Office of Compli-
14 ance, as authorized by section 305 of the Congressional
15 Accountability Act of 1995 (2 U.S.C. 1385), \$4,959,000,
16 of which \$450,000 shall remain available until September
17 30, 2019: *Provided*, That not more than \$500 may be ex-
18 pended on the certification of the Executive Director of
19 the Office of Compliance in connection with official rep-
20 resentation and reception expenses.

21 CONGRESSIONAL BUDGET OFFICE

22 SALARIES AND EXPENSES

23 For salaries and expenses necessary for operation of
24 the Congressional Budget Office, including not more than
25 \$6,000 to be expended on the certification of the Director

1 of the Congressional Budget Office in connection with offi-
2 cial representation and reception expenses, \$49,945,000.

3 ADMINISTRATIVE PROVISION

4 CONTRACTING PARITY

5 SEC. 130. In fiscal year 2018 and thereafter, for all
6 contracts for goods and services to which the Congres-
7 sional Budget Office is a party, the following Federal Ac-
8 quisition Regulation (FAR) clauses will apply: FAR
9 52.232–39 and FAR 52.233–4.

10 ARCHITECT OF THE CAPITOL

11 CAPITAL CONSTRUCTION AND OPERATIONS

12 For salaries for the Architect of the Capitol, and
13 other personal services, at rates of pay provided by law;
14 for all necessary expenses for surveys and studies, con-
15 struction, operation, and general and administrative sup-
16 port in connection with facilities and activities under the
17 care of the Architect of the Capitol including the Botanic
18 Garden; electrical substations of the Capitol, Senate and
19 House office buildings, and other facilities under the juris-
20 diction of the Architect of the Capitol; including fur-
21 nishings and office equipment; including not more than
22 \$5,000 for official reception and representation expenses,
23 to be expended as the Architect of the Capitol may ap-
24 prove; for purchase or exchange, maintenance, and oper-
25 ation of a passenger motor vehicle, \$93,478,000.

1 CAPITOL BUILDING

2 For all necessary expenses for the maintenance, care
3 and operation of the Capitol, \$45,300,000, of which
4 \$19,458,000 shall remain available until September 30,
5 2022.

6 CAPITOL GROUNDS

7 For all necessary expenses for care and improvement
8 of grounds surrounding the Capitol, the Senate and House
9 office buildings, and the Capitol Power Plant,
10 \$13,333,000, of which \$3,195,000 shall remain available
11 until September 30, 2022.

12 SENATE OFFICE BUILDINGS

13 For all necessary expenses for the maintenance, care
14 and operation of Senate office buildings; and furniture and
15 furnishings to be expended under the control and super-
16 vision of the Architect of the Capitol, \$101,614,000, of
17 which \$38,937,000 shall remain available until September
18 30, 2022.

19 HOUSE OFFICE BUILDINGS

20 For all necessary expenses for the maintenance, care
21 and operation of the House office buildings,
22 \$197,294,000, of which \$73,130,000 shall remain avail-
23 able until September 30, 2022, and of which \$62,000,000
24 shall remain available until expended for the restoration
25 and renovation of the Cannon House Office Building.

1 In addition, for a payment to the House Historic
2 Buildings Revitalization Trust Fund, \$10,000,000, to re-
3 main available until expended.

4 CAPITOL POWER PLANT

5 For all necessary expenses for the maintenance, care
6 and operation of the Capitol Power Plant; lighting, heat-
7 ing, power (including the purchase of electrical energy)
8 and water and sewer services for the Capitol, Senate and
9 House office buildings, Library of Congress buildings, and
10 the grounds about the same, Botanic Garden, Senate ga-
11 rage, and air conditioning refrigeration not supplied from
12 plants in any of such buildings; heating the Government
13 Publishing Office and Washington City Post Office, and
14 heating and chilled water for air conditioning for the Su-
15 preme Court Building, the Union Station complex, the
16 Thurgood Marshall Federal Judiciary Building and the
17 Folger Shakespeare Library, expenses for which shall be
18 advanced or reimbursed upon request of the Architect of
19 the Capitol and amounts so received shall be deposited
20 into the Treasury to the credit of this appropriation,
21 \$106,694,000, of which \$28,057,000 shall remain avail-
22 able until September 30, 2022: *Provided*, That not more
23 than \$9,000,000 of the funds credited or to be reimbursed
24 to this appropriation as herein provided shall be available
25 for obligation during fiscal year 2018.

1 LIBRARY BUILDINGS AND GROUNDS

2 For all necessary expenses for the mechanical and
3 structural maintenance, care and operation of the Library
4 buildings and grounds, \$74,873,000, of which
5 \$47,500,000 shall remain available until September 30,
6 2022.

7 CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

8 For all necessary expenses for the maintenance, care
9 and operation of buildings, grounds and security enhance-
10 ments of the United States Capitol Police, wherever lo-
11 cated, the Alternate Computing Facility, and Architect of
12 the Capitol security operations, \$34,249,000, of which
13 \$13,300,000 shall remain available until September 30,
14 2022.

15 BOTANIC GARDEN

16 For all necessary expenses for the maintenance, care
17 and operation of the Botanic Garden and the nurseries,
18 buildings, grounds, and collections; and purchase and ex-
19 change, maintenance, repair, and operation of a passenger
20 motor vehicle; all under the direction of the Joint Com-
21 mittee on the Library, \$13,800,000, of which \$3,000,000
22 shall remain available until September 30, 2022: *Provided,*
23 That, of the amount made available under this heading,
24 the Architect of the Capitol may obligate and expend such
25 sums as may be necessary for the maintenance, care and

1 operation of the National Garden established under sec-
2 tion 307E of the Legislative Branch Appropriations Act,
3 1989 (2 U.S.C. 2146), upon vouchers approved by the Ar-
4 chitect of the Capitol or a duly authorized designee.

5 CAPITOL VISITOR CENTER

6 For all necessary expenses for the operation of the
7 Capitol Visitor Center, \$21,470,000.

8 ADMINISTRATIVE PROVISIONS

9 NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR
10 OVER BUDGET

11 SEC. 140. None of the funds made available in this
12 Act for the Architect of the Capitol may be used to make
13 incentive or award payments to contractors for work on
14 contracts or programs for which the contractor is behind
15 schedule or over budget, unless the Architect of the Cap-
16 itol, or agency-employed designee, determines that any
17 such deviations are due to unforeseeable events, govern-
18 ment-driven scope changes, or are not significant within
19 the overall scope of the project and/or program.

20 SCRIMS

21 SEC. 141. None of the funds made available by this
22 Act may be used for scrims containing photographs of
23 building facades during restoration or construction
24 projects performed by the Architect of the Capitol.

1 LIBRARY OF CONGRESS

2 SALARIES AND EXPENSES

3 For all necessary expenses of the Library of Congress
4 not otherwise provided for, including development and
5 maintenance of the Library's catalogs; custody and custo-
6 dial care of the Library buildings; special clothing; clean-
7 ing, laundering and repair of uniforms; preservation of
8 motion pictures in the custody of the Library; operation
9 and maintenance of the American Folklife Center in the
10 Library; preparation and distribution of catalog records
11 and other publications of the Library; hire or purchase
12 of one passenger motor vehicle; and expenses of the Li-
13 brary of Congress Trust Fund Board not properly charge-
14 able to the income of any trust fund held by the Board,
15 \$477,017,000, of which not more than \$6,000,000 shall
16 be derived from collections credited to this appropriation
17 during fiscal year 2018, and shall remain available until
18 expended, under the Act of June 28, 1902 (chapter 1301;
19 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000
20 shall be derived from collections during fiscal year 2018
21 and shall remain available until expended for the develop-
22 ment and maintenance of an international legal informa-
23 tion database and activities related thereto: *Provided,*
24 That the Library of Congress may not obligate or expend
25 any funds derived from collections under the Act of June

1 28, 1902, in excess of the amount authorized for obliga-
2 tion or expenditure in appropriations Acts: *Provided fur-*
3 *ther*, That the total amount available for obligation shall
4 be reduced by the amount by which collections are less
5 than \$6,350,000: *Provided further*, That of the total
6 amount appropriated, not more than \$12,000 may be ex-
7 pended, on the certification of the Librarian of Congress,
8 in connection with official representation and reception ex-
9 penses for the Overseas Field Offices: *Provided further*,
10 That of the total amount appropriated, \$8,653,000 shall
11 remain available until expended for the digital collections
12 and educational curricula program: *Provided further*, That
13 of the total amount appropriated, \$1,300,000 shall remain
14 available until expended for upgrade of the Legislative
15 Branch Financial Management System: *Provided further*,
16 That of the total amount appropriated, \$10,000,000 is
17 provided to enhance public exhibits and visitor services at
18 the Library; of which \$2,000,000 shall remain available
19 until September 30, 2020 for planning, including devel-
20 oping direct and indirect cost estimates in conjunction
21 with the Architect of the Capitol; and of which
22 \$8,000,000, to remain available until expended, may be
23 obligated and expended only upon written approval by the
24 Chair and ranking minority member of the Subcommittee
25 on the Legislative Branch of the Committee on Appropria-

1 national Copyright Institute” in the Copyright Office of
2 the Library of Congress for the purpose of training nation-
3 als of developing countries in intellectual property laws
4 and policies: *Provided further*, That not more than \$6,500
5 may be expended, on the certification of the Librarian of
6 Congress, in connection with official representation and
7 reception expenses for activities of the International Copy-
8 right Institute and for copyright delegations, visitors, and
9 seminars: *Provided further*, That, notwithstanding any
10 provision of chapter 8 of title 17, United States Code, any
11 amounts made available under this heading which are at-
12 tributable to royalty fees and payments received by the
13 Copyright Office pursuant to sections 111, 119, and chap-
14 ter 10 of such title may be used for the costs incurred
15 in the administration of the Copyright Royalty Judges
16 program, with the exception of the costs of salaries and
17 benefits for the Copyright Royalty Judges and staff under
18 section 802(e).

19 CONGRESSIONAL RESEARCH SERVICE

20 SALARIES AND EXPENSES

21 For all necessary expenses to carry out the provisions
22 of section 203 of the Legislative Reorganization Act of
23 1946 (2 U.S.C. 166) and to revise and extend the Anno-
24 tated Constitution of the United States of America,
25 \$119,279,000: *Provided*, That no part of such amount

1 may be used to pay any salary or expense in connection
2 with any publication, or preparation of material therefor
3 (except the Digest of Public General Bills), to be issued
4 by the Library of Congress unless such publication has
5 obtained prior approval of either the Committee on House
6 Administration of the House of Representatives or the
7 Committee on Rules and Administration of the Senate:
8 *Provided further*, That this prohibition does not apply to
9 publication of non-confidential Congressional Research
10 Service (CRS) products: *Provided further*, That a non-con-
11 fidential CRS product includes any written product con-
12 taining research or analysis that is currently available for
13 general congressional access on the CRS Congressional
14 Intranet, or that would be made available on the CRS
15 Congressional Intranet in the normal course of business
16 and does not include material prepared in response to
17 Congressional requests for confidential analysis or re-
18 search.

19 BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED
20 SALARIES AND EXPENSES

21 For all necessary expenses to carry out the Act of
22 March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
23 135a), \$51,498,000: *Provided*, That of the total amount
24 appropriated, \$650,000 shall be available to contract to

1 provide newspapers to blind and physically handicapped
2 residents at no cost to the individual.

3 ADMINISTRATIVE PROVISIONS

4 REIMBURSABLE AND REVOLVING FUND ACTIVITIES

5 SEC. 150. (a) IN GENERAL.—For fiscal year 2018,
6 the obligational authority of the Library of Congress for
7 the activities described in subsection (b) may not exceed
8 \$190,642,000.

9 (b) ACTIVITIES.—The activities referred to in sub-
10 section (a) are reimbursable and revolving fund activities
11 that are funded from sources other than appropriations
12 to the Library in appropriations Acts for the legislative
13 branch.

14 REVOLVING FUNDS UPDATE

15 SEC. 151. The Library of Congress Fiscal Operations
16 Improvement Act of 2000 (2 U.S.C. 182a et seq.; Public
17 Law 106–481) is amended—

18 (1) in section 102 (2 U.S.C. 182b)—

19 (A) in the section heading, by striking the
20 heading and inserting “Revolving fund for sales
21 shop and other services”; and

22 (B) in subsection (a), by adding at the end
23 the following: “(5) Training.”; and

1 APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT
2 OF 1995 TO THE LIBRARY OF CONGRESS; ELECTION
3 OF PROCEEDING

4 SEC. 153. (a) APPLICATION OF CONGRESSIONAL AC-
5 COUNTABILITY ACT OF 1995 TO THE LIBRARY OF CON-
6 GRESS.—

7 (1) APPLICATION THROUGH DEFINITIONS.—

8 (A) IN GENERAL.—Section 101 of the
9 Congressional Accountability Act of 1995 (2
10 U.S.C. 1301) is amended—

11 (i) in paragraph (3)—

12 (I) in subparagraph (H), by
13 striking “or” at the end;

14 (II) in subparagraph (I), by
15 striking the period and inserting “;
16 or”; and

17 (III) by adding at the end the
18 following:

19 “(J) the Library of Congress, except for
20 section 220.”; and

21 (ii) in paragraph (9)—

22 (I) in subparagraph (C), by strik-
23 ing “or” at the end;

1 (II) in subparagraph (D), by
2 striking the period and inserting “;
3 or”; and

4 (III) by adding at the end the
5 following:

6 “(E) the Library of Congress, except for
7 section 220.”.

8 (B) PUBLIC SERVICES AND ACCOMMODA-
9 TIONS.—Section 210(a) of the Congressional
10 Accountability Act of 1995 (2 U.S.C. 1331(a))
11 is amended—

12 (i) in paragraph (9), by striking
13 “and” at the end;

14 (ii) in paragraph (10), by striking the
15 period and inserting “; and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(11) the Library of Congress.”.

19 (C) LABOR-MANAGEMENT REGULATIONS.—
20 Section 220(a) of the Congressional Account-
21 ability Act of 1995 (2 U.S.C. 1351(a)) is
22 amended—

23 (i) in paragraph (2), in the paragraph
24 heading, by striking “(2) DEFINITION.—”
25 and inserting “(2) APPLICATION.—” ; and

1 (ii) by adding at the end the fol-
2 lowing:

3 “(3) DEFINITIONS.—For purposes of this sec-
4 tion, the term ‘covered employee’ does not include an
5 employee of the Library of Congress, and the term
6 ‘employing office’ does not include the Library of
7 Congress.”.

8 (2) CONFORMING AMENDMENTS TO ACT.—The
9 Congressional Accountability Act of 1995 (2 U.S.C.
10 1301 et seq.) is amended—

11 (A) in section 204(a)(2) (2 U.S.C.
12 1314(a)(2)), by striking “and the Library of
13 Congress” each place it appears;

14 (B) in section 205(a)(2) (2 U.S.C.
15 1315(a)(2)), by striking “and the Library of
16 Congress” each place it appears;

17 (C) in section 206(a)(2) (2 U.S.C.
18 1316(a)(2))—

19 (i) in subparagraph (B), by striking
20 “and the Library of Congress”; and

21 (ii) in subparagraph (C), by striking
22 “and the Library of Congress”;

23 (D) in section 215(a)(2) (2 U.S.C.
24 1341(a)(2))—

1 (i) in subparagraph (C), by striking “,
2 the Library of Congress,”; and

3 (ii) in subparagraph (D), by striking
4 “and the Library of Congress”; and

5 (E) in section 415(a) (2 U.S.C. 1415(a))—

6 (i) by striking the comma after “Gen-
7 eral Accounting Office” and inserting
8 “or”; and

9 (ii) by striking “, or the Library of
10 Congress”.

11 (b) ELECTION OF PROCEEDING.—

12 (1) PROCEDURE.—Section 401(3) of the Con-
13 gressional Accountability Act of 1995 (2 U.S.C.
14 1401(3)) is amended—

15 (A) in the matter preceding subparagraph
16 (A), by striking “either”;

17 (B) in subparagraph (A), by striking “or”
18 at the end;

19 (C) in subparagraph (B), by striking the
20 period and inserting “, or”; and

21 (D) by adding at the end the following:

22 “(C) in the case of an Library claimant (as
23 defined in section 404(a)), a proceeding de-
24 scribed in section 404(b)(3) that relates to the
25 violation at issue.”.

1 (2) ELECTION.—Section 404 of the Congres-
2 sional Accountability Act of 1995 (2 U.S.C. 1404)
3 is amended—

4 (A) by striking “Not” and inserting the
5 following:

6 “(b) ELECTION AFTER PROCEEDINGS INITIALLY
7 BROUGHT UNDER THIS ACT.—Not”; and

8 (B) by inserting after the section heading
9 the following:

10 “(a) DEFINITIONS.—In this section:

11 “(1) DIRECT ACT.—The term ‘direct Act’
12 means an Act (other than this Act), or provision of
13 the Revised Statutes, that is specified in section
14 201, 202, 203, or 210.

15 “(2) DIRECT PROVISION.—The term ‘direct
16 provision’ means a provision (including a definitional
17 provision) of a direct Act that applies the rights or
18 protections of a direct Act (including rights and pro-
19 tections relating to nonretaliation or noncoercion) to
20 a library claimant.

21 “(3) LIBRARY CLAIMANT.—The term ‘Library
22 claimant’ means—

23 “(A) with respect to a direct provision
24 (other than a provision described in subpara-
25 graph (B)), an employee of the Library of Con-

1 gress who is covered by that direct provision,
2 and

3 “(B) with respect to a direct provision that
4 applies the rights or protections of title II or
5 III of the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12131 et seq., 12181 et seq.),
7 an individual who is eligible to provide services
8 for or receive services from the Library of Con-
9 gress and who is covered by that provision.”;

10 (C) in subsection (b), as added by subpara-
11 graph (A) of this paragraph—

12 (i) in the matter preceding paragraph
13 (1), by striking “may either” and inserting
14 “who initially requested counseling and
15 mediation under this title may elect to”;

16 (ii) in paragraph (1), by striking “or”
17 at the end;

18 (iii) in paragraph (2), by striking the
19 period and inserting “, or”; and

20 “(3) in the case of a Library claimant, bring
21 the claim, complaint, or charge that is brought for
22 a proceeding before the corresponding Federal agen-
23 cy, under the corresponding direct provision.”; and

24 (D) by adding at the end the following:

1 “(c) ELECTION AFTER PROCEEDINGS INITIALLY
2 BROUGHT UNDER OTHER CIVIL RIGHTS OR LABOR
3 LAW.—A library claimant who initially brings a claim,
4 complaint, or charge under a direct provision for a pro-
5 ceeding before a Federal agency may, prior to requesting
6 a hearing under the agency’s procedures, elect to—

7 “(1) bring any civil action relating to the claim,
8 complaint, or charge, that is available to the Library
9 claimant,

10 “(2) file a complaint with the Office in accord-
11 ance with section 405, or

12 “(3) file a civil action in accordance with sec-
13 tion 408 in the United States district court for the
14 district in which the employee is employed or for the
15 District of Columbia.”.

16 (c) PROSPECTIVE APPLICABILITY.—This section and
17 the amendments made by this section—

18 (1) shall take effect on the date of enactment
19 of this section; and

20 (2) shall apply to any charge, complaint, or
21 claim, that is made on or after the date of enact-
22 ment of this section, of a violation of—

23 (A) section 201, 202, 203, 207, or 210 of
24 the Congressional Accountability Act of 1995 (2
25 U.S.C. 1311 et seq.); or

1 (B) a direct provision as defined in section
2 404(a) of the Congressional Accountability Act
3 of 1995 (2 U.S.C. 1404) (as added by sub-
4 section (b)).

5 EQUAL ACCESS TO CONGRESSIONAL RESEARCH SERVICE
6 REPORTS

7 SEC. 154. (a) DEFINITIONS.—

8 (1) CRS PRODUCT.—In this section, the term
9 “CRS product” means any final written work prod-
10 uct of CRS containing research or analysis in any
11 format that is available for general congressional ac-
12 cess on the CRS Congressional Intranet.

13 (2) CRS REPORT.—

14 (A) IN GENERAL.—In this section, the
15 term “CRS Report” means any written CRS
16 product, including an update to a previous writ-
17 ten CRS product, consisting of—

18 (i) a Congressional Research Service
19 Report; or

20 (ii) a Congressional Research Service
21 Authorization of Appropriations Product
22 and Appropriations Product, which is
23 available for general congressional access
24 on the CRS Congressional Intranet.

1 (B) EXCLUSIONS.—The term “CRS Re-
2 port” does not include—

3 (i) any CRS product that is deter-
4 mined by the CRS Director to be a con-
5 fidential product or service because it was
6 prepared in response to a congressional re-
7 quest or requests for confidential analysis
8 or research and is not available for general
9 congressional access on the CRS Congres-
10 sional Intranet;

11 (ii) any Congressional Research Serv-
12 ice Report or any Congressional Research
13 Service Authorization of Appropriations
14 Product and Appropriations Product re-
15 ported or produced before the effective
16 date of this Act which, as of such effective
17 date, is not available for general congres-
18 sional access on the CRS Congressional
19 Intranet; or

20 (iii) a written CRS product that has
21 been made available by CRS for publica-
22 tion on a public website maintained by the
23 GPO Director (other than the Website) or
24 the Library of Congress.

25 (3) OTHER DEFINITIONS.—In this section—

1 (A) the term “CRS” means the Congres-
2 sional Research Service;

3 (B) the term “CRS Congressional
4 Intranet” means the Website maintained by
5 CRS at www.crs.gov, or a successor website, for
6 the purpose of providing to Members and em-
7 ployees of Congress access to information from
8 CRS;

9 (C) the term “CRS Director” means the
10 Director of CRS;

11 (D) the term “Librarian of Congress”
12 means the Librarian of Congress appointed
13 pursuant to 2 U.S.C. 136–1;

14 (E) the term “Member of Congress” in-
15 cludes a Delegate or Resident Commissioner to
16 Congress; and

17 (F) the term “Website” means the website
18 established and maintained under subsection
19 (b).

20 (b) AVAILABILITY OF CRS REPORTS THROUGH LI-
21 BRARY OF CONGRESS WEBSITE.—

22 (1) WEBSITE.—

23 (A) ESTABLISHMENT AND MAINTEN-
24 NANCE.—The Librarian of Congress, in con-
25 sultation with the CRS Director, shall establish

1 and maintain a public website containing CRS
2 Reports and an index of all CRS Reports con-
3 tained on the website, in accordance with this
4 subsection.

5 (B) **FORMAT.**—On the Website, CRS Re-
6 ports shall be searchable, sortable, and
7 downloadable, including downloadable in bulk.

8 (C) **FREE ACCESS.**—Notwithstanding any
9 other provision of law, the Librarian of Con-
10 gress may not charge a fee for access to the
11 Website.

12 (2) **UPDATES; DISCLAIMER.**—The Librarian of
13 Congress, in consultation with the CRS Director,
14 shall ensure that the Website—

15 (A) is updated contemporaneously, auto-
16 matically, and electronically to include each new
17 or updated CRS Report released on or after the
18 effective date of this section;

19 (B) shows the status of each CRS Report
20 as new, updated, or archived; and

21 (C) displays the following statement in ref-
22 erence to the CRS Reports included on the
23 Website: “These documents were prepared by
24 the Congressional Research Service (CRS).
25 CRS serves as nonpartisan shared staff to con-

1 gressional committees and Members of Con-
2 gress. It operates solely at the behest of and
3 under the direction of Congress. Information in
4 a CRS Report should not be relied upon for
5 purposes other than public understanding of in-
6 formation that has been provided by CRS to
7 Members of Congress in connection with CRS’s
8 institutional role. CRS Reports, as a work of
9 the United States Government, are not subject
10 to copyright protection in the United States.
11 Any CRS Report may be reproduced and dis-
12 tributed in its entirety without permission from
13 CRS. However, as a CRS Report may include
14 copyrighted images or material from a third
15 party, you may need to obtain the permission of
16 the copyright holder if you wish to copy or oth-
17 erwise use copyrighted material.”.

18 (3) FURNISHING OF NECESSARY INFORMATION
19 AND TECHNOLOGY.—The CRS Director shall consult
20 with and provide assistance to the Librarian of Con-
21 gress to ensure—

22 (A) that the Librarian of Congress is pro-
23 vided with all of the information necessary to
24 carry out this section, including all of the infor-
25 mation described in clauses (i) through (iv) of

1 subsection (c)(1)(A), in such format and man-
2 ner as the Librarian of Congress considers ap-
3 propriate; and

4 (B) that CRS makes available any infor-
5 mation and assistance as may be necessary to
6 facilitate the contemporaneous, automatic, and
7 electronic provision of CRS Reports to the Li-
8 brarian of Congress as required under this sec-
9 tion.

10 (4) NONEXCLUSIVITY.—The Librarian of Con-
11 gress may publish other information on the Website.

12 (5) ALTERNATIVE TECHNIQUES.—The Librar-
13 ian of Congress and the CRS Director may use addi-
14 tional techniques to make CRS Reports available to
15 the public, if such techniques are consistent with
16 this section and any other applicable laws.

17 (6) ADDITIONAL INFORMATION.—The CRS Di-
18 rector is encouraged to make additional CRS prod-
19 ucts that are not confidential products or services
20 available to the Librarian of Congress for publica-
21 tion on the Website, and the Librarian of Congress
22 is encouraged to publish such CRS products on the
23 Website.

24 (7) EXPANSION OF CONTENTS OF ANNUAL RE-
25 PORT TO CONGRESS TO INCLUDE INFORMATION ON

1 EFFORTS TO MAKE ADDITIONAL PRODUCTS AVAIL-
2 ABLE ON WEBSITE.—Section 203(i) of the Legisla-
3 tive Reorganization Act of 1946 (2 U.S.C. 166(i)) is
4 amended by striking the period at the end and in-
5 serting the following: “, and shall include in the re-
6 port a description of the efforts made by the Direc-
7 tor to make additional Congressional Research Serv-
8 ice products that are not confidential products or
9 services available to the Librarian of Congress for
10 publication on the website established and main-
11 tained under section 124 of the Legislative Branch
12 Appropriations Act, 2018.”.

13 (c) WEBSITE CONTENTS.—

14 (1) SPECIFIC REQUIREMENTS FOR REPORTS
15 POSTED ON WEBSITE.—

16 (A) RESPONSIBILITIES OF LIBRARIAN OF
17 CONGRESS.—With respect to each CRS Report
18 included on the Website, the Librarian of Con-
19 gress shall include—

20 (i) the name and identification num-
21 ber of the CRS Report;

22 (ii) an indication as to whether the
23 CRS Report is new, updated, or archived;

24 (iii) the date of release of the CRS
25 Report; and

1 (iv) any other information the Librar-
2 ian of Congress, in consultation with the
3 CRS Director, considers appropriate.

4 (B) RESPONSIBILITIES OF CRS DIREC-
5 TOR.—With respect to each CRS Report in-
6 cluded on the Website, the CRS Director shall,
7 prior to transmitting the Report to the Librar-
8 ian of Congress—

9 (i) at the discretion of the CRS Direc-
10 tor, remove the name of and any contact
11 information for any employee of CRS; and

12 (ii) include in the CRS Report the fol-
13 lowing written statement: “This document
14 was prepared by the Congressional Re-
15 search Service (CRS). CRS serves as non-
16 partisan shared staff to congressional com-
17 mittees and Members of Congress. It oper-
18 ates solely at the behest of and under the
19 direction of Congress. Information in a
20 CRS Report should not be relied upon for
21 purposes other than public understanding
22 of information that has been provided by
23 CRS to Members of Congress in connec-
24 tion with CRS’s institutional role. CRS Re-
25 ports, as a work of the United States Gov-

1 ernment, are not subject to copyright pro-
2 tection in the United States. Any CRS Re-
3 port may be reproduced and distributed in
4 its entirety without permission from CRS.
5 However, as this CRS Report may include
6 copyrighted images or material from a
7 third party, you may need to obtain the
8 permission of the copyright holder if you
9 wish to copy or otherwise use copyrighted
10 material.”.

11 (2) SPECIFIC REQUIREMENTS FOR INDEX ON
12 WEBSITE.—The Librarian of Congress shall ensure
13 that the index of all CRS Reports published on the
14 Website is—

- 15 (A) comprehensive;
16 (B) contemporaneously updated;
17 (C) searchable;
18 (D) sortable;
19 (E) maintained in a human-readable for-
20 mat;
21 (F) maintained in a structured data for-
22 mat;
23 (G) downloadable; and

1 (H) inclusive of each item of information
2 described in paragraph (1)(A) with respect to
3 each CRS Report.

4 (d) CONFORMING AMENDMENT TO DUTIES OF
5 CRS.—Section 203(d) of the Legislative Reorganization
6 Act of 1946 (2 U.S.C. 166(d)) is amended—

7 (1) by striking “and” at the end of paragraph
8 (7);

9 (2) by striking the period at the end of para-
10 graph (8) and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(9) to comply with the requirements of, and
14 provide information and technological assistance
15 consistent with, section 124 of the Legislative
16 Branch Appropriations Act, 2018.”.

17 (e) RULES OF CONSTRUCTION.—

18 (1) NO EFFECT ON SPEECH OR DEBATE
19 CLAUSE.—Nothing in this section may be construed
20 to diminish, qualify, condition, waive, or otherwise
21 affect the applicability of clause 1 of section 6 of ar-
22 ticle I of the Constitution of the United States (com-
23 monly known as the “Speech or Debate Clause”) or
24 any other privilege available to Congress or Mem-
25 bers, offices, or employees of Congress with respect

1 to any CRS Report made available online under this
2 section.

3 (2) CONFIDENTIAL COMMUNICATIONS.—Noth-
4 ing in this section may be construed to waive the re-
5 quirement that any confidential communication by
6 CRS to a Member, office, or committee of Congress
7 shall remain under the custody and control of Con-
8 gress and may be released only by Congress and its
9 Houses, Members, offices, and committees, in ac-
10 cordance with the rules and privileges of each House
11 and the requirements of this section.

12 (3) DISSEMINATION OF CRS PRODUCTS.—Noth-
13 ing in this section may be construed to limit or oth-
14 erwise affect the ability of a Member, office, or com-
15 mittee of Congress to disseminate CRS products on
16 a website of the Member, office, or committee or to
17 otherwise provide CRS products to the public, in-
18 cluding as part of constituent service activities.

19 (f) EFFECTIVE DATE.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2)(C), this section and the amendments
22 made by this section shall take effect 90 days after
23 the date on which the Librarian of Congress submits
24 the certification described in paragraph (2)(B).

1 (2) PROVISION OF INFORMATION AND TECH-
2 NOLOGY.—

3 (A) CRS DEADLINE.—Not later than 90
4 days after the date of enactment of this Act,
5 the CRS Director shall provide the Librarian of
6 Congress with the information necessary for the
7 Librarian of Congress to begin the initial oper-
8 ation of the Website.

9 (B) CERTIFICATION.—Upon provision of
10 the information described in subparagraph (A),
11 the Librarian of Congress shall submit to Con-
12 gress a certification that the CRS Director has
13 provided the information necessary for the Li-
14 brarian of Congress to begin the initial oper-
15 ation of the Website.

16 (C) TECHNICAL DELAYS.—In the event of
17 technical difficulties encountered in planning or
18 implementing the requirements of this section
19 and the amendments made by this section, upon
20 providing a detailed report submitted by the Li-
21 brarian of Congress or the CRS Director to the
22 Committees on Appropriations of the House
23 and the Senate detailing the nature of the tech-
24 nical difficulties and the timeline for resolving
25 such technical difficulties, the effective date es-

1 tablished by subsection (f)(1) shall be extended
2 for up to 90 additional days.

3 GOVERNMENT PUBLISHING OFFICE

4 CONGRESSIONAL PUBLISHING

5 (INCLUDING TRANSFER OF FUNDS)

6 For authorized publishing of congressional informa-
7 tion and the distribution of congressional information in
8 any format; publishing of Government publications au-
9 thorized by law to be distributed to Members of Congress;
10 and publishing, and distribution of Government publica-
11 tions authorized by law to be distributed without charge
12 to the recipient, \$79,528,000: *Provided*, That this appro-
13 priation shall not be available for paper copies of the per-
14 manent edition of the Congressional Record for individual
15 Representatives, Resident Commissioners or Delegates au-
16 thorized under section 906 of title 44, United States Code:
17 *Provided further*, That this appropriation shall be available
18 for the payment of obligations incurred under the appro-
19 priations for similar purposes for preceding fiscal years:
20 *Provided further*, That notwithstanding the 2-year limita-
21 tion under section 718 of title 44, United States Code,
22 none of the funds appropriated or made available under
23 this Act or any other Act for printing and binding and
24 related services provided to Congress under chapter 7 of
25 title 44, United States Code, may be expended to print

1 a document, report, or publication after the 27-month pe-
2 riod beginning on the date that such document, report,
3 or publication is authorized by Congress to be printed, un-
4 less Congress reauthorizes such printing in accordance
5 with section 718 of title 44, United States Code: *Provided*
6 *further*, That any unobligated or unexpended balances in
7 this account or accounts for similar purposes for preceding
8 fiscal years may be transferred to the Government Pub-
9 lishing Office Business Operations Revolving Fund for
10 carrying out the purposes of this heading, subject to the
11 approval of the Committees on Appropriations of the
12 House of Representatives and Senate: *Provided further*,
13 That notwithstanding sections 901, 902, and 906 of title
14 44, United States Code, this appropriation may be used
15 to prepare indexes to the Congressional Record on only
16 a monthly and session basis.

17 PUBLIC INFORMATION PROGRAMS OF THE
18 SUPERINTENDENT OF DOCUMENTS
19 SALARIES AND EXPENSES
20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses of the public information programs of
22 the Office of Superintendent of Documents necessary to
23 provide for the cataloging and indexing of Government
24 publications and their distribution to the public, Members
25 of Congress, other Government agencies, and designated

1 depository and international exchange libraries as author-
2 ized by law, \$29,000,000: *Provided*, That amounts of not
3 more than \$2,000,000 from current year appropriations
4 are authorized for producing and disseminating Congres-
5 sional serial sets and other related publications for fiscal
6 years 2016 and 2017 to depository and other designated
7 libraries: *Provided further*, That any unobligated or unex-
8 pended balances in this account or accounts for similar
9 purposes for preceding fiscal years may be transferred to
10 the Government Publishing Office Business Operations
11 Revolving Fund for carrying out the purposes of this head-
12 ing, subject to the approval of the Committees on Appro-
13 priations of the House of Representatives and Senate.

14 GOVERNMENT PUBLISHING OFFICE BUSINESS

15 OPERATIONS REVOLVING FUND

16 For payment to the Government Publishing Office
17 Business Operations Revolving Fund, \$8,540,000, to re-
18 main available until expended, for information technology
19 development and facilities repair: *Provided*, That the Gov-
20 ernment Publishing Office is hereby authorized to make
21 such expenditures, within the limits of funds available and
22 in accordance with law, and to make such contracts and
23 commitments without regard to fiscal year limitations as
24 provided by section 9104 of title 31, United States Code,
25 as may be necessary in carrying out the programs and

1 purposes set forth in the budget for the current fiscal year
2 for the Government Publishing Office Business Operations
3 Revolving Fund: *Provided further*, That not more than
4 \$7,500 may be expended on the certification of the Direc-
5 tor of the Government Publishing Office in connection
6 with official representation and reception expenses: *Pro-*
7 *vided further*, That the Business Operations Revolving
8 Fund shall be available for the hire or purchase of not
9 more than 12 passenger motor vehicles: *Provided further*,
10 That expenditures in connection with travel expenses of
11 the advisory councils to the Director of the Government
12 Publishing Office shall be deemed necessary to carry out
13 the provisions of title 44, United States Code: *Provided*
14 *further*, That the Business Operations Revolving Fund
15 shall be available for temporary or intermittent services
16 under section 3109(b) of title 5, United States Code, but
17 at rates for individuals not more than the daily equivalent
18 of the annual rate of basic pay for level V of the Executive
19 Schedule under section 5316 of such title: *Provided fur-*
20 *ther*, That activities financed through the Business Oper-
21 ations Revolving Fund may provide information in any
22 format: *Provided further*, That the Business Operations
23 Revolving Fund and the funds provided under the heading
24 “Public Information Programs of the Superintendent of
25 Documents” may not be used for contracted security serv-

1 ices at Government Publishing Office's passport facility in
2 the District of Columbia.

3 GOVERNMENT ACCOUNTABILITY OFFICE

4 SALARIES AND EXPENSES

5 For necessary expenses of the Government Account-
6 ability Office, including not more than \$12,500 to be ex-
7 pended on the certification of the Comptroller General of
8 the United States in connection with official representa-
9 tion and reception expenses; temporary or intermittent
10 services under section 3109(b) of title 5, United States
11 Code, but at rates for individuals not more than the daily
12 equivalent of the annual rate of basic pay for level IV of
13 the Executive Schedule under section 5315 of such title;
14 hire of one passenger motor vehicle; advance payments in
15 foreign countries in accordance with section 3324 of title
16 31, United States Code; benefits comparable to those pay-
17 able under sections 901(5), (6), and (8) of the Foreign
18 Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8));
19 and under regulations prescribed by the Comptroller Gen-
20 eral of the United States, rental of living quarters in for-
21 eign countries, \$578,916,653: *Provided*, That of this
22 amount \$10,000,000 is provided for information tech-
23 nology investments and building facility projects to remain
24 available until September 30, 2019: *Provided further*,
25 That, in addition, \$23,800,000 of payments received

1 under sections 782, 791, 3521, and 9105 of title 31,
2 United States Code, shall be available without fiscal year
3 limitation: *Provided further*, That this appropriation and
4 appropriations for administrative expenses of any other
5 department or agency which is a member of the National
6 Intergovernmental Audit Forum or a Regional Intergov-
7 ernmental Audit Forum shall be available to finance an
8 appropriate share of either Forum's costs as determined
9 by the respective Forum, including necessary travel ex-
10 penses of non-Federal participants: *Provided further*, That
11 payments hereunder to the Forum may be credited as re-
12 imbursements to any appropriation from which costs in-
13 volved are initially financed: *Provided further*, That this
14 appropriation shall be available to transfer amounts to the
15 Department of the Army for the construction of an Army
16 facility at Redstone Arsenal for the sole, unlimited use of
17 GAO: *Provided further*, That hereafter, amounts appro-
18 priated for the salaries and expenses of the Government
19 Accountability Office shall be available to transfer to the
20 Department of the Army for the maintenance of such fa-
21 cility.

22 OPEN WORLD LEADERSHIP CENTER TRUST
23 FUND

24 For a payment to the Open World Leadership Center
25 Trust Fund for financing activities of the Open World

1 Leadership Center under section 313 of the Legislative
2 Branch Appropriations Act, 2001 (2 U.S.C. 1151),
3 \$5,600,000: *Provided*, That funds made available to sup-
4 port Russian participants shall only be used for those en-
5 gaging in free market development, humanitarian activi-
6 ties, and civic engagement, and shall not be used for offi-
7 cials of the central government of Russia.

8 JOHN C. STENNIS CENTER FOR PUBLIC
9 SERVICE TRAINING AND DEVELOPMENT

10 For payment to the John C. Stennis Center for Pub-
11 lie Service Development Trust Fund established under
12 section 116 of the John C. Stennis Center for Public Serv-
13 ice Training and Development Act (2 U.S.C. 1105),
14 \$430,000.

15 TITLE II

16 GENERAL PROVISIONS

17 MAINTENANCE AND CARE OF PRIVATE VEHICLES

18 SEC. 201. No part of the funds appropriated in this
19 Act shall be used for the maintenance or care of private
20 vehicles, except for emergency assistance and cleaning as
21 may be provided under regulations relating to parking fa-
22 cilities for the House of Representatives issued by the
23 Committee on House Administration and for the Senate
24 issued by the Committee on Rules and Administration.

1 FISCAL YEAR LIMITATION

2 SEC. 202. No part of the funds appropriated in this
3 Act shall remain available for obligation beyond fiscal year
4 2018 unless expressly so provided in this Act.

5 RATES OF COMPENSATION AND DESIGNATION

6 SEC. 203. Whenever in this Act any office or position
7 not specifically established by the Legislative Pay Act of
8 1929 (46 Stat. 32 et seq.) is appropriated for or the rate
9 of compensation or designation of any office or position
10 appropriated for is different from that specifically estab-
11 lished by such Act, the rate of compensation and the des-
12 ignation in this Act shall be the permanent law with re-
13 spect thereto: *Provided*, That the provisions in this Act
14 for the various items of official expenses of Members, offi-
15 cers, and committees of the Senate and House of Rep-
16 resentatives, and clerk hire for Senators and Members of
17 the House of Representatives shall be the permanent law
18 with respect thereto.

19 CONSULTING SERVICES

20 SEC. 204. The expenditure of any appropriation
21 under this Act for any consulting service through procure-
22 ment contract, under section 3109 of title 5, United States
23 Code, shall be limited to those contracts where such ex-
24 penditures are a matter of public record and available for
25 public inspection, except where otherwise provided under

1 existing law, or under existing Executive order issued
2 under existing law.

3 COSTS OF LBFMC

4 SEC. 205. Amounts available for administrative ex-
5 penses of any legislative branch entity which participates
6 in the Legislative Branch Financial Managers Council
7 (LBFMC) established by charter on March 26, 1996, shall
8 be available to finance an appropriate share of LBFMC
9 costs as determined by the LBFMC, except that the total
10 LBFMC costs to be shared among all participating legisla-
11 tive branch entities (in such allocations among the entities
12 as the entities may determine) may not exceed \$2,000.

13 LIMITATION ON TRANSFERS

14 SEC. 206. None of the funds made available in this
15 Act may be transferred to any department, agency, or in-
16 strumentality of the United States Government, except
17 pursuant to a transfer made by, or transfer authority pro-
18 vided in, this Act or any other appropriation Act.

19 GUIDED TOURS OF THE CAPITOL

20 SEC. 207. (a) Except as provided in subsection (b),
21 none of the funds made available to the Architect of the
22 Capitol in this Act may be used to eliminate or restrict
23 guided tours of the United States Capitol which are led
24 by employees and interns of offices of Members of Con-
25 gress and other offices of the House of Representatives

1 and Senate, unless through regulations as authorized by
2 section 402(b)(8) of the Capitol Visitor Center Act of
3 2008 (2 U.S.C. 2242(b)(8)).

4 (b) At the direction of the Capitol Police Board, or
5 at the direction of the Architect of the Capitol with the
6 approval of the Capitol Police Board, guided tours of the
7 United States Capitol which are led by employees and in-
8 terns described in subsection (a) may be suspended tempo-
9 rarily or otherwise subject to restriction for security or re-
10 lated reasons to the same extent as guided tours of the
11 United States Capitol which are led by the Architect of
12 the Capitol.

13 This division may be cited as the “Legislative Branch
14 Appropriations Act, 2018”.

1 **DIVISION J—MILITARY CONSTRUCTION,**
2 **VETERANS AFFAIRS, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2018**

4 TITLE I

5 DEPARTMENT OF DEFENSE

6 MILITARY CONSTRUCTION, ARMY

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, military
9 installations, facilities, and real property for the Army as
10 currently authorized by law, including personnel in the
11 Army Corps of Engineers and other personal services nec-
12 essary for the purposes of this appropriation, and for con-
13 struction and operation of facilities in support of the func-
14 tions of the Commander in Chief, \$923,994,000, to re-
15 main available until September 30, 2022: *Provided*, That,
16 of this amount, not to exceed \$101,470,000 shall be avail-
17 able for study, planning, design, architect and engineer
18 services, and host nation support, as authorized by law,
19 unless the Secretary of the Army determines that addi-
20 tional obligations are necessary for such purposes and no-
21 tifies the Committees on Appropriations of both Houses
22 of Congress of the determination and the reasons therefor.

23 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

24 For acquisition, construction, installation, and equip-
25 ment of temporary or permanent public works, naval in-

1 stallations, facilities, and real property for the Navy and
2 Marine Corps as currently authorized by law, including
3 personnel in the Naval Facilities Engineering Command
4 and other personal services necessary for the purposes of
5 this appropriation, \$1,553,275,000, to remain available
6 until September 30, 2022: *Provided*, That, of this amount,
7 not to exceed \$219,069,000 shall be available for study,
8 planning, design, and architect and engineer services, as
9 authorized by law, unless the Secretary of the Navy deter-
10 mines that additional obligations are necessary for such
11 purposes and notifies the Committees on Appropriations
12 of both Houses of Congress of the determination and the
13 reasons therefor.

14 MILITARY CONSTRUCTION, AIR FORCE

15 For acquisition, construction, installation, and equip-
16 ment of temporary or permanent public works, military
17 installations, facilities, and real property for the Air Force
18 as currently authorized by law, \$1,543,558,000, to remain
19 available until September 30, 2022: *Provided*, That, of
20 this amount, not to exceed \$97,852,000 shall be available
21 for study, planning, design, and architect and engineer
22 services, as authorized by law, unless the Secretary of the
23 Air Force determines that additional obligations are nec-
24 essary for such purposes and notifies the Committees on

1 Appropriations of both Houses of Congress of the deter-
2 mination and the reasons therefor.

3 MILITARY CONSTRUCTION, DEFENSE-WIDE
4 (INCLUDING TRANSFER OF FUNDS)

5 For acquisition, construction, installation, and equip-
6 ment of temporary or permanent public works, installa-
7 tions, facilities, and real property for activities and agen-
8 cies of the Department of Defense (other than the military
9 departments), as currently authorized by law,
10 \$2,811,513,000, to remain available until September 30,
11 2022: *Provided*, That such amounts of this appropriation
12 as may be determined by the Secretary of Defense may
13 be transferred to such appropriations of the Department
14 of Defense available for military construction or family
15 housing as the Secretary may designate, to be merged with
16 and to be available for the same purposes, and for the
17 same time period, as the appropriation or fund to which
18 transferred: *Provided further*, That, of the amount, not to
19 exceed \$210,717,000 shall be available for study, plan-
20 ning, design, and architect and engineer services, as au-
21 thorized by law, unless the Secretary of Defense deter-
22 mines that additional obligations are necessary for such
23 purposes and notifies the Committees on Appropriations
24 of both Houses of Congress of the determination and the
25 reasons therefor: *Provided further*, That the Director of

1 the Missile Defense Agency shall provide quarterly reports
2 to the congressional defense committees on the construc-
3 tion timeline and obligations for the Poland Aegis Ashore
4 complex.

5 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the Army National Guard, and contribu-
9 tions therefor, as authorized by chapter 1803 of title 10,
10 United States Code, and Military Construction Authoriza-
11 tion Acts, \$220,652,000, to remain available until Sep-
12 tember 30, 2022: *Provided*, That, of the amount, not to
13 exceed \$16,271,000 shall be available for study, planning,
14 design, and architect and engineer services, as authorized
15 by law, unless the Director of the Army National Guard
16 determines that additional obligations are necessary for
17 such purposes and notifies the Committees on Appropria-
18 tions of both Houses of Congress of the determination and
19 the reasons therefor.

20 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

21 For construction, acquisition, expansion, rehabilita-
22 tion, and conversion of facilities for the training and ad-
23 ministration of the Air National Guard, and contributions
24 therefor, as authorized by chapter 1803 of title 10, United
25 States Code, and Military Construction Authorization

1 Acts, \$171,491,000, to remain available until September
2 30, 2022: *Provided*, That, of the amount, not to exceed
3 \$18,000,000 shall be available for study, planning, design,
4 and architect and engineer services, as authorized by law,
5 unless the Director of the Air National Guard determines
6 that additional obligations are necessary for such purposes
7 and notifies the Committees on Appropriations of both
8 Houses of Congress of the determination and the reasons
9 therefor.

10 MILITARY CONSTRUCTION, ARMY RESERVE

11 For construction, acquisition, expansion, rehabilita-
12 tion, and conversion of facilities for the training and ad-
13 ministration of the Army Reserve as authorized by chapter
14 1803 of title 10, United States Code, and Military Con-
15 struction Authorization Acts, \$83,712,000, to remain
16 available until September 30, 2022: *Provided*, That, of the
17 amount, not to exceed \$6,887,000 shall be available for
18 study, planning, design, and architect and engineer serv-
19 ices, as authorized by law, unless the Chief of the Army
20 Reserve determines that additional obligations are nec-
21 essary for such purposes and notifies the Committees on
22 Appropriations of both Houses of Congress of the deter-
23 mination and the reasons therefor.

1 MILITARY CONSTRUCTION, NAVY RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the reserve components of the Navy and
5 Marine Corps as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$95,271,000, to remain available until Sep-
8 tember 30, 2022: *Provided*, That, of the amount, not to
9 exceed \$24,430,000 shall be available for study, planning,
10 design, and architect and engineer services, as authorized
11 by law, unless the Secretary of the Navy determines that
12 additional obligations are necessary for such purposes and
13 notifies the Committees on Appropriations of both Houses
14 of Congress of the determination and the reasons therefor.

15 MILITARY CONSTRUCTION, AIR FORCE RESERVE

16 For construction, acquisition, expansion, rehabilita-
17 tion, and conversion of facilities for the training and ad-
18 ministration of the Air Force Reserve as authorized by
19 chapter 1803 of title 10, United States Code, and Military
20 Construction Authorization Acts, \$73,535,000, to remain
21 available until September 30, 2022: *Provided*, That, of the
22 amount, not to exceed \$4,725,000 shall be available for
23 study, planning, design, and architect and engineer serv-
24 ices, as authorized by law, unless the Chief of the Air
25 Force Reserve determines that additional obligations are

1 necessary for such purposes and notifies the Committees
2 on Appropriations of both Houses of Congress of the de-
3 termination and the reasons therefor: *Provided further*,
4 That, the Chief of the Air Force Reserve shall take imme-
5 diate action to address unfunded military construction re-
6 quirements for access control points and security issues
7 at Air Force Reserve facilities.

8 NORTH ATLANTIC TREATY ORGANIZATION
9 SECURITY INVESTMENT PROGRAM

10 For the United States share of the cost of the North
11 Atlantic Treaty Organization Security Investment Pro-
12 gram for the acquisition and construction of military fa-
13 cilities and installations (including international military
14 headquarters) and for related expenses for the collective
15 defense of the North Atlantic Treaty Area as authorized
16 by section 2806 of title 10, United States Code, and Mili-
17 tary Construction Authorization Acts, \$177,932,000, to
18 remain available until expended.

19 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

20 For deposit into the Department of Defense Base
21 Closure Account, established by section 2906(a) of the De-
22 fense Base Closure and Realignment Act of 1990 (10
23 U.S.C. 2687 note), \$310,000,000, to remain available
24 until expended.

1 leasing, and minor construction, as authorized by law,
2 \$59,169,000.

3 DEPARTMENT OF DEFENSE

4 FAMILY HOUSING IMPROVEMENT FUND

5 For the Department of Defense Family Housing Im-
6 provement Fund, \$2,726,000, to remain available until ex-
7 pended, for family housing initiatives undertaken pursu-
8 ant to section 2883 of title 10, United States Code, pro-
9 viding alternative means of acquiring and improving mili-
10 tary family housing and supporting facilities.

11 DEPARTMENT OF DEFENSE

12 MILITARY UNACCOMPANIED HOUSING IMPROVEMENT

13 FUND

14 For the Department of Defense Military Unaccom-
15 panied Housing Improvement Fund, \$623,000, to remain
16 available until expended, for unaccompanied housing ini-
17 tiatives undertaken pursuant to section 2883 of title 10,
18 United States Code, providing alternative means of acquir-
19 ing and improving military unaccompanied housing and
20 supporting facilities.

21 ADMINISTRATIVE PROVISIONS

22 SEC. 101. None of the funds made available in this
23 title shall be expended for payments under a cost-plus-a-
24 fixed-fee contract for construction, where cost estimates
25 exceed \$25,000, to be performed within the United States,

1 except Alaska, without the specific approval in writing of
2 the Secretary of Defense setting forth the reasons there-
3 for.

4 SEC. 102. Funds made available in this title for con-
5 struction shall be available for hire of passenger motor ve-
6 hicles.

7 SEC. 103. Funds made available in this title for con-
8 struction may be used for advances to the Federal High-
9 way Administration, Department of Transportation, for
10 the construction of access roads as authorized by section
11 210 of title 23, United States Code, when projects author-
12 ized therein are certified as important to the national de-
13 fense by the Secretary of Defense.

14 SEC. 104. None of the funds made available in this
15 title may be used to begin construction of new bases in
16 the United States for which specific appropriations have
17 not been made.

18 SEC. 105. None of the funds made available in this
19 title shall be used for purchase of land or land easements
20 in excess of 100 percent of the value as determined by
21 the Army Corps of Engineers or the Naval Facilities Engi-
22 neering Command, except: (1) where there is a determina-
23 tion of value by a Federal court; (2) purchases negotiated
24 by the Attorney General or the designee of the Attorney
25 General; (3) where the estimated value is less than

1 \$25,000; or (4) as otherwise determined by the Secretary
2 of Defense to be in the public interest.

3 SEC. 106. None of the funds made available in this
4 title shall be used to: (1) acquire land; (2) provide for site
5 preparation; or (3) install utilities for any family housing,
6 except housing for which funds have been made available
7 in annual Acts making appropriations for military con-
8 struction.

9 SEC. 107. None of the funds made available in this
10 title for minor construction may be used to transfer or
11 relocate any activity from one base or installation to an-
12 other, without prior notification to the Committees on Ap-
13 propriations of both Houses of Congress.

14 SEC. 108. None of the funds made available in this
15 title may be used for the procurement of steel for any con-
16 struction project or activity for which American steel pro-
17 ducers, fabricators, and manufacturers have been denied
18 the opportunity to compete for such steel procurement.

19 SEC. 109. None of the funds available to the Depart-
20 ment of Defense for military construction or family hous-
21 ing during the current fiscal year may be used to pay real
22 property taxes in any foreign nation.

23 SEC. 110. None of the funds made available in this
24 title may be used to initiate a new installation overseas

1 without prior notification to the Committees on Appro-
2 priations of both Houses of Congress.

3 SEC. 111. None of the funds made available in this
4 title may be obligated for architect and engineer contracts
5 estimated by the Government to exceed \$500,000 for
6 projects to be accomplished in Japan, in any North Atlan-
7 tic Treaty Organization member country, or in countries
8 bordering the Arabian Gulf, unless such contracts are
9 awarded to United States firms or United States firms
10 in joint venture with host nation firms.

11 SEC. 112. None of the funds made available in this
12 title for military construction in the United States terri-
13 tories and possessions in the Pacific and on Kwajalein
14 Atoll, or in countries bordering the Arabian Gulf, may be
15 used to award any contract estimated by the Government
16 to exceed \$1,000,000 to a foreign contractor: *Provided*,
17 That this section shall not be applicable to contract
18 awards for which the lowest responsive and responsible bid
19 of a United States contractor exceeds the lowest respon-
20 sive and responsible bid of a foreign contractor by greater
21 than 20 percent: *Provided further*, That this section shall
22 not apply to contract awards for military construction on
23 Kwajalein Atoll for which the lowest responsive and re-
24 sponsible bid is submitted by a Marshallese contractor.

1 SEC. 113. The Secretary of Defense shall inform the
2 appropriate committees of both Houses of Congress, in-
3 cluding the Committees on Appropriations, of plans and
4 scope of any proposed military exercise involving United
5 States personnel 30 days prior to its occurring, if amounts
6 expended for construction, either temporary or permanent,
7 are anticipated to exceed \$100,000.

8 SEC. 114. Funds appropriated to the Department of
9 Defense for construction in prior years shall be available
10 for construction authorized for each such military depart-
11 ment by the authorizations enacted into law during the
12 current session of Congress.

13 SEC. 115. For military construction or family housing
14 projects that are being completed with funds otherwise ex-
15 pired or lapsed for obligation, expired or lapsed funds may
16 be used to pay the cost of associated supervision, inspec-
17 tion, overhead, engineering and design on those projects
18 and on subsequent claims, if any.

19 SEC. 116. Notwithstanding any other provision of
20 law, any funds made available to a military department
21 or defense agency for the construction of military projects
22 may be obligated for a military construction project or
23 contract, or for any portion of such a project or contract,
24 at any time before the end of the fourth fiscal year after
25 the fiscal year for which funds for such project were made

1 available, if the funds obligated for such project: (1) are
2 obligated from funds available for military construction
3 projects; and (2) do not exceed the amount appropriated
4 for such project, plus any amount by which the cost of
5 such project is increased pursuant to law.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 117. Subject to 30 days prior notification, or
8 14 days for a notification provided in an electronic me-
9 dium pursuant to sections 480 and 2883 of title 10,
10 United States Code, to the Committees on Appropriations
11 of both Houses of Congress, such additional amounts as
12 may be determined by the Secretary of Defense may be
13 transferred to: (1) the Department of Defense Family
14 Housing Improvement Fund from amounts appropriated
15 for construction in “Family Housing” accounts, to be
16 merged with and to be available for the same purposes
17 and for the same period of time as amounts appropriated
18 directly to the Fund; or (2) the Department of Defense
19 Military Unaccompanied Housing Improvement Fund
20 from amounts appropriated for construction of military
21 unaccompanied housing in “Military Construction” ac-
22 counts, to be merged with and to be available for the same
23 purposes and for the same period of time as amounts ap-
24 propriated directly to the Fund: *Provided*, That appropria-
25 tions made available to the Funds shall be available to

1 cover the costs, as defined in section 502(5) of the Con-
2 gressional Budget Act of 1974, of direct loans or loan
3 guarantees issued by the Department of Defense pursuant
4 to the provisions of subchapter IV of chapter 169 of title
5 10, United States Code, pertaining to alternative means
6 of acquiring and improving military family housing, mili-
7 tary unaccompanied housing, and supporting facilities.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 118. In addition to any other transfer authority
10 available to the Department of Defense, amounts may be
11 transferred from the Department of Defense Base Closure
12 Account to the fund established by section 1013(d) of the
13 Demonstration Cities and Metropolitan Development Act
14 of 1966 (42 U.S.C. 3374) to pay for expenses associated
15 with the Homeowners Assistance Program incurred under
16 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall
17 be merged with and be available for the same purposes
18 and for the same time period as the fund to which trans-
19 ferred.

20 SEC. 119. Notwithstanding any other provision of
21 law, funds made available in this title for operation and
22 maintenance of family housing shall be the exclusive
23 source of funds for repair and maintenance of all family
24 housing units, including general or flag officer quarters:
25 *Provided*, That not more than \$35,000 per unit may be

1 spent annually for the maintenance and repair of any gen-
2 eral or flag officer quarters without 30 days prior notifica-
3 tion, or 14 days for a notification provided in an electronic
4 medium pursuant to sections 480 and 2883 of title 10,
5 United States Code, to the Committees on Appropriations
6 of both Houses of Congress, except that an after-the-fact
7 notification shall be submitted if the limitation is exceeded
8 solely due to costs associated with environmental remedi-
9 ation that could not be reasonably anticipated at the time
10 of the budget submission: *Provided further*, That the
11 Under Secretary of Defense (Comptroller) is to report an-
12 nually to the Committees on Appropriations of both
13 Houses of Congress all operation and maintenance ex-
14 penditures for each individual general or flag officer quar-
15 ters for the prior fiscal year.

16 SEC. 120. Amounts contained in the Ford Island Im-
17 provement Account established by subsection (h) of sec-
18 tion 2814 of title 10, United States Code, are appro-
19 priated and shall be available until expended for the pur-
20 poses specified in subsection (i)(1) of such section or until
21 transferred pursuant to subsection (i)(3) of such section.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 121. During the 5-year period after appropria-
24 tions available in this Act to the Department of Defense
25 for military construction and family housing operation and

1 maintenance and construction have expired for obligation,
2 upon a determination that such appropriations will not be
3 necessary for the liquidation of obligations or for making
4 authorized adjustments to such appropriations for obliga-
5 tions incurred during the period of availability of such ap-
6 propriations, unobligated balances of such appropriations
7 may be transferred into the appropriation “Foreign Cur-
8 rency Fluctuations, Construction, Defense”, to be merged
9 with and to be available for the same time period and for
10 the same purposes as the appropriation to which trans-
11 ferred.

12 SEC. 122. (a) Except as provided in subsection (b),
13 none of the funds made available in this Act may be used
14 by the Secretary of the Army to relocate a unit in the
15 Army that—

16 (1) performs a testing mission or function that
17 is not performed by any other unit in the Army and
18 is specifically stipulated in title 10, United States
19 Code; and

20 (2) is located at a military installation at which
21 the total number of civilian employees of the Depart-
22 ment of the Army and Army contractor personnel
23 employed exceeds 10 percent of the total number of
24 members of the regular and reserve components of
25 the Army assigned to the installation.

1 (b) EXCEPTION.—Subsection (a) shall not apply if
2 the Secretary of the Army certifies to the congressional
3 defense committees that in proposing the relocation of the
4 unit of the Army, the Secretary complied with Army Regu-
5 lation 5–10 relating to the policy, procedures, and respon-
6 sibilities for Army stationing actions.

7 SEC. 123. Amounts appropriated or otherwise made
8 available in an account funded under the headings in this
9 title may be transferred among projects and activities
10 within the account in accordance with the reprogramming
11 guidelines for military construction and family housing
12 construction contained in Department of Defense Finan-
13 cial Management Regulation 7000.14–R, Volume 3, Chap-
14 ter 7, of March 2011, as in effect on the date of enactment
15 of this Act.

16 SEC. 124. None of the funds made available in this
17 title may be obligated or expended for planning and design
18 and construction of projects at Arlington National Ceme-
19 tery.

20 SEC. 125. For an additional amount for the accounts
21 and in the amounts specified, to remain available until
22 September 30, 2022:

23 “Military Construction, Army”, \$93,800,000, of
24 which \$25,000,000 is for planning and design;

1 “Military Construction, Navy and Marine
2 Corps”, \$202,130,000, of which \$25,000,000 is for
3 planning and design;

4 “Military Construction, Air Force”,
5 \$138,100,000, of which \$25,000,000 is for planning
6 and design;

7 “Military Construction, Army National Guard”,
8 \$113,500,000, of which \$20,000,000 is for planning
9 and design;

10 “Military Construction, Air National Guard”,
11 \$52,000,000, of which \$20,000,000 is for planning
12 and design;

13 “Military Construction, Army Reserve”,
14 \$76,000,000, of which \$20,000,000 is for planning
15 and design; and

16 “Military Construction, Air Force Reserve”,
17 \$64,100,000, of which \$20,000,000 is for planning
18 and design:

19 *Provided*, That such funds may only be obligated to carry
20 out construction projects identified in the respective mili-
21 tary department’s unfunded priority list for fiscal year
22 2018 submitted to Congress: *Provided further*, That such
23 projects are subject to authorization prior to obligation
24 and expenditure of funds to carry out construction: *Pro-*
25 *vided further*, That not later than 30 days after enactment

1 of this Act, the Secretary of the military department con-
2 cerned, or his or her designee, shall submit to the Commit-
3 tees on Appropriations of both Houses of Congress an ex-
4 penditure plan for funds provided under this section.

5 (RESCISSIONS OF FUNDS)

6 SEC. 126. Of the unobligated balances available to
7 the Department of Defense from prior appropriation Acts,
8 the following funds are hereby rescinded from the fol-
9 lowing accounts in the amounts specified:

10 “NATO Security Investment Program”,

11 \$25,000,000; and

12 “Family Housing Construction, Army”,

13 \$18,000,000:

14 *Provided*, That no amounts may be rescinded from
15 amounts that were designated by the Congress for Over-
16 seas Contingency Operations/Global War on Terrorism or
17 as an emergency requirement pursuant to a concurrent
18 resolution on the budget or the Balanced Budget and
19 Emergency Deficit Control Act of 1985, as amended.

20 SEC. 127. For the purposes of this Act, the term
21 “congressional defense committees” means the Commit-
22 tees on Armed Services of the House of Representatives
23 and the Senate, the Subcommittee on Military Construc-
24 tion and Veterans Affairs of the Committee on Appropria-
25 tions of the Senate, and the Subcommittee on Military

1 Construction and Veterans Affairs of the Committee on
2 Appropriations of the House of Representatives.

3 SEC. 128. None of the funds made available by this
4 Act may be used to carry out the closure or realignment
5 of the United States Naval Station, Guantánamo Bay,
6 Cuba.

7 SEC. 129. Notwithstanding any other provision of
8 law, none of the funds appropriated or otherwise made
9 available by this or any other Act may be used to consoli-
10 date or relocate any element of a United States Air Force
11 Rapid Engineer Deployable Heavy Operational Repair
12 Squadron Engineer (RED HORSE) outside of the United
13 States until the Secretary of the Air Force (1) completes
14 an analysis and comparison of the cost and infrastructure
15 investment required to consolidate or relocate a RED
16 HORSE squadron outside of the United States versus
17 within the United States; (2) provides to the Committees
18 on Appropriations of both Houses of Congress (“the Com-
19 mittees”) a report detailing the findings of the cost anal-
20 ysis; and (3) certifies in writing to the Committees that
21 the preferred site for the consolidation or relocation yields
22 the greatest savings for the Air Force: *Provided*, That the
23 term “United States” in this section does not include any
24 territory or possession of the United States.

1 SEC. 130. All amounts appropriated to “Department
2 of Defense—Military Construction, Defense-Wide” pursu-
3 ant to the authorization of appropriations in section 2403
4 of Public Law 115–91, as specified for fiscal year 2018
5 in the funding table in section 4601 of that Act, shall be
6 immediately available and allotted to contract for the full
7 scope of authorized projects.

8 SEC. 131. For an additional amount for “Military
9 Construction, Army”, for the Defense Access Road Pro-
10 gram, \$20,000,000, to remain available until expended:
11 *Provided*, That amounts made available under this section
12 may not be obligated or expended until the Secretary of
13 the Army submits to the Committees on Appropriations
14 of the Senate and House of Representatives a detailed ex-
15 penditure plan 30 days after enactment of this Act.

1137

1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$95,768,462,000, to remain available until expended and
22 to become available on October 1, 2018: *Provided*, That
23 not to exceed \$17,882,000 of the amount made available
24 for fiscal year 2019 under this heading shall be reim-
25 bursed to "General Operating Expenses, Veterans Bene-

1 fits Administration”, and “Information Technology Sys-
2 tems” for necessary expenses in implementing the provi-
3 sions of chapters 51, 53, and 55 of title 38, United States
4 Code, the funding source for which is specifically provided
5 as the “Compensation and Pensions” appropriation: *Pro-*
6 *vided further*, That such sums as may be earned on an
7 actual qualifying patient basis, shall be reimbursed to
8 “Medical Care Collections Fund” to augment the funding
9 of individual medical facilities for nursing home care pro-
10 vided to pensioners as authorized.

11 READJUSTMENT BENEFITS

12 For the payment of readjustment and rehabilitation
13 benefits to or on behalf of veterans as authorized by chap-
14 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and
15 61 of title 38, United States Code, \$11,832,175,000, to
16 remain available until expended and to become available
17 on October 1, 2018: *Provided*, That expenses for rehabili-
18 tation program services and assistance which the Sec-
19 retary is authorized to provide under subsection (a) of sec-
20 tion 3104 of title 38, United States Code, other than
21 under paragraphs (1), (2), (5), and (11) of that sub-
22 section, shall be charged to this account.

23 VETERANS INSURANCE AND INDEMNITIES

24 For military and naval insurance, national service life
25 insurance, servicemen’s indemnities, service-disabled vet-

1 erans insurance, and veterans mortgage life insurance as
2 authorized by chapters 19 and 21, title 38, United States
3 Code, \$121,529,000, to remain available until expended,
4 of which \$109,090,000 shall become available on October
5 1, 2018.

6 VETERANS HOUSING BENEFIT PROGRAM FUND

7 For the cost of direct and guaranteed loans, such
8 sums as may be necessary to carry out the program, as
9 authorized by subchapters I through III of chapter 37 of
10 title 38, United States Code: *Provided*, That such costs,
11 including the cost of modifying such loans, shall be as de-
12 fined in section 502 of the Congressional Budget Act of
13 1974: *Provided further*, That, during fiscal year 2018,
14 within the resources available, not to exceed \$500,000 in
15 gross obligations for direct loans are authorized for spe-
16 cially adapted housing loans.

17 In addition, for administrative expenses to carry out
18 the direct and guaranteed loan programs, \$178,626,000.

19 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

20 For the cost of direct loans, \$30,000, as authorized
21 by chapter 31 of title 38, United States Code: *Provided*,
22 That such costs, including the cost of modifying such
23 loans, shall be as defined in section 502 of the Congres-
24 sional Budget Act of 1974: *Provided further*, That funds
25 made available under this heading are available to sub-

1 sidize gross obligations for the principal amount of direct
2 loans not to exceed \$2,356,000.

3 In addition, for administrative expenses necessary to
4 carry out the direct loan program, \$395,000, which may
5 be paid to the appropriation for “General Operating Ex-
6 penses, Veterans Benefits Administration”.

7 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

8 ACCOUNT

9 For administrative expenses to carry out the direct
10 loan program authorized by subchapter V of chapter 37
11 of title 38, United States Code, \$1,163,000.

12 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

13 ADMINISTRATION

14 For necessary operating expenses of the Veterans
15 Benefits Administration, not otherwise provided for, in-
16 cluding hire of passenger motor vehicles, reimbursement
17 of the General Services Administration for security guard
18 services, and reimbursement of the Department of De-
19 fense for the cost of overseas employee mail,
20 \$2,910,000,000: *Provided*, That expenses for services and
21 assistance authorized under paragraphs (1), (2), (5), and
22 (11) of section 3104(a) of title 38, United States Code,
23 that the Secretary of Veterans Affairs determines are nec-
24 essary to enable entitled veterans: (1) to the maximum ex-
25 tent feasible, to become employable and to obtain and

1 maintain suitable employment; or (2) to achieve maximum
2 independence in daily living, shall be charged to this ac-
3 count: *Provided further*, That, of the funds made available
4 under this heading, not to exceed 10 percent shall remain
5 available until September 30, 2019.

6 VETERANS HEALTH ADMINISTRATION

7 MEDICAL SERVICES

8 For necessary expenses for furnishing, as authorized
9 by law, inpatient and outpatient care and treatment to
10 beneficiaries of the Department of Veterans Affairs and
11 veterans described in section 1705(a) of title 38, United
12 States Code, including care and treatment in facilities not
13 under the jurisdiction of the Department, and including
14 medical supplies and equipment, bioengineering services,
15 food services, and salaries and expenses of healthcare em-
16 ployees hired under title 38, United States Code, aid to
17 State homes as authorized by section 1741 of title 38,
18 United States Code, assistance and support services for
19 caregivers as authorized by section 1720G of title 38,
20 United States Code, loan repayments authorized by sec-
21 tion 604 of the Caregivers and Veterans Omnibus Health
22 Services Act of 2010 (Public Law 111–163; 124 Stat.
23 1174; 38 U.S.C. 7681 note), monthly assistance allow-
24 ances authorized by section 322(d) of title 38, United
25 States Code, grants authorized by section 521A of title

1 38, United States Code, and administrative expenses nec-
2 essary to carry out sections 322(d) and 521A of title 38,
3 United States Code, and hospital care and medical serv-
4 ices authorized by section 1787 of title 38, United States
5 Code; \$1,962,984,000, which shall be in addition to funds
6 previously appropriated under this heading that became
7 available on October 1, 2017; and, in addition,
8 \$49,161,165,000, plus reimbursements, shall become
9 available on October 1, 2018, and shall remain available
10 until September 30, 2019: *Provided*, That, of the amount
11 made available on October 1, 2018, under this heading,
12 \$1,400,000,000 shall remain available until September 30,
13 2020: *Provided further*, That, notwithstanding any other
14 provision of law, the Secretary of Veterans Affairs shall
15 establish a priority for the provision of medical treatment
16 for veterans who have service-connected disabilities, lower
17 income, or have special needs: *Provided further*, That, not-
18 withstanding any other provision of law, the Secretary of
19 Veterans Affairs shall give priority funding for the provi-
20 sion of basic medical benefits to veterans in enrollment
21 priority groups 1 through 6: *Provided further*, That, not-
22 withstanding any other provision of law, the Secretary of
23 Veterans Affairs may authorize the dispensing of prescrip-
24 tion drugs from Veterans Health Administration facilities
25 to enrolled veterans with privately written prescriptions

1 based on requirements established by the Secretary: *Pro-*
2 *vided further*, That the implementation of the program de-
3 scribed in the previous proviso shall incur no additional
4 cost to the Department of Veterans Affairs: *Provided fur-*
5 *ther*, That the Secretary of Veterans Affairs shall ensure
6 that sufficient amounts appropriated under this heading
7 for medical supplies and equipment are available for the
8 acquisition of prosthetics designed specifically for female
9 veterans.

10 MEDICAL COMMUNITY CARE

11 For necessary expenses for furnishing health care to
12 individuals pursuant to chapter 17 of title 38, United
13 States Code, at non-Department facilities, \$419,176,000,
14 which shall be in addition to funds previously appropriated
15 under this heading that became available on October 1,
16 2017; and, in addition, \$8,384,704,000, plus reimburse-
17 ments, shall become available on October 1, 2018, and
18 shall remain available until September 30, 2019: *Provided*,
19 That, of the amount made available on October 1, 2018,
20 under this heading, \$2,000,000,000 shall remain available
21 until September 30, 2022.

22 MEDICAL SUPPORT AND COMPLIANCE

23 For necessary expenses in the administration of the
24 medical, hospital, nursing home, domiciliary, construction,
25 supply, and research activities, as authorized by law; ad-

1 ministrative expenses in support of capital policy activi-
2 ties; and administrative and legal expenses of the Depart-
3 ment for collecting and recovering amounts owed the De-
4 partment as authorized under chapter 17 of title 38,
5 United States Code, and the Federal Medical Care Recov-
6 ery Act (42 U.S.C. 2651 et seq.), \$100,000,000, which
7 shall be in addition to funds previously appropriated under
8 this heading that became available on October 1, 2017;
9 and, in addition, \$7,239,156,000, plus reimbursements,
10 shall become available on October 1, 2018, and shall re-
11 main available until September 30, 2019: *Provided*, That,
12 of the amount made available on October 1, 2018, under
13 this heading, \$100,000,000 shall remain available until
14 September 30, 2020.

15 MEDICAL FACILITIES

16 For necessary expenses for the maintenance and op-
17 eration of hospitals, nursing homes, domiciliary facilities,
18 and other necessary facilities of the Veterans Health Ad-
19 ministration; for administrative expenses in support of
20 planning, design, project management, real property ac-
21 quisition and disposition, construction, and renovation of
22 any facility under the jurisdiction or for the use of the
23 Department; for oversight, engineering, and architectural
24 activities not charged to project costs; for repairing, alter-
25 ing, improving, or providing facilities in the several hos-

1 pitals and homes under the jurisdiction of the Depart-
2 ment, not otherwise provided for, either by contract or by
3 the hire of temporary employees and purchase of mate-
4 rials; for leases of facilities; and for laundry services;
5 \$707,000,000, to remain available until September 30,
6 2019, which shall be in addition to funds previously appro-
7 priated under this heading that became available on Octo-
8 ber 1, 2017; and, in addition, \$5,914,288,000, plus reim-
9 bursements, shall become available on October 1, 2018,
10 and shall remain available until September 30, 2019: *Pro-*
11 *vided*, That, of the amount made available on October 1,
12 2018, under this heading, \$250,000,000 shall remain
13 available until September 30, 2020.

14 MEDICAL AND PROSTHETIC RESEARCH

15 For necessary expenses in carrying out programs of
16 medical and prosthetic research and development as au-
17 thorized by chapter 73 of title 38, United States Code,
18 \$722,262,000, plus reimbursements, shall remain avail-
19 able until September 30, 2019: *Provided*, That the Sec-
20 retary of Veterans Affairs shall ensure that sufficient
21 amounts appropriated under this heading are available for
22 prosthetic research specifically for female veterans, and
23 for toxic exposure research.

1 NATIONAL CEMETERY ADMINISTRATION

2 For necessary expenses of the National Cemetery Ad-
3 ministration for operations and maintenance, not other-
4 wise provided for, including uniforms or allowances there-
5 for; cemeterial expenses as authorized by law; purchase
6 of one passenger motor vehicle for use in cemeterial oper-
7 ations; hire of passenger motor vehicles; and repair, alter-
8 ation or improvement of facilities under the jurisdiction
9 of the National Cemetery Administration, \$306,193,000,
10 of which not to exceed 10 percent shall remain available
11 until September 30, 2019.

12 DEPARTMENTAL ADMINISTRATION

13 GENERAL ADMINISTRATION

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary operating expenses of the Department
16 of Veterans Affairs, not otherwise provided for, including
17 administrative expenses in support of Department-wide
18 capital planning, management and policy activities, uni-
19 forms, or allowances therefor; not to exceed \$25,000 for
20 official reception and representation expenses; hire of pas-
21 senger motor vehicles; and reimbursement of the General
22 Services Administration for security guard services,
23 \$335,891,000, of which not to exceed 10 percent shall re-
24 main available until September 30, 2019: *Provided*, That
25 funds provided under this heading may be transferred to

1 “General Operating Expenses, Veterans Benefits Adminis-
2 tration”.

3 BOARD OF VETERANS APPEALS

4 For necessary operating expenses of the Board of
5 Veterans Appeals, \$161,048,000, of which not to exceed
6 10 percent shall remain available until September 30,
7 2019.

8 INFORMATION TECHNOLOGY SYSTEMS

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses for information technology
11 systems and telecommunications support, including devel-
12 opmental information systems and operational information
13 systems; for pay and associated costs; and for the capital
14 asset acquisition of information technology systems, in-
15 cluding management and related contractual costs of said
16 acquisitions, including contractual costs associated with
17 operations authorized by section 3109 of title 5, United
18 States Code, \$4,055,500,000, plus reimbursements: *Pro-*
19 *vided*, That \$1,230,320,000 shall be for pay and associ-
20 ated costs, of which not to exceed 5 percent shall remain
21 available until September 30, 2019: *Provided further*, That
22 \$2,496,650,000 shall be for operations and maintenance,
23 of which not to exceed 5 percent shall remain available
24 until September 30, 2019: *Provided further*, That
25 \$328,530,000 shall be for information technology systems

1 development, and shall remain available until September
2 30, 2019: *Provided further*, That amounts made available
3 for information technology systems development may not
4 be obligated or expended until the Secretary of Veterans
5 Affairs or the Chief Information Officer of the Depart-
6 ment of Veterans Affairs submits to the Committees on
7 Appropriations of both Houses of Congress a certification
8 of the amounts, in parts or in full, to be obligated and
9 expended for each development project: *Provided further*,
10 That amounts made available for salaries and expenses,
11 operations and maintenance, and information technology
12 systems development may be transferred among the three
13 subaccounts after the Secretary of Veterans Affairs re-
14 quests from the Committees on Appropriations of both
15 Houses of Congress the authority to make the transfer
16 and an approval is issued: *Provided further*, That amounts
17 made available for the “Information Technology Systems”
18 account for development may be transferred among
19 projects or to newly defined projects: *Provided further*,
20 That no project may be increased or decreased by more
21 than \$1,000,000 of cost prior to submitting a request to
22 the Committees on Appropriations of both Houses of Con-
23 gress to make the transfer and an approval is issued, or
24 absent a response, a period of 30 days has elapsed: *Pro-*
25 *vided further*, That the funds made available under this

1 heading for information technology systems development
2 shall be for the projects, and in the amounts, specified
3 under this heading in the explanatory statement described
4 in section 4 (in the matter preceding division A of this
5 consolidated Act).

6 VETERANS ELECTRONIC HEALTH RECORD

7 For activities related to implementation, preparation,
8 development, interface, management, rollout, and mainte-
9 nance of a Veterans Electronic Health Record system, in-
10 cluding contractual costs associated with operations au-
11 thorized by section 3109 of title 5, United States Code,
12 and salaries and expenses of employees hired under titles
13 5 and 38, United States Code, \$782,000,000, to remain
14 available until September 30, 2020: *Provided*, That the
15 Secretary of Veterans Affairs shall submit to the Commit-
16 tees on Appropriations of both Houses of Congress quar-
17 terly reports detailing obligations, expenditures, and de-
18 ployment implementation by facility: *Provided further*,
19 That the funds provided in this account shall only be avail-
20 able to the Office of the Deputy Secretary, to be adminis-
21 tered by that Office.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General, to include information technology, in carrying out
25 the provisions of the Inspector General Act of 1978 (5

1 U.S.C. App.), \$164,000,000, of which not to exceed 10
2 percent shall remain available until September 30, 2019.

3 CONSTRUCTION, MAJOR PROJECTS

4 For constructing, altering, extending, and improving
5 any of the facilities, including parking projects, under the
6 jurisdiction or for the use of the Department of Veterans
7 Affairs, or for any of the purposes set forth in sections
8 316, 2404, 2406 and chapter 81 of title 38, United States
9 Code, not otherwise provided for, including planning, ar-
10 chitectural and engineering services, construction manage-
11 ment services, maintenance or guarantee period services
12 costs associated with equipment guarantees provided
13 under the project, services of claims analysts, offsite utility
14 and storm drainage system construction costs, and site ac-
15 quisition, where the estimated cost of a project is more
16 than the amount set forth in section 8104(a)(3)(A) of title
17 38, United States Code, or where funds for a project were
18 made available in a previous major project appropriation,
19 \$512,430,000, of which \$432,430,000 shall remain avail-
20 able until September 30, 2022, and of which \$80,000,000
21 shall remain available until expended: *Provided*, That ex-
22 cept for advance planning activities, including needs as-
23 sessments which may or may not lead to capital invest-
24 ments, and other capital asset management related activi-
25 ties, including portfolio development and management ac-

1 tivities, and investment strategy studies funded through
2 the advance planning fund and the planning and design
3 activities funded through the design fund, including needs
4 assessments which may or may not lead to capital invest-
5 ments, and salaries and associated costs of the resident
6 engineers who oversee those capital investments funded
7 through this account and contracting officers who manage
8 specific major construction projects, and funds provided
9 for the purchase, security, and maintenance of land for
10 the National Cemetery Administration through the land
11 acquisition line item, none of the funds made available
12 under this heading shall be used for any project that has
13 not been notified to Congress through the budgetary proc-
14 ess or that has not been approved by the Congress through
15 statute, joint resolution, or in the explanatory statement
16 accompanying such Act and presented to the President at
17 the time of enrollment: *Provided further*, That funds made
18 available under this heading for fiscal year 2018, for each
19 approved project shall be obligated: (1) by the awarding
20 of a construction documents contract by September 30,
21 2018; and (2) by the awarding of a construction contract
22 by September 30, 2019: *Provided further*, That the Sec-
23 retary of Veterans Affairs shall promptly submit to the
24 Committees on Appropriations of both Houses of Congress
25 a written report on any approved major construction

1 project for which obligations are not incurred within the
2 time limitations established above: *Provided further*, That,
3 of the amount made available under this heading,
4 \$117,300,000 for Veterans Health Administration major
5 construction projects shall not be available until the De-
6 partment of Veterans Affairs—

7 (1) enters into an agreement with an appro-
8 priate non-Department of Veterans Affairs Federal
9 entity to serve as the design and/or construction
10 agent for any Veterans Health Administration major
11 construction project with a Total Estimated Cost of
12 \$100,000,000 or above by providing full project
13 management services, including management of the
14 project design, acquisition, construction, and con-
15 tract changes, consistent with section 502 of Public
16 Law 114–58; and

17 (2) certifies in writing that such an agreement
18 is executed and intended to minimize or prevent sub-
19 sequent major construction project cost overruns
20 and provides a copy of the agreement entered into
21 and any required supplementary information to the
22 Committees on Appropriations of both Houses of
23 Congress.

1 CONSTRUCTION, MINOR PROJECTS

2 For constructing, altering, extending, and improving
3 any of the facilities, including parking projects, under the
4 jurisdiction or for the use of the Department of Veterans
5 Affairs, including planning and assessments of needs
6 which may lead to capital investments, architectural and
7 engineering services, maintenance or guarantee period
8 services costs associated with equipment guarantees pro-
9 vided under the project, services of claims analysts, offsite
10 utility and storm drainage system construction costs, and
11 site acquisition, or for any of the purposes set forth in
12 sections 316, 2404, 2406 and chapter 81 of title 38,
13 United States Code, not otherwise provided for, where the
14 estimated cost of a project is equal to or less than the
15 amount set forth in section 8104(a)(3)(A) of title 38,
16 United States Code, \$342,570,000, to remain available
17 until September 30, 2022, along with unobligated balances
18 of previous “Construction, Minor Projects” appropriations
19 which are hereby made available for any project where the
20 estimated cost is equal to or less than the amount set forth
21 in such section: *Provided*, That funds made available
22 under this heading shall be for: (1) repairs to any of the
23 nonmedical facilities under the jurisdiction or for the use
24 of the Department which are necessary because of loss or
25 damage caused by any natural disaster or catastrophe;

1 and (2) temporary measures necessary to prevent or to
2 minimize further loss by such causes.

3 GRANTS FOR CONSTRUCTION OF
4 STATE EXTENDED CARE FACILITIES

5 For grants to assist States to acquire or construct
6 State nursing home and domiciliary facilities and to re-
7 model, modify, or alter existing hospital, nursing home,
8 and domiciliary facilities in State homes, for furnishing
9 care to veterans as authorized by sections 8131 through
10 8137 of title 38, United States Code, \$110,000,000, to
11 remain available until expended.

12 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

13 For grants to assist States and tribal organizations
14 in establishing, expanding, or improving veterans ceme-
15 teries as authorized by section 2408 of title 38, United
16 States Code, \$45,000,000, to remain available until ex-
17 pended.

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 201. Any appropriation for fiscal year 2018 for
21 “Compensation and Pensions”, “Readjustment Benefits”,
22 and “Veterans Insurance and Indemnities” may be trans-
23 ferred as necessary to any other of the mentioned appro-
24 priations: *Provided*, That, before a transfer may take
25 place, the Secretary of Veterans Affairs shall request from

1 the Committees on Appropriations of both Houses of Con-
2 gress the authority to make the transfer and such Com-
3 mittees issue an approval, or absent a response, a period
4 of 30 days has elapsed.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 202. Amounts made available for the Depart-
7 ment of Veterans Affairs for fiscal year 2018, in this or
8 any other Act, under the “Medical Services”, “Medical
9 Community Care”, “Medical Support and Compliance”,
10 and “Medical Facilities” accounts may be transferred
11 among the accounts: *Provided*, That any transfers among
12 the “Medical Services”, “Medical Community Care”, and
13 “Medical Support and Compliance” accounts of 1 percent
14 or less of the total amount appropriated to the account
15 in this or any other Act may take place subject to notifica-
16 tion from the Secretary of Veterans Affairs to the Com-
17 mittees on Appropriations of both Houses of Congress of
18 the amount and purpose of the transfer: *Provided further*,
19 That any transfers among the “Medical Services”, “Med-
20 ical Community Care”, and “Medical Support and Compli-
21 ance” accounts in excess of 1 percent, or exceeding the
22 cumulative 1 percent for the fiscal year, may take place
23 only after the Secretary requests from the Committees on
24 Appropriations of both Houses of Congress the authority
25 to make the transfer and an approval is issued: *Provided*

1 *further*, That any transfers to or from the “Medical Facili-
2 ties” account may take place only after the Secretary re-
3 quests from the Committees on Appropriations of both
4 Houses of Congress the authority to make the transfer
5 and an approval is issued.

6 SEC. 203. Appropriations available in this title for
7 salaries and expenses shall be available for services au-
8 thorized by section 3109 of title 5, United States Code;
9 hire of passenger motor vehicles; lease of a facility or land
10 or both; and uniforms or allowances therefore, as author-
11 ized by sections 5901 through 5902 of title 5, United
12 States Code.

13 SEC. 204. No appropriations in this title (except the
14 appropriations for “Construction, Major Projects”, and
15 “Construction, Minor Projects”) shall be available for the
16 purchase of any site for or toward the construction of any
17 new hospital or home.

18 SEC. 205. No appropriations in this title shall be
19 available for hospitalization or examination of any persons
20 (except beneficiaries entitled to such hospitalization or ex-
21 amination under the laws providing such benefits to vet-
22 erans, and persons receiving such treatment under sec-
23 tions 7901 through 7904 of title 5, United States Code,
24 or the Robert T. Stafford Disaster Relief and Emergency
25 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-

1 bursement of the cost of such hospitalization or examina-
2 tion is made to the “Medical Services” account at such
3 rates as may be fixed by the Secretary of Veterans Affairs.

4 SEC. 206. Appropriations available in this title for
5 “Compensation and Pensions”, “Readjustment Benefits”,
6 and “Veterans Insurance and Indemnities” shall be avail-
7 able for payment of prior year accrued obligations re-
8 quired to be recorded by law against the corresponding
9 prior year accounts within the last quarter of fiscal year
10 2017.

11 SEC. 207. Appropriations available in this title shall
12 be available to pay prior year obligations of corresponding
13 prior year appropriations accounts resulting from sections
14 3328(a), 3334, and 3712(a) of title 31, United States
15 Code, except that if such obligations are from trust fund
16 accounts they shall be payable only from “Compensation
17 and Pensions”.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 208. Notwithstanding any other provision of
20 law, during fiscal year 2018, the Secretary of Veterans
21 Affairs shall, from the National Service Life Insurance
22 Fund under section 1920 of title 38, United States Code,
23 the Veterans’ Special Life Insurance Fund under section
24 1923 of title 38, United States Code, and the United
25 States Government Life Insurance Fund under section

1 1955 of title 38, United States Code, reimburse the “Gen-
2 eral Operating Expenses, Veterans Benefits Administra-
3 tion” and “Information Technology Systems” accounts for
4 the cost of administration of the insurance programs fi-
5 nanced through those accounts: *Provided*, That reimburse-
6 ment shall be made only from the surplus earnings accu-
7 mulated in such an insurance program during fiscal year
8 2018 that are available for dividends in that program after
9 claims have been paid and actuarially determined reserves
10 have been set aside: *Provided further*, That if the cost of
11 administration of such an insurance program exceeds the
12 amount of surplus earnings accumulated in that program,
13 reimbursement shall be made only to the extent of such
14 surplus earnings: *Provided further*, That the Secretary
15 shall determine the cost of administration for fiscal year
16 2018 which is properly allocable to the provision of each
17 such insurance program and to the provision of any total
18 disability income insurance included in that insurance pro-
19 gram.

20 SEC. 209. Amounts deducted from enhanced-use
21 lease proceeds to reimburse an account for expenses in-
22 curred by that account during a prior fiscal year for pro-
23 viding enhanced-use lease services, may be obligated dur-
24 ing the fiscal year in which the proceeds are received.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 210. Funds available in this title or funds for
3 salaries and other administrative expenses shall also be
4 available to reimburse the Office of Resolution Manage-
5 ment, the Office of Employment Discrimination Complaint
6 Adjudication, the Office of Accountability and Whistle-
7 blower Protection, and the Office of Diversity and Inclu-
8 sion for all services provided at rates which will recover
9 actual costs but not to exceed \$47,668,000 for the Office
10 of Resolution Management, \$3,932,000 for the Office of
11 Employment Discrimination Complaint Adjudication,
12 \$17,620,000 for the Office of Accountability and Whistle-
13 blower Protection, and \$2,973,000 for the Office of Diver-
14 sity and Inclusion: *Provided*, That payments may be made
15 in advance for services to be furnished based on estimated
16 costs: *Provided further*, That amounts received shall be
17 credited to the “General Administration” and “Informa-
18 tion Technology Systems” accounts for use by the office
19 that provided the service.

20 SEC. 211. No funds of the Department of Veterans
21 Affairs shall be available for hospital care, nursing home
22 care, or medical services provided to any person under
23 chapter 17 of title 38, United States Code, for a non-serv-
24 ice-connected disability described in section 1729(a)(2) of
25 such title, unless that person has disclosed to the Sec-

1 retary of Veterans Affairs, in such form as the Secretary
2 may require, current, accurate third-party reimbursement
3 information for purposes of section 1729 of such title: *Pro-*
4 *vided*, That the Secretary may recover, in the same man-
5 ner as any other debt due the United States, the reason-
6 able charges for such care or services from any person who
7 does not make such disclosure as required: *Provided fur-*
8 *ther*, That any amounts so recovered for care or services
9 provided in a prior fiscal year may be obligated by the
10 Secretary during the fiscal year in which amounts are re-
11 ceived.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 212. Notwithstanding any other provision of
14 law, proceeds or revenues derived from enhanced-use leas-
15 ing activities (including disposal) may be deposited into
16 the “Construction, Major Projects” and “Construction,
17 Minor Projects” accounts and be used for construction
18 (including site acquisition and disposition), alterations,
19 and improvements of any medical facility under the juris-
20 diction or for the use of the Department of Veterans Af-
21 fairs. Such sums as realized are in addition to the amount
22 provided for in “Construction, Major Projects” and “Con-
23 struction, Minor Projects”.

24 SEC. 213. Amounts made available under “Medical
25 Services” are available—

1 (1) for furnishing recreational facilities, sup-
2 plies, and equipment; and

3 (2) for funeral expenses, burial expenses, and
4 other expenses incidental to funerals and burials for
5 beneficiaries receiving care in the Department.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 214. Such sums as may be deposited to the
8 Medical Care Collections Fund pursuant to section 1729A
9 of title 38, United States Code, may be transferred to the
10 “Medical Services” and “Medical Community Care” ac-
11 counts to remain available until expended for the purposes
12 of these accounts.

13 SEC. 215. The Secretary of Veterans Affairs may
14 enter into agreements with Federally Qualified Health
15 Centers in the State of Alaska and Indian tribes and tribal
16 organizations which are party to the Alaska Native Health
17 Compact with the Indian Health Service, to provide
18 healthcare, including behavioral health and dental care, to
19 veterans in rural Alaska. The Secretary shall require par-
20 ticipating veterans and facilities to comply with all appro-
21 priate rules and regulations, as established by the Sec-
22 retary. The term “rural Alaska” shall mean those lands
23 which are not within the boundaries of the municipality
24 of Anchorage or the Fairbanks North Star Borough.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 216. Such sums as may be deposited to the De-
3 partment of Veterans Affairs Capital Asset Fund pursu-
4 ant to section 8118 of title 38, United States Code, may
5 be transferred to the “Construction, Major Projects” and
6 “Construction, Minor Projects” accounts, to remain avail-
7 able until expended for the purposes of these accounts.

8 SEC. 217. Not later than 30 days after the end of
9 each fiscal quarter, the Secretary of Veterans Affairs shall
10 submit to the Committees on Appropriations of both
11 Houses of Congress a report on the financial status of the
12 Department of Veterans Affairs for the preceding quarter:
13 *Provided*, That, at a minimum, the report shall include
14 the direction contained in the paragraph entitled “Quar-
15 terly reporting”, under the heading “General Administra-
16 tion” in the joint explanatory statement accompanying
17 Public Law 114–223.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 218. Amounts made available under the “Med-
20 ical Services”, “Medical Community Care”, “Medical Sup-
21 port and Compliance”, “Medical Facilities”, “General Op-
22 erating Expenses, Veterans Benefits Administration”,
23 “Board of Veterans Appeals”, “General Administration”,
24 and “National Cemetery Administration” accounts for fis-
25 cal year 2018 may be transferred to or from the “Informa-

1 tion Technology Systems” account: *Provided*, That such
2 transfers may not result in a more than 10 percent aggre-
3 gate increase in the total amount made available by this
4 Act for the “Information Technology Systems” account:
5 *Provided further*, That, before a transfer may take place,
6 the Secretary of Veterans Affairs shall request from the
7 Committees on Appropriations of both Houses of Congress
8 the authority to make the transfer and an approval is
9 issued.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 219. Of the amounts appropriated to the De-
12 partment of Veterans Affairs for fiscal year 2018 for
13 “Medical Services”, “Medical Community Care”, “Medical
14 Support and Compliance”, “Medical Facilities”, “Con-
15 struction, Minor Projects”, and “Information Technology
16 Systems”, up to \$297,137,000, plus reimbursements, may
17 be transferred to the Joint Department of Defense—De-
18 partment of Veterans Affairs Medical Facility Demonstra-
19 tion Fund, established by section 1704 of the National De-
20 fense Authorization Act for Fiscal Year 2010 (Public Law
21 111–84; 123 Stat. 3571) and may be used for operation
22 of the facilities designated as combined Federal medical
23 facilities as described by section 706 of the Duncan
24 Hunter National Defense Authorization Act for Fiscal
25 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*

1 *vided*, That additional funds may be transferred from ac-
2 counts designated in this section to the Joint Department
3 of Defense—Department of Veterans Affairs Medical Fa-
4 cility Demonstration Fund upon written notification by
5 the Secretary of Veterans Affairs to the Committees on
6 Appropriations of both Houses of Congress: *Provided fur-*
7 *ther*, That section 222 of title II of division A of Public
8 Law 114–223 is repealed.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 220. Of the amounts appropriated to the De-
11 partment of Veterans Affairs which become available on
12 October 1, 2018, for “Medical Services”, “Medical Com-
13 munity Care”, “Medical Support and Compliance”, and
14 “Medical Facilities”, up to \$306,378,000, plus reimburse-
15 ments, may be transferred to the Joint Department of De-
16 fense—Department of Veterans Affairs Medical Facility
17 Demonstration Fund, established by section 1704 of the
18 National Defense Authorization Act for Fiscal Year 2010
19 (Public Law 111–84; 123 Stat. 3571) and may be used
20 for operation of the facilities designated as combined Fed-
21 eral medical facilities as described by section 706 of the
22 Duncan Hunter National Defense Authorization Act for
23 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):
24 *Provided*, That additional funds may be transferred from
25 accounts designated in this section to the Joint Depart-

1 ment of Defense—Department of Veterans Affairs Med-
2 ical Facility Demonstration Fund upon written notifica-
3 tion by the Secretary of Veterans Affairs to the Commit-
4 tees on Appropriations of both Houses of Congress.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 221. Such sums as may be deposited to the
7 Medical Care Collections Fund pursuant to section 1729A
8 of title 38, United States Code, for healthcare provided
9 at facilities designated as combined Federal medical facili-
10 ties as described by section 706 of the Duncan Hunter
11 National Defense Authorization Act for Fiscal Year 2009
12 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
13 able: (1) for transfer to the Joint Department of De-
14 fense—Department of Veterans Affairs Medical Facility
15 Demonstration Fund, established by section 1704 of the
16 National Defense Authorization Act for Fiscal Year 2010
17 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
18 ations of the facilities designated as combined Federal
19 medical facilities as described by section 706 of the Dun-
20 can Hunter National Defense Authorization Act for Fiscal
21 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
22 *vided*, That, notwithstanding section 1704(b)(3) of the
23 National Defense Authorization Act for Fiscal Year 2010
24 (Public Law 111–84; 123 Stat. 2573), amounts trans-
25 ferred to the Joint Department of Defense—Department

1 of Veterans Affairs Medical Facility Demonstration Fund
2 shall remain available until expended.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 222. Of the amounts available in this title for
5 “Medical Services”, “Medical Community Care”, “Medical
6 Support and Compliance”, and “Medical Facilities”, a
7 minimum of \$15,000,000 shall be transferred to the
8 DOD–VA Health Care Sharing Incentive Fund, as au-
9 thorized by section 8111(d) of title 38, United States
10 Code, to remain available until expended, for any purpose
11 authorized by section 8111 of title 38, United States Code.

12 SEC. 223. None of the funds available to the Depart-
13 ment of Veterans Affairs, in this or any other Act, may
14 be used to replace the current system by which the Vet-
15 erans Integrated Service Networks select and contract for
16 diabetes monitoring supplies and equipment.

17 SEC. 224. The Secretary of Veterans Affairs shall no-
18 tify the Committees on Appropriations of both Houses of
19 Congress of all bid savings in a major construction project
20 that total at least \$5,000,000, or 5 percent of the pro-
21 grammed amount of the project, whichever is less: *Pro-*
22 *vided*, That such notification shall occur within 14 days
23 of a contract identifying the programmed amount: *Pro-*
24 *vided further*, That the Secretary shall notify the Commit-
25 tees on Appropriations of both Houses of Congress 14

1 days prior to the obligation of such bid savings and shall
2 describe the anticipated use of such savings.

3 SEC. 225. None of the funds made available for
4 “Construction, Major Projects” may be used for a project
5 in excess of the scope specified for that project in the origi-
6 nal justification data provided to the Congress as part of
7 the request for appropriations unless the Secretary of Vet-
8 erans Affairs receives approval from the Committees on
9 Appropriations of both Houses of Congress.

10 SEC. 226. Not later than 30 days after the end of
11 each fiscal quarter, the Secretary of Veterans Affairs shall
12 submit to the Committees on Appropriations of both
13 Houses of Congress a quarterly report containing perform-
14 ance measures and data from each Veterans Benefits Ad-
15 ministration Regional Office: *Provided*, That, at a min-
16 imum, the report shall include the direction contained in
17 the section entitled “Disability claims backlog”, under the
18 heading “General Operating Expenses, Veterans Benefits
19 Administration” in the joint explanatory statement accom-
20 panying Public Law 114–223: *Provided further*, That the
21 report shall also include information on the number of ap-
22 peals pending at the Veterans Benefits Administration as
23 well as the Board of Veterans Appeals on a quarterly
24 basis.

1 SEC. 227. The Secretary of Veterans Affairs shall
2 provide written notification to the Committees on Appro-
3 priations of both Houses of Congress 15 days prior to or-
4 ganizational changes which result in the transfer of 25 or
5 more full-time equivalents from one organizational unit of
6 the Department of Veterans Affairs to another.

7 SEC. 228. The Secretary of Veterans Affairs shall
8 provide on a quarterly basis to the Committees on Appro-
9 priations of both Houses of Congress notification of any
10 single national outreach and awareness marketing cam-
11 paign in which obligations exceed \$2,000,000.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 229. The Secretary of Veterans Affairs, upon
14 determination that such action is necessary to address
15 needs of the Veterans Health Administration, may trans-
16 fer to the “Medical Services” account any discretionary
17 appropriations made available for fiscal year 2018 in this
18 title (except appropriations made to the “General Oper-
19 ating Expenses, Veterans Benefits Administration” ac-
20 count) or any discretionary unobligated balances within
21 the Department of Veterans Affairs, including those ap-
22 propriated for fiscal year 2018, that were provided in ad-
23 vance by appropriations Acts: *Provided*, That transfers
24 shall be made only with the approval of the Office of Man-
25 agement and Budget: *Provided further*, That the transfer

1 authority provided in this section is in addition to any
2 other transfer authority provided by law: *Provided further*,
3 That no amounts may be transferred from amounts that
4 were designated by Congress as an emergency requirement
5 pursuant to a concurrent resolution on the budget or the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985: *Provided further*, That such authority to transfer
8 may not be used unless for higher priority items, based
9 on emergent healthcare requirements, than those for
10 which originally appropriated and in no case where the
11 item for which funds are requested has been denied by
12 Congress: *Provided further*, That, upon determination that
13 all or part of the funds transferred from an appropriation
14 are not necessary, such amounts may be transferred back
15 to that appropriation and shall be available for the same
16 purposes as originally appropriated: *Provided further*,
17 That before a transfer may take place, the Secretary of
18 Veterans Affairs shall request from the Committees on
19 Appropriations of both Houses of Congress the authority
20 to make the transfer and receive approval of that request.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 230. Amounts made available for the Depart-
23 ment of Veterans Affairs for fiscal year 2018, under the
24 “Board of Veterans Appeals” and the “General Operating
25 Expenses, Veterans Benefits Administration” accounts

1 may be transferred between such accounts: *Provided*, That
2 before a transfer may take place, the Secretary of Vet-
3 erans Affairs shall request from the Committees on Appro-
4 priations of both Houses of Congress the authority to
5 make the transfer and receive approval of that request.

6 SEC. 231. The Secretary of Veterans Affairs may not
7 reprogram funds among major construction projects or
8 programs if such instance of reprogramming will exceed
9 \$7,000,000, unless such reprogramming is approved by
10 the Committees on Appropriations of both Houses of Con-
11 gress.

12 SEC. 232. (a) The Secretary of Veterans Affairs shall
13 ensure that the toll-free suicide hotline under section
14 1720F(h) of title 38, United States Code—

15 (1) provides to individuals who contact the hot-
16 line immediate assistance from a trained profes-
17 sional; and

18 (2) adheres to all requirements of the American
19 Association of Suicidology.

20 (b)(1) None of the funds made available by this Act
21 may be used to enforce or otherwise carry out any Execu-
22 tive action that prohibits the Secretary of Veterans Affairs
23 from appointing an individual to occupy a vacant civil
24 service position, or establishing a new civil service position,
25 at the Department of Veterans Affairs with respect to

1 such a position relating to the hotline specified in sub-
2 section (a).

3 (2) In this subsection—

4 (A) the term “civil service” has the meaning
5 given such term in section 2101(1) of title 5, United
6 States Code; and

7 (B) the term “Executive action” includes—

8 (i) any Executive order, presidential memo-
9 randum, or other action by the President; and

10 (ii) any agency policy, order, or other di-
11 rective.

12 SEC. 233. None of the funds in this or any other Act
13 may be used to close Department of Veterans Affairs (VA)
14 hospitals, domiciliaries, or clinics, conduct an environ-
15 mental assessment, or to diminish healthcare services at
16 existing Veterans Health Administration medical facilities
17 located in Veterans Integrated Service Network 23 as part
18 of a planned realignment of VA services until the Sec-
19 retary provides to the Committees on Appropriations of
20 both Houses of Congress a report including the following
21 elements:

22 (1) a national realignment strategy that in-
23 cludes a detailed description of realignment plans
24 within each Veterans Integrated Services Network

1 (VISN), including an updated Long Range Capital
2 Plan to implement realignment requirements;

3 (2) an explanation of the process by which
4 those plans were developed and coordinated within
5 each VISN;

6 (3) a cost versus benefit analysis of each
7 planned realignment, including the cost of replacing
8 Veterans Health Administration services with con-
9 tract care or other outsourced services;

10 (4) an analysis of how any such planned re-
11 alignment of services will impact access to care for
12 veterans living in rural or highly rural areas, includ-
13 ing travel distances and transportation costs to ac-
14 cess a VA medical facility and availability of local
15 specialty and primary care;

16 (5) an inventory of VA buildings with historic
17 designation and the methodology used to determine
18 the buildings' condition and utilization;

19 (6) a description of how any realignment will be
20 consistent with requirements under the National
21 Historic Preservation Act; and

22 (7) consideration given for reuse of historic
23 buildings within newly identified realignment re-
24 quirements: *Provided*, That, this provision shall not
25 apply to capital projects in VISN 23, or any other

1 VISN, which have been authorized or approved by
2 Congress.

3 SEC. 234. Section 8109(b) of title 38, United States
4 Code, is amended—

5 (1) in paragraph (2), by striking “and” at the
6 end;

7 (2) in paragraph (3), by striking the period and
8 inserting “; and”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(4) notwithstanding subsection (a) of section 1344
12 of title 31, may use a passenger carrier (as such term is
13 defined in subsection (h)(1) of such section) to transport
14 such an employee between a parking facility and the med-
15 ical facility of the Department at which the employee
16 works.”.

17 SEC. 235. None of the funds made available to the
18 Secretary of Veterans Affairs by this or any other Act may
19 be obligated or expended in contravention of the “Veterans
20 Health Administration Clinical Preventive Services Guid-
21 ance Statement on the Veterans Health Administration’s
22 Screening for Breast Cancer Guidance” published on May
23 10, 2017, as issued by the Veterans Health Administra-
24 tion National Center for Health Promotion and Disease
25 Prevention.

1 SEC. 236. (a) Notwithstanding any other provision
2 of law, the amounts appropriated or otherwise made avail-
3 able to the Department of Veterans Affairs for the “Med-
4 ical Services” account may be used to provide—

5 (1) fertility counseling and treatment using as-
6 sisted reproductive technology to a covered veteran
7 or the spouse of a covered veteran; or

8 (2) adoption reimbursement to a covered vet-
9 eran.

10 (b) In this section:

11 (1) The term “service-connected” has the
12 meaning given such term in section 101 of title 38,
13 United States Code.

14 (2) The term “covered veteran” means a vet-
15 eran, as such term is defined in section 101 of title
16 38, United States Code, who has a service-connected
17 disability that results in the inability of the veteran
18 to procreate without the use of fertility treatment.

19 (3) The term “assisted reproductive tech-
20 nology” means benefits relating to reproductive as-
21 sistance provided to a member of the Armed Forces
22 who incurs a serious injury or illness on active duty
23 pursuant to section 1074(c)(4)(A) of title 10, United
24 States Code, as described in the memorandum on
25 the subject of “Policy for Assisted Reproductive

1 Services for the Benefit of Seriously or Severely Ill/
2 Injured (Category II or III) Active Duty Service
3 Members” issued by the Assistant Secretary of De-
4 fense for Health Affairs on April 3, 2012, and the
5 guidance issued to implement such policy, including
6 any limitations on the amount of such benefits avail-
7 able to such a member except that—

8 (A) the time periods regarding embryo
9 cryopreservation and storage set forth in part
10 III(G) and in part IV(H) of such memorandum
11 shall not apply; and

12 (B) such term includes embryo
13 cryopreservation and storage without limitation
14 on the duration of such cryopreservation and
15 storage.

16 (4) The term “adoption reimbursement” means
17 reimbursement for the adoption-related expenses for
18 an adoption that is finalized after the date of the en-
19 actment of this Act under the same terms as apply
20 under the adoption reimbursement program of the
21 Department of Defense, as authorized in Depart-
22 ment of Defense Instruction 1341.09, including the
23 reimbursement limits and requirements set forth in
24 such instruction.

1 (c) Amounts made available for the purposes speci-
2 fied in subsection (a) of this section are subject to the
3 requirements for funds contained in section 508 of division
4 H of the Consolidated Appropriations Act, 2017 (Public
5 Law 115–31).

6 (RESCISSION OF FUNDS)

7 SEC. 237. Of the unobligated balance of funds made
8 available in the sixth proviso under the heading “Depart-
9 ment of Veterans Affairs—Veterans Health Administra-
10 tion—Medical Services” in title II of Division J of the
11 Consolidated Appropriations Act, 2016 (Public Law 114–
12 113), \$751,000,000 is hereby rescinded.

13 SEC. 238. None of the funds appropriated or other-
14 wise made available by this Act or any other Act for the
15 Department of Veterans Affairs may be used in a manner
16 that is inconsistent with: (1) section 842 of the Transpor-
17 tation, Treasury, Housing and Urban Development, the
18 Judiciary, the District of Columbia, and Independent
19 Agencies Appropriations Act, 2006 (Public Law 109–115;
20 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
21 United States Code.

22 SEC. 239. Section 842 of Public Law 109–115 shall
23 not apply to conversion of an activity or function of the
24 Veterans Health Administration, Veterans Benefits Ad-
25 ministration, or National Cemetery Administration to con-

1 tractor performance by a business concern that is at least
2 51 percent owned by one or more Indian tribes as defined
3 in section 5304(e) of title 25, United States Code, or one
4 or more Native Hawaiian Organizations as defined in sec-
5 tion 637(a)(15) of title 15, United States Code.

6 SEC. 240. (a) Except as provided in subsection (b),
7 the Secretary of Veterans Affairs, in consultation with the
8 Secretary of Defense and the Secretary of Labor, shall dis-
9 continue using Social Security account numbers to identify
10 individuals in all information systems of the Department
11 of Veterans Affairs as follows:

12 (1) For all veterans submitting to the Secretary
13 of Veterans Affairs new claims for benefits under
14 laws administered by the Secretary, not later than 5
15 years after the date of the enactment of this Act.

16 (2) For all individuals not described in para-
17 graph (1), not later than 8 years after the date of
18 the enactment of this Act.

19 (b) The Secretary of Veterans Affairs may use a So-
20 cial Security account number to identify an individual in
21 an information system of the Department of Veterans Af-
22 fairs if and only if the use of such number is required
23 to obtain information the Secretary requires from an in-
24 formation system that is not under the jurisdiction of the
25 Secretary.

1 (d) For an additional amount for “Construction,
2 Major Projects”, \$410,000,000, to remain available until
3 September 30, 2024.

4 SEC. 244. Of the funds provided to the Department
5 of Veterans Affairs for each of fiscal year 2018 and fiscal
6 year 2019 for “Medical Services”, funds may be used in
7 each year to carry out and expand the child care program
8 authorized by section 205 of Public Law 111–163, not-
9 withstanding subsection (e) of such section.

10 SEC. 245. (a) Section 204(c) of the Department of
11 Veterans Affairs Health Care Programs Enhancement Act
12 of 2001 (Public Law 107–135; 38 U.S.C. 1710 note) is
13 amended—

14 (1) by inserting “(1)” before “The program”;
15 and

16 (2) by adding at the end the following new
17 paragraph:

18 “(2) The program shall be carried out at not
19 fewer than two medical centers or clinics in each
20 Veterans Integrated Service Network by not later
21 than December 31, 2019, and at not fewer than 50
22 percent of all medical centers in each Veterans Inte-
23 grated Service Network by not later than December
24 31, 2021.”.

1 (b)(1) Paragraph (6) of section 1701 of title 38,
2 United States Code, is amended by adding at the end the
3 following new subparagraph:

4 “(H) Chiropractic services.”.

5 (2) Paragraph (8) of such section is amended by in-
6 serting “chiropractic,” after “counseling,”.

7 (3) Paragraph (9) of such section is amended—

8 (A) by redesignating subparagraphs (F)
9 through (K) as subparagraphs (G) through (L), re-
10 spectively; and

11 (B) by inserting after subparagraph (E) the fol-
12 lowing new subparagraph (F):

13 “(F) chiropractic examinations and serv-
14 ices;”.

15 SEC. 246. (a) PILOT PROGRAM.—The Secretary of
16 Veterans Affairs shall carry out a pilot program to provide
17 educational assistance to certain former members of the
18 Armed Forces for education and training as physician as-
19 sistants of the Department of Veterans Affairs.

20 (b) ELIGIBLE INDIVIDUALS.—An individual is eligi-
21 ble to participate in the pilot program if the individual—

22 (1) has medical or military health experience
23 gained while serving as a member of the Armed
24 Forces;

1 (2) has received a certificate, associate degree,
2 baccalaureate degree, master's degree, or
3 postbaccalaureate training in a science relating to
4 health care; or

5 (3) has participated in the delivery of
6 healthcare services or related medical services, in-
7 cluding participation in military training relating to
8 the identification, evaluation, treatment, and preven-
9 tion of diseases and disorders.

10 (c) DURATION.—The pilot program shall be carried
11 out during the 5-year period beginning on the date that
12 is 180 days after the date of the enactment of this Act.

13 (d) SELECTION.—

14 (1) The Secretary shall select eligible individ-
15 uals under subsection (b) to participate in the pilot
16 program.

17 (2) In selecting individuals to participate in the
18 pilot program under paragraph (1), the Secretary
19 shall give priority to individuals who agree to be em-
20 ployed as a physician assistant for the Veterans
21 Health Administration at a medical facility of the
22 Department located in a community that—

23 (A) is designated as a medically under-
24 served population under section 330(b)(3)(A) of

1 the Public Health Service Act (42 U.S.C.
2 254b(b)(3)(A)); and

3 (B) is in a State with a per capita popu-
4 lation of veterans of more than 5 percent ac-
5 cording to the National Center for Veterans
6 Analysis and Statistics and the United States
7 Census Bureau.

8 (e) EDUCATIONAL ASSISTANCE.—In carrying out the
9 pilot program, the Secretary shall provide educational as-
10 sistance to individuals participating in the pilot program,
11 including through the use of scholarships, to cover the
12 costs to such individuals of obtaining a master’s degree
13 in physician assistant studies or a similar master’s degree.

14 (f) PERIOD OF OBLIGATED SERVICE.—The Secretary
15 shall enter into an agreement with each individual partici-
16 pating in the pilot program in which such individual
17 agrees to be employed as a physician assistant for the Vet-
18 erans Health Administration for a period of obligated
19 service to be determined by the Secretary.

20 (g) BREACH.—An individual who participates in the
21 pilot program and fails to satisfy the period of obligated
22 service under subsection (f) shall be liable to the United
23 States, in lieu of such obligated service, for the amount
24 that has been paid or is payable to or on behalf of the
25 individual under the pilot program, reduced by the propor-

1 tion that the number of days served for completion of the
2 period of obligated service bears to the total number of
3 days in the period of obligated service of such individual.

4 (h) REPORT.—Not later than one year after the date
5 of the enactment of this Act, the Secretary of Veterans
6 Affairs, in collaboration with the Secretary of Labor, the
7 Secretary of Defense, and the Secretary of Health and
8 Human Services, shall submit to Congress a report on the
9 pilot program’s effectiveness of helping to meet the short-
10 age of physician assistants employed by the Department.

11 SEC. 247. For funds provided to the Department of
12 Veterans Affairs for each of fiscal year 2018 and 2019,
13 section 248 of Division A of Public Law 114–223 shall
14 apply.

15 SEC. 248. (a) The Secretary of Veterans Affairs may
16 use amounts appropriated or otherwise made available in
17 this title to ensure that the ratio of veterans to full-time
18 employment equivalents within any program of rehabilita-
19 tion conducted under chapter 31 of title 38, United States
20 Code, does not exceed 125 veterans to one full-time em-
21 ployment equivalent.

22 (b) Not later than 180 days after the date of the en-
23 actment of this Act, the Secretary shall submit to Con-
24 gress a report on the programs of rehabilitation conducted

1 under chapter 31 of title 38, United States Code, includ-
2 ing—

3 (1) an assessment of the veteran-to-staff ratio
4 for each such program; and

5 (2) recommendations for such action as the
6 Secretary considers necessary to reduce the veteran-
7 to-staff ratio for each such program.

8 SEC. 249. None of the funds appropriated or other-
9 wise made available in this title may be used by the Sec-
10 retary of Veterans Affairs to enter into an agreement re-
11 lated to resolving a dispute or claim with an individual
12 that would restrict in any way the individual from speak-
13 ing to members of Congress or their staff on any topic
14 not otherwise prohibited from disclosure by Federal law
15 or required by Executive Order to be kept secret in the
16 interest of national defense or the conduct of foreign af-
17 fairs.

18 SEC. 250. For funds provided to the Department of
19 Veterans Affairs for each of fiscal year 2018 and 2019,
20 section 258 of Division A of Public Law 114–223 shall
21 apply.

22 SEC. 251. (a) IN GENERAL.—Section 2402(a) of title
23 38, United States Code, is amended by adding at the end
24 the following new paragraph:

25 “(10) Any individual—

1 “(A) who—

2 “(i) was naturalized pursuant to sec-
3 tion 2(1) of the Hmong Veterans’ Natu-
4 ralization Act of 2000 (Public Law 106–
5 207; 8 U.S.C. 1423 note); and

6 “(ii) at the time of the individual’s
7 death resided in the United States.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall apply with respect to an individual
10 dying on or after the date of the enactment of this Act.

11 SEC. 252. The Secretary may carry out a 2-year pilot
12 program making grants to nonprofit veterans services or-
13 ganizations recognized by the Secretary in accordance
14 with section 5902 of title 38, United States Code, to up-
15 grade, through construction and repair, VSO community
16 facilities into health and wellness centers and to promote
17 and expand complementary and integrative wellness pro-
18 grams: *Provided*, That no single grant may exceed a total
19 of \$500,000: *Provided further*, That the Secretary may not
20 provide more than 20 grants during the 2-year pilot pro-
21 gram: *Provided further*, That the recipient of a grant
22 under this section may not use the grant to purchase real
23 estate or to carry out repair of facilities leased by the re-
24 cipient or to construct facilities on property leased by the
25 recipient: *Provided further*, That the Secretary ensures

1 that the grant recipients use grant funds to construct or
2 repair facilities located in at least 10 different geographic
3 locations in economically depressed areas or areas des-
4 ignated as highly rural that are not in close proximity to
5 Department of Veterans Affairs medical centers: *Provided*
6 *further*, That the Secretary shall report to the Committees
7 on Appropriations of both Houses of Congress no later
8 than 180 days after enactment of this Act, on the grant
9 program established under this section.

10 SEC. 253. None of the funds appropriated in this or
11 any other Act for “Grants for Construction of State Ex-
12 tended Care Facilities” may be used to award grants for
13 applications included in priority one of the priority list for
14 the first time which have been assigned a higher priority
15 ranking for fiscal year 2018 than unfunded applications
16 which met the eligibility requirements defined in section
17 8135(c) of title 38, United States Code, in fiscal year
18 2017 and continue to meet those requirements in fiscal
19 year 2018: *Provided*, That the Secretary may award
20 grants for new applications in fiscal year 2018 for projects
21 that did not meet eligibility requirements defined in sec-
22 tion 8135(c) of title 38, United States Code, in fiscal year
23 2017 only after applications which met priority one eligi-
24 bility requirements in fiscal year 2017 and continue to
25 meet those requirements defined in section 8135(c) of title

1 38, United States Code, have been funded: *Provided fur-*
2 *ther*, That nothing in this section shall preclude the Sec-
3 retary from assigning a higher priority ranking or funding
4 a grant application to correct conditions that threaten the
5 life or safety of patients which meet the criteria laid out
6 in section 8135(c) of title 38, United States Code.

7 SEC. 254. None of the funds appropriated or other-
8 wise made available by this Act may be used to conduct
9 research using canines unless: the scientific objectives of
10 the study can only be met by research with canines; the
11 study has been directly approved by the Secretary; and
12 the study is consistent with the revised Department of
13 Veterans Affairs canine research policy document released
14 on December 18, 2017: *Provided*, That not later than 180
15 days after enactment of this Act, the Secretary shall sub-
16 mit to the Committees on Appropriations of both Houses
17 of Congress a detailed report outlining under what cir-
18 cumstances canine research may be needed if there are
19 no other alternatives, how often it was used during that
20 time period, and what protocols are in place to determine
21 both the safety and efficacy of the research.

22 SEC. 255. For an additional amount for the Depart-
23 ment of Veterans Affairs, \$2,000,000,000 to remain avail-
24 able until expended, for infrastructure improvements, in-
25 cluding new construction, and in addition to amounts oth-

1 erwise made available in this act for such purpose, of
2 which:

3 (1) \$1,000,000,000 shall be for “Veterans
4 Health Administration—Medical Facilities” to be
5 used for non-recurring maintenance;

6 (2) \$425,000,000 shall be for “Departmental
7 Administration—Construction, Minor Projects”;
8 and,

9 (3) \$575,000,000 shall be for “Departmental
10 Administration—Grants for Construction of State
11 Extended Care Facilities”;

12 *Provided*, That the additional amounts appropriated for
13 the purposes of non-recurring maintenance and minor con-
14 struction may be used to carry out critical life-safety
15 projects identified in the Department’s annual facility con-
16 dition assessments; sustainment projects; modernization
17 projects; infrastructure repair; renovations at existing Vet-
18 erans Health Administration medical centers and out-
19 patient clinics; and projects included in the Strategic Cap-
20 ital Investment Process plan: *Provided further*, That the
21 additional amounts appropriated under this section may
22 not be obligated or expended until the Secretary of Vet-
23 erans Affairs submits to the Committees on Appropria-
24 tions of both Houses of Congress, and such Committees
25 approve, a detailed expenditure plan, including project de-

1 scriptions and costs, for any non-recurring maintenance,
2 minor construction or State extended care facility project
3 being funded with the additional amounts made available
4 in this administrative provision.

5 SEC. 256. Subsection (d) of section 504 of the Vet-
6 erans' Benefits Improvement Act of 1996 (Public Law
7 104–275; 38 U.S.C. 5101 note), as amended, is further
8 amended to read as follows:

9 “(c) SOURCE OF FUNDS.—Expenses of carrying out
10 the pilot program under this section, including payments
11 for pilot program examination travel and incidental ex-
12 penses under the terms and conditions set forth by 38
13 U.S.C. 111, shall be reimbursed to the accounts available
14 for the general operating expenses of the Veterans Bene-
15 fits Administration and information technology systems
16 from amounts available to the Secretary of Veterans Af-
17 fairs for payment of compensation and pensions.”.

18 SEC. 257. None of the funds made available by this
19 Act may be used to charge a veteran a fee for a veterans
20 identification card pursuant to section 5706(e) of title 38,
21 United States Code.

22 SEC. 258. (a) IN GENERAL.—Subchapter II of chap-
23 ter 17 of title 38, United States Code, is amended by add-
24 ing at the end the following new section:

1 **“§ 1712I. Mental and behavioral health care for cer-**
2 **tain former members of the Armed**
3 **Forces**

4 “(a) IN GENERAL.—The Secretary shall furnish to
5 former members of the Armed Forces described in sub-
6 section (b)—

7 “(1) an initial mental health assessment; and

8 “(2) the mental healthcare or behavioral
9 healthcare services authorized under this chapter
10 that are required to treat the mental or behavioral
11 health care needs of the former service members, in-
12 cluding risk of suicide or harming others.

13 “(b) ELIGIBLE INDIVIDUALS.—A former member of
14 the Armed Forces described in this subsection is an indi-
15 vidual who—

16 “(1) is a former member of the Armed Forces,
17 including the reserve components;

18 “(2) while serving in the active military, naval,
19 or air service, was discharged or released therefrom
20 under a condition that is not honorable but not—

21 “(A) a dishonorable discharge; or

22 “(B) a discharge by court-martial;

23 “(3) is not otherwise eligible to enroll in the
24 health care system established by section 1705 of
25 this title; and

1 “(4)(A)(i) served in the Armed Forces for a pe-
2 riod of more than 100 cumulative days; and

3 “(ii) was deployed in a theater of combat oper-
4 ations, in support of a contingency operation, or in
5 an area at a time during which hostilities are occur-
6 ring in that area during such service, including by
7 controlling an unmanned aerial vehicle from a loca-
8 tion other than such theater or area; or

9 “(B) while serving in the Armed Forces, was
10 the victim of a physical assault of a sexual nature,
11 a battery of a sexual nature, or sexual harassment
12 (as defined in section 1720D(f) of this title).

13 “(c) NON-DEPARTMENT CARE.—(1) In furnishing
14 mental or behavioral health care services to an individual
15 under this section, the Secretary may provide such mental
16 or behavioral health care services at a non-Department fa-
17 cility if—

18 “(A) in the judgment of a mental health profes-
19 sional employed by the Department, the receipt of
20 mental or behavioral health care services by that in-
21 dividual in facilities of the Department would be
22 clinically inadvisable; or

23 “(B) facilities of the Department are not capa-
24 ble of furnishing such mental or behavioral health

1 care services to that individual economically because
2 of geographical inaccessibility.

3 “(2) The Secretary shall carry out paragraph (1) pur-
4 suant to section 1703 of this title or any other provision
5 of law authorizing the Secretary to enter into contracts
6 or agreements to furnish hospital care and medical serv-
7 ices to veterans at non-Department facilities.

8 “(d) SETTING AND REFERRALS.—In furnishing men-
9 tal and behavioral health care services to individuals under
10 this section, the Secretary shall—

11 “(1) seek to ensure that such services are fur-
12 nished in settings that are therapeutically appro-
13 priate, taking into account the circumstances that
14 resulted in the need for such services; and

15 “(2) provide referral services to assist former
16 members who are not eligible for services under this
17 chapter to obtain services from sources outside the
18 Department.

19 “(e) INFORMATION.—The Secretary shall provide in-
20 formation on the mental and behavioral health care serv-
21 ices available under this section. Efforts by the Secretary
22 to provide such information—

23 “(1) shall include notification of each eligible
24 individual described in subsection (b) about the eligi-
25 bility of the individual for covered mental and behav-

1 ioral health care under this section not later than
2 the later of—

3 “(A) 180 days after the date of the enact-
4 ment of the Military Construction, Veterans Af-
5 fairs, and Related Agencies Appropriations Act,
6 2018; or

7 “(B) 180 days after the date on which the
8 individual was discharged or released from the
9 active military, naval, or air service;

10 “(2) shall include availability of a toll-free tele-
11 phone number (commonly referred to as an 800
12 number);

13 “(3) shall ensure that information about the
14 mental health care services available under this sec-
15 tion—

16 “(A) is revised and updated as appro-
17 priate;

18 “(B) is made available and visibly posted
19 at appropriate facilities of the Department; and

20 “(C) is made available to State veteran
21 agencies and through appropriate public infor-
22 mation services; and

23 “(4) shall include coordination with the Sec-
24 retary of Defense seeking to ensure that members of
25 the Armed Forces and individuals who are being

1 separated from active military, naval, or air service
2 are provided appropriate information about pro-
3 grams, requirements, and procedures for applying
4 for mental health care services under this section.

5 “(f) ANNUAL REPORTS.—(1) Not less frequently
6 than once each year, the Secretary shall submit to the
7 Committee on Veterans’ Affairs of the Senate and the
8 Committee on Veterans’ Affairs of the House of Rep-
9 resentatives a report on the mental and behavioral health
10 care services provided under this section.

11 “(2) Each report submitted under paragraph (1)
12 shall include, with respect to the year preceding the sub-
13 mittal of the report, the following:

14 “(A) The number of eligible individuals who
15 were furnished mental or behavioral health care
16 services under this section, disaggregated by the
17 number of men who received such services and the
18 number of women who received such services.

19 “(B) The number of individuals who requested
20 an initial mental health assessment under subsection
21 (a)(1).

22 “(C) Such other information as the Secretary
23 considers appropriate.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 17 of title 38, United States

1 Code, is amended by inserting after the item relating to
2 section 1720H the following new item:

“1720I. Mental and behavioral health care for certain former members of the
Armed Forces.”.

3 SEC. 259. (a) IN GENERAL.—Chapter 53 of title 38,
4 United States Code, is amended by inserting after section
5 5303A the following new section:

6 **“§ 5303B. Character of service determinations**

7 “(a) DETERMINATION.—The Secretary shall estab-
8 lish a process by which an individual who served in the
9 Armed Forces and was discharged or dismissed therefrom
10 may seek a determination from the Secretary with respect
11 to whether such discharge or release was under a condition
12 that bars the right of such individual to a benefit under
13 the laws administered by the Secretary based upon the pe-
14 riod of service from which discharged or dismissed.

15 “(b) PROVISION OF INFORMATION.—If the Secretary
16 determines under subsection (a) that an individual is
17 barred to a benefit under the laws administered by the
18 Secretary, the Secretary shall provide to such individual
19 information regarding the ability of the individual to ad-
20 dress such condition, including pursuant to section 5303
21 of this title and chapter 79 of title 10.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting

1 after the item relating to section 5303A the following new

2 item:

“5303B. Character of service determinations.”.

1197

1 TITLE III

2 RELATED AGENCIES

3 AMERICAN BATTLE MONUMENTS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$42,000 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$79,000,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for the operation of the
6 United States Court of Appeals for Veterans Claims as
7 authorized by sections 7251 through 7298 of title 38,
8 United States Code, \$33,600,000: *Provided*, That, of the
9 amount, up to \$800,000 may be transferred to the Gen-
10 eral Services Administration for planning and design of
11 a courthouse, to include a feasibility study: *Provided fur-*
12 *ther*, That \$2,580,000 shall be available for the purpose
13 of providing financial assistance as described and in ac-
14 cordance with the process and reporting procedures set
15 forth under this heading in Public Law 102–229.

16 DEPARTMENT OF DEFENSE—CIVIL

17 CEMETERIAL EXPENSES, ARMY

18 SALARIES AND EXPENSES

19 For necessary expenses for maintenance, operation,
20 and improvement of Arlington National Cemetery and Sol-
21 diers' and Airmen's Home National Cemetery, including
22 the purchase or lease of passenger motor vehicles for re-
23 placement on a one-for-one basis only, and not to exceed
24 \$2,000 for official reception and representation expenses,
25 \$80,800,000, of which not to exceed \$15,000,000 shall re-

1 main available until September 30, 2020. In addition,
2 such sums as may be necessary for parking maintenance,
3 repairs and replacement, to be derived from the “Lease
4 of Department of Defense Real Property for Defense
5 Agencies” account.

6 CONSTRUCTION

7 For necessary expenses for planning and design and
8 construction at Arlington National Cemetery and Soldiers’
9 and Airmen’s Home National Cemetery, \$167,000,000, to
10 remain available until expended, for planning and design
11 and construction associated with the Southern Expansion
12 project at Arlington National Cemetery.

13 ARMED FORCES RETIREMENT HOME

14 TRUST FUND

15 For expenses necessary for the Armed Forces Retire-
16 ment Home to operate and maintain the Armed Forces
17 Retirement Home—Washington, District of Columbia,
18 and the Armed Forces Retirement Home—Gulfport, Mis-
19 sissippi, to be paid from funds available in the Armed
20 Forces Retirement Home Trust Fund, \$64,300,000, of
21 which \$1,000,000 shall remain available until expended
22 for construction and renovation of the physical plants at
23 the Armed Forces Retirement Home—Washington, Dis-
24 trict of Columbia, and the Armed Forces Retirement
25 Home—Gulfport, Mississippi: *Provided*, That of the

1 amounts made available under this heading from funds
2 available in the Armed Forces Retirement Home Trust
3 Fund, \$22,000,000 shall be paid from the general fund
4 of the Treasury to the Trust Fund.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 301. Funds appropriated in this Act under the
7 heading “Department of Defense—Civil, Cemeterial Ex-
8 penses, Army”, may be provided to Arlington County, Vir-
9 ginia, for the relocation of the federally owned water main
10 at Arlington National Cemetery, making additional land
11 available for ground burials.

12 SEC. 302. Amounts deposited into the special account
13 established under 10 U.S.C. 4727 are appropriated and
14 shall be available until expended to support activities at
15 the Army National Military Cemeteries.

1201

1 TITLE IV
2 OVERSEAS CONTINGENCY OPERATIONS
3 DEPARTMENT OF DEFENSE
4 MILITARY CONSTRUCTION, ARMY

5 For an additional amount for “Military Construction,
6 Army”, \$146,100,000, to remain available until Sep-
7 tember 30, 2022, for projects outside of the United States:
8 *Provided*, That such amount is designated by the Congress
9 for Overseas Contingency Operations/Global War on Ter-
10 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

13 For an additional amount for “Military Construction,
14 Navy and Marine Corps”, \$33,248,000, to remain avail-
15 able until September 30, 2022, for projects outside of the
16 United States: *Provided*, That such amount is designated
17 by the Congress for Overseas Contingency Operations/
18 Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 MILITARY CONSTRUCTION, AIR FORCE

22 For an additional amount for “Military Construction,
23 Air Force” \$546,352,000, to remain available until Sep-
24 tember 30, 2022, for projects outside of the United States:
25 *Provided*, That such amount is designated by the Congress

1 for Overseas Contingency Operations/Global War on Ter-
2 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 MILITARY CONSTRUCTION, DEFENSE-WIDE

5 For an additional amount for “Military Construction,
6 Defense-Wide”, \$24,300,000, to remain available until
7 September 30, 2022, for projects outside of the United
8 States: *Provided*, That such amount is designated by the
9 Congress for Overseas Contingency Operations/Global
10 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985.

13 ADMINISTRATIVE PROVISIONS

14 SEC. 401. Each amount designated in this Act by the
15 Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985 shall be available only if the President subse-
19 quently so designates all such amounts and transmits such
20 designations to the Congress.

21 SEC. 402. Notwithstanding any other provision of
22 law, the Secretary of Defense is directed to provide the
23 congressional defense committees a future years defense
24 program for funds appropriated to the Department of De-
25 fense for construction projects related to European Reas-

1 surance Initiative and European Deterrence Initiative be-
2 ginning in fiscal year 2018 and each subsequent fiscal
3 year that funding is requested for either initiative. Fur-
4 ther, the Secretary of Defense is directed to submit the
5 future years defense program with each fiscal year budget
6 submission.

1 TITLE V

2 GENERAL PROVISIONS

3 SEC. 501. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 502. None of the funds made available in this
7 Act may be used for any program, project, or activity,
8 when it is made known to the Federal entity or official
9 to which the funds are made available that the program,
10 project, or activity is not in compliance with any Federal
11 law relating to risk assessment, the protection of private
12 property rights, or unfunded mandates.

13 SEC. 503. All departments and agencies funded under
14 this Act are encouraged, within the limits of the existing
15 statutory authorities and funding, to expand their use of
16 “E-Commerce” technologies and procedures in the con-
17 duct of their business practices and public service activi-
18 ties.

19 SEC. 504. Unless stated otherwise, all reports and no-
20 tifications required by this Act shall be submitted to the
21 Subcommittee on Military Construction and Veterans Af-
22 fairs, and Related Agencies of the Committee on Appro-
23 priations of the House of Representatives and the Sub-
24 committee on Military Construction and Veterans Affairs,

1 and Related Agencies of the Committee on Appropriations
2 of the Senate.

3 SEC. 505. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this or any other appropriations Act.

8 SEC. 506. None of the funds made available in this
9 Act may be used for a project or program named for an
10 individual serving as a Member, Delegate, or Resident
11 Commissioner of the United States House of Representa-
12 tives.

13 SEC. 507. (a) Any agency receiving funds made avail-
14 able in this Act, shall, subject to subsections (b) and (c),
15 post on the public Web site of that agency any report re-
16 quired to be submitted by the Congress in this or any
17 other Act, upon the determination by the head of the agen-
18 cy that it shall serve the national interest.

19 (b) Subsection (a) shall not apply to a report if—

20 (1) the public posting of the report com-
21 promises national security; or

22 (2) the report contains confidential or propri-
23 etary information.

24 (c) The head of the agency posting such report shall
25 do so only after such report has been made available to

1 the requesting Committee or Committees of Congress for
2 no less than 45 days.

3 SEC. 508. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

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

11 SEC. 509. None of the funds made available in this
12 Act may be used by an agency of the executive branch
13 to pay for first-class travel by an employee of the agency
14 in contravention of sections 301–10.122 through 301–
15 10.124 of title 41, Code of Federal Regulations.

16 SEC. 510. None of the funds made available in this
17 Act may be used to execute a contract for goods or serv-
18 ices, including construction services, where the contractor
19 has not complied with Executive Order No. 12989.

20 SEC. 511. None of the funds made available by this
21 Act may be used by the Department of Defense or the
22 Department of Veterans Affairs to lease or purchase new
23 light duty vehicles for any executive fleet, or for an agen-
24 cy’s fleet inventory, except in accordance with Presidential

1 Memorandum—Federal Fleet Performance, dated May
2 24, 2011.

3 SEC. 512. (a) IN GENERAL.—None of the funds ap-
4 propriated or otherwise made available to the Department
5 of Defense in this Act may be used to construct, renovate,
6 or expand any facility in the United States, its territories,
7 or possessions to house any individual detained at United
8 States Naval Station, Guantánamo Bay, Cuba, for the
9 purposes of detention or imprisonment in the custody or
10 under the control of the Department of Defense.

11 (b) The prohibition in subsection (a) shall not apply
12 to any modification of facilities at United States Naval
13 Station, Guantánamo Bay, Cuba.

14 (c) An individual described in this subsection is any
15 individual who, as of June 24, 2009, is located at United
16 States Naval Station, Guantánamo Bay, Cuba, and who—

17 (1) is not a citizen of the United States or a
18 member of the Armed Forces of the United States;

19 and

20 (2) is—

21 (A) in the custody or under the effective
22 control of the Department of Defense; or

23 (B) otherwise under detention at United
24 States Naval Station, Guantánamo Bay, Cuba.

1 This division may be cited as the “Military Construc-
2 tion, Veterans Affairs, and Related Agencies Appropria-
3 tions Act, 2018”.

1 **DIVISION K—DEPARTMENT OF STATE,**
2 **FOREIGN OPERATIONS, AND RELATED**
3 **PROGRAMS APPROPRIATIONS ACT,**
4 **2018**

5 TITLE I

6 DEPARTMENT OF STATE AND RELATED

7 AGENCY

8 DEPARTMENT OF STATE

9 ADMINISTRATION OF FOREIGN AFFAIRS

10 DIPLOMATIC AND CONSULAR PROGRAMS

11 For necessary expenses of the Department of State
12 and the Foreign Service not otherwise provided for,
13 \$5,744,440,000, of which up to \$654,553,000 may remain
14 available until September 30, 2019, and of which up to
15 \$1,380,752,000 may remain available until expended for
16 Worldwide Security Protection: *Provided*, That funds
17 made available under this heading shall be allocated in ac-
18 cordance with paragraphs (1) through (4) as follows:

19 (1) HUMAN RESOURCES.—For necessary ex-
20 penses for training, human resources management,
21 and salaries, including employment without regard
22 to civil service and classification laws of persons on
23 a temporary basis (not to exceed \$700,000), as au-
24 thorized by section 801 of the United States Infor-
25 mation and Educational Exchange Act of 1948,

1 \$2,770,673,000, of which up to \$476,879,000 is for
2 Worldwide Security Protection.

3 (2) OVERSEAS PROGRAMS.—For necessary ex-
4 penses for the regional bureaus of the Department
5 of State and overseas activities as authorized by law,
6 \$1,253,799,000.

7 (3) DIPLOMATIC POLICY AND SUPPORT.—For
8 necessary expenses for the functional bureaus of the
9 Department of State, including representation to
10 certain international organizations in which the
11 United States participates pursuant to treaties rati-
12 fied pursuant to the advice and consent of the Sen-
13 ate or specific Acts of Congress, general administra-
14 tion, and arms control, nonproliferation and disar-
15 mament activities as authorized, \$794,561,000.

16 (4) SECURITY PROGRAMS.—For necessary ex-
17 penses for security activities, \$925,407,000, of which
18 up to \$903,873,000 is for Worldwide Security Pro-
19 tection.

20 (5) FEES AND PAYMENTS COLLECTED.—In ad-
21 dition to amounts otherwise made available under
22 this heading—

23 (A) as authorized by section 810 of the
24 United States Information and Educational Ex-
25 change Act, not to exceed \$5,000,000, to re-

1 main available until expended, may be credited
2 to this appropriation from fees or other pay-
3 ments received from English teaching, library,
4 motion pictures, and publication programs and
5 from fees from educational advising and coun-
6 seling and exchange visitor programs; and

7 (B) not to exceed \$15,000, which shall be
8 derived from reimbursements, surcharges, and
9 fees for use of Blair House facilities.

10 (6) TRANSFER OF FUNDS, REPROGRAMMING,
11 AND OTHER MATTERS.—

12 (A) Notwithstanding any other provision of
13 this Act, funds may be reprogrammed within
14 and between paragraphs (1) through (4) under
15 this heading subject to section 7015 of this Act.

16 (B) Of the amount made available under
17 this heading, not to exceed \$10,000,000 may be
18 transferred to, and merged with, funds made
19 available by this Act under the heading “Emer-
20 gencies in the Diplomatic and Consular Serv-
21 ice”, to be available only for emergency evacu-
22 ations and rewards, as authorized.

23 (C) Funds appropriated under this heading
24 are available for acquisition by exchange or pur-
25 chase of passenger motor vehicles as authorized

1 by law and, pursuant to section 1108(g) of title
2 31, United States Code, for the field examina-
3 tion of programs and activities in the United
4 States funded from any account contained in
5 this title.

6 (D) Funds appropriated under this head-
7 ing that are designated for Worldwide Security
8 Protection shall continue to be made available
9 for support of security-related training at sites
10 in existence prior to the enactment of this Act.

11 CAPITAL INVESTMENT FUND

12 For necessary expenses of the Capital Investment
13 Fund, as authorized, \$103,400,000, to remain available
14 until expended.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General, \$77,629,000, notwithstanding section 209(a)(1)
18 of the Foreign Service Act of 1980 (22 U.S.C.
19 3929(a)(1)), as it relates to post inspections: *Provided,*
20 That of the funds appropriated under this heading,
21 \$11,644,000 may remain available until September 30,
22 2019.

23 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

24 For expenses of educational and cultural exchange
25 programs, as authorized, \$646,143,000, to remain avail-

1 able until expended, of which not less than \$240,000,000
2 shall be for the Fulbright Program and not less than
3 \$111,360,000 shall be for Citizen Exchange Program, in-
4 cluding \$4,125,000 for the Congress-Bundestag Youth
5 Exchange: *Provided*, That fees or other payments received
6 from, or in connection with, English teaching, educational
7 advising and counseling programs, and exchange visitor
8 programs as authorized may be credited to this account,
9 to remain available until expended: *Provided further*, That
10 a portion of the Fulbright awards from the Eurasia and
11 Central Asia regions shall be designated as Edmund S.
12 Muskie Fellowships, following consultation with the Com-
13 mittees on Appropriations: *Provided further*, That any
14 substantive modifications from the prior fiscal year to pro-
15 grams funded by this Act under this heading shall be sub-
16 ject to prior consultation with, and the regular notification
17 procedures of, the Committees on Appropriations.

18 REPRESENTATION EXPENSES

19 For representation expenses as authorized,
20 \$8,030,000.

21 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

22 For expenses, not otherwise provided, to enable the
23 Secretary of State to provide for extraordinary protective
24 services, as authorized, \$30,890,000, to remain available
25 until September 30, 2019.

1 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

2 For necessary expenses for carrying out the Foreign
3 Service Buildings Act of 1926 (22 U.S.C. 292 et seq.),
4 preserving, maintaining, repairing, and planning for build-
5 ings that are owned or directly leased by the Department
6 of State, renovating, in addition to funds otherwise avail-
7 able, the Harry S Truman Building, and carrying out the
8 Diplomatic Security Construction Program as authorized,
9 \$765,459,000, to remain available until expended, of
10 which not to exceed \$25,000 may be used for domestic
11 and overseas representation expenses as authorized: *Pro-*
12 *vided*, That none of the funds appropriated in this para-
13 graph shall be available for acquisition of furniture, fur-
14 nishings, or generators for other departments and agen-
15 cies of the United States Government.

16 In addition, for the costs of worldwide security up-
17 grades, acquisition, and construction as authorized,
18 \$1,477,237,000, to remain available until expended: *Pro-*
19 *vided*, That not later than 45 days after enactment of this
20 Act, the Secretary of State shall submit to the Committees
21 on Appropriations the proposed allocation of funds made
22 available under this heading and the actual and antici-
23 pated proceeds of sales for all projects in fiscal year 2018.

1 facilities at the International Center in accordance with
2 section 4 of the International Center Act (Public Law 90–
3 553), and, in addition, as authorized by section 5 of such
4 Act, \$743,000, to be derived from the reserve authorized
5 by such section, to be used for the purposes set out in
6 that section.

7 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
8 DISABILITY FUND

9 For payment to the Foreign Service Retirement and
10 Disability Fund, as authorized, \$158,900,000.

11 INTERNATIONAL ORGANIZATIONS

12 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

13 For necessary expenses, not otherwise provided for,
14 to meet annual obligations of membership in international
15 multilateral organizations, pursuant to treaties ratified
16 pursuant to the advice and consent of the Senate, conven-
17 tions, or specific Acts of Congress, \$1,371,168,000: *Pro-*
18 *vided*, That the Secretary of State shall, at the time of
19 the submission of the President's budget to Congress
20 under section 1105(a) of title 31, United States Code,
21 transmit to the Committees on Appropriations the most
22 recent biennial budget prepared by the United Nations for
23 the operations of the United Nations: *Provided further*,
24 That the Secretary of State shall notify the Committees
25 on Appropriations at least 15 days in advance (or in an

1 emergency, as far in advance as is practicable) of any
2 United Nations action to increase funding for any United
3 Nations program without identifying an offsetting de-
4 crease elsewhere in the United Nations budget: *Provided*
5 *further*, That not later than June 1, 2018, and 30 days
6 after the end of fiscal year 2018, the Secretary of State
7 shall report to the Committees on Appropriations any
8 credits attributable to the United States, including from
9 the United Nations Tax Equalization Fund, and provide
10 updated fiscal year 2018 and fiscal year 2019 assessment
11 costs including offsets from available credits and updated
12 foreign currency exchange rates: *Provided further*, That
13 any such credits shall only be available for United States
14 assessed contributions to the United Nations regular
15 budget, and the Committees on Appropriations shall be
16 notified when such credits are applied to any assessed con-
17 tribution, including any payment of arrearages: *Provided*
18 *further*, That any notification regarding funds appro-
19 priated or otherwise made available under this heading in
20 this Act or prior Acts making appropriations for the De-
21 partment of State, foreign operations, and related pro-
22 grams submitted pursuant to section 7015 of this Act, sec-
23 tion 34 of the State Department Basic Authorities Act
24 of 1956 (22 U.S.C. 2706), or any operating plan sub-
25 mitted pursuant to section 7076 of this Act, shall include

1 an estimate of all known credits currently attributable to
2 the United States and provide updated assessment costs
3 including offsets from available credits and updated for-
4 eign currency exchange rates: *Provided further*, That any
5 payment of arrearages under this heading shall be directed
6 to activities that are mutually agreed upon by the United
7 States and the respective international organization and
8 shall be subject to the regular notification procedures of
9 the Committees on Appropriations: *Provided further*, That
10 none of the funds appropriated under this heading shall
11 be available for a United States contribution to an inter-
12 national organization for the United States share of inter-
13 est costs made known to the United States Government
14 by such organization for loans incurred on or after Octo-
15 ber 1, 1984, through external borrowings.

16 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
17 ACTIVITIES

18 For necessary expenses to pay assessed and other ex-
19 penses of international peacekeeping activities directed to
20 the maintenance or restoration of international peace and
21 security, \$414,624,000, of which 15 percent shall remain
22 available until September 30, 2019: *Provided*, That none
23 of the funds made available by this Act shall be obligated
24 or expended for any new or expanded United Nations
25 peacekeeping mission unless, at least 15 days in advance

1 of voting for such mission in the United Nations Security
2 Council (or in an emergency as far in advance as is prac-
3 ticable), the Committees on Appropriations are notified of:
4 (1) the estimated cost and duration of the mission, the
5 objectives of the mission, the national interest that will
6 be served, and the exit strategy; and (2) the sources of
7 funds, including any reprogrammings or transfers, that
8 will be used to pay the cost of the new or expanded mis-
9 sion, and the estimated cost in future fiscal years: *Pro-*
10 *vided further*, That none of the funds appropriated under
11 this heading may be made available for obligation unless
12 the Secretary of State certifies and reports to the Commit-
13 tees on Appropriations on a peacekeeping mission-by-mis-
14 sion basis that the United Nations is implementing effec-
15 tive policies and procedures to prevent United Nations em-
16 ployees, contractor personnel, and peacekeeping troops
17 serving in such mission from trafficking in persons, ex-
18 ploiting victims of trafficking, or committing acts of sexual
19 exploitation and abuse or other violations of human rights,
20 and to bring to justice individuals who engage in such acts
21 while participating in such mission, including prosecution
22 in their home countries and making information about
23 such prosecutions publicly available on the Web site of the
24 United Nations: *Provided further*, That the Secretary of
25 State shall work with the United Nations and foreign gov-

1 ernments contributing peacekeeping troops to implement
2 effective vetting procedures to ensure that such troops
3 have not violated human rights: *Provided further*, That
4 funds shall be available for peacekeeping expenses unless
5 the Secretary of State determines that United States man-
6 ufacturers and suppliers are not being given opportunities
7 to provide equipment, services, and material for United
8 Nations peacekeeping activities equal to those being given
9 to foreign manufacturers and suppliers: *Provided further*,
10 That none of the funds appropriated or otherwise made
11 available under this heading may be used for any United
12 Nations peacekeeping mission that will involve United
13 States Armed Forces under the command or operational
14 control of a foreign national, unless the President's mili-
15 tary advisors have submitted to the President a rec-
16 ommendation that such involvement is in the national in-
17 terest of the United States and the President has sub-
18 mitted to Congress such a recommendation: *Provided fur-*
19 *ther*, That not later than June 1, 2018, and 30 days after
20 the end of fiscal year 2018, the Secretary of State shall
21 report to the Committees on Appropriations any credits
22 attributable to the United States, including those resulting
23 from United Nations peacekeeping missions or the United
24 Nations Tax Equalization Fund, and provide updated fis-
25 cal year 2018 and fiscal year 2019 assessment costs in-

1 cluding offsets from available credits: *Provided further,*
2 That any such credits shall only be available for United
3 States assessed contributions to United Nations peace-
4 keeping missions, and the Committees on Appropriations
5 shall be notified when such credits are applied to any as-
6 sessed contribution, including any payment of arrearages:
7 *Provided further,* That any notification regarding funds
8 appropriated or otherwise made available under this head-
9 ing in this Act or prior Acts making appropriations for
10 the Department of State, foreign operations, and related
11 programs submitted pursuant to section 7015 of this Act,
12 section 34 of the State Department Basic Authorities Act
13 of 1956 (22 U.S.C. 2706), or any operating plan sub-
14 mitted pursuant to section 7076 of this Act, shall include
15 an estimate of all known credits currently attributable to
16 the United States and provide updated assessment costs,
17 including offsets from available credits: *Provided further,*
18 That any payment of arrearages with funds appropriated
19 by this Act shall be subject to the regular notification pro-
20 cedures of the Committees on Appropriations: *Provided*
21 *further,* That the Secretary of State shall work with the
22 United Nations and members of the United Nations Secu-
23 rity Council to evaluate and prioritize peacekeeping mis-
24 sions, and to consider a draw down when mission goals
25 have been substantially achieved.

1 INTERNATIONAL COMMISSIONS

2 For necessary expenses, not otherwise provided for,
3 to meet obligations of the United States arising under
4 treaties, or specific Acts of Congress, as follows:

5 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
6 UNITED STATES AND MEXICO

7 For necessary expenses for the United States Section
8 of the International Boundary and Water Commission,
9 United States and Mexico, and to comply with laws appli-
10 cable to the United States Section, including not to exceed
11 \$6,000 for representation expenses; as follows:

12 SALARIES AND EXPENSES

13 For salaries and expenses, not otherwise provided for,
14 \$48,134,000.

15 CONSTRUCTION

16 For detailed plan preparation and construction of au-
17 thorized projects, \$29,400,000, to remain available until
18 expended, as authorized.

19 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

20 For necessary expenses, not otherwise provided, for
21 the International Joint Commission and the International
22 Boundary Commission, United States and Canada, as au-
23 thorized by treaties between the United States and Can-
24 ada or Great Britain, and the Border Environment Co-
25 operation Commission as authorized by the North Amer-

1 ican Free Trade Agreement Implementation Act (Public
2 Law 103–182), \$13,258,000: *Provided*, That of the
3 amount provided under this heading for the International
4 Joint Commission, up to \$500,000 may remain available
5 until September 30, 2019, and \$9,000 may be made avail-
6 able for representation expenses.

7 INTERNATIONAL FISHERIES COMMISSIONS

8 For necessary expenses for international fisheries
9 commissions, not otherwise provided for, as authorized by
10 law, \$46,356,000: *Provided*, That the United States share
11 of such expenses may be advanced to the respective com-
12 missions pursuant to section 3324 of title 31, United
13 States Code.

14 RELATED AGENCY

15 BROADCASTING BOARD OF GOVERNORS

16 INTERNATIONAL BROADCASTING OPERATIONS

17 For necessary expenses to enable the Broadcasting
18 Board of Governors (BBG), as authorized, to carry out
19 international communication activities, and to make and
20 supervise grants for radio, Internet, and television broad-
21 casting to the Middle East, \$797,986,000: *Provided*, That
22 in addition to amounts otherwise available for such pur-
23 poses, up to \$34,508,000 of the amount appropriated
24 under this heading may remain available until expended
25 for satellite transmissions and Internet freedom programs,

1 of which not less than \$13,800,000 shall be for Internet
2 freedom programs: *Provided further*, That of the total
3 amount appropriated under this heading, not to exceed
4 \$35,000 may be used for representation expenses, of
5 which \$10,000 may be used for such expenses within the
6 United States as authorized, and not to exceed \$30,000
7 may be used for representation expenses of Radio Free
8 Europe/Radio Liberty: *Provided further*, That the BBG
9 shall notify the Committees on Appropriations within 15
10 days of any determination by the BBG that any of its
11 broadcast entities, including its grantee organizations,
12 provides an open platform for international terrorists or
13 those who support international terrorism, or is in viola-
14 tion of the principles and standards set forth in sub-
15 sections (a) and (b) of section 303 of the United States
16 International Broadcasting Act of 1994 (22 U.S.C. 6202)
17 or the entity's journalistic code of ethics: *Provided further*,
18 That significant modifications to BBG broadcast hours
19 previously justified to Congress, including changes to
20 transmission platforms (shortwave, medium wave, sat-
21 ellite, Internet, and television), for all BBG language serv-
22 ices shall be subject to the regular notification procedures
23 of the Committees on Appropriations: *Provided further*,
24 That in addition to funds made available under this head-
25 ing, and notwithstanding any other provision of law, up

1 to \$5,000,000 in receipts from advertising and revenue
2 from business ventures, up to \$500,000 in receipts from
3 cooperating international organizations, and up to
4 \$1,000,000 in receipts from privatization efforts of the
5 Voice of America and the International Broadcasting Bu-
6 reau, shall remain available until expended for carrying
7 out authorized purposes.

8 BROADCASTING CAPITAL IMPROVEMENTS

9 For the purchase, rent, construction, repair, preser-
10 vation, and improvement of facilities for radio, television,
11 and digital transmission and reception; the purchase, rent,
12 and installation of necessary equipment for radio, tele-
13 vision, and digital transmission and reception, including
14 to Cuba, as authorized; and physical security worldwide,
15 in addition to amounts otherwise available for such pur-
16 poses, \$9,700,000, to remain available until expended, as
17 authorized.

18 RELATED PROGRAMS

19 THE ASIA FOUNDATION

20 For a grant to The Asia Foundation, as authorized
21 by The Asia Foundation Act (22 U.S.C. 4402),
22 \$17,000,000, to remain available until expended.

23 UNITED STATES INSTITUTE OF PEACE

24 For necessary expenses of the United States Institute
25 of Peace, as authorized by the United States Institute of

1 Peace Act (22 U.S.C. 4601 et seq.), \$37,884,000, to re-
2 main available until September 30, 2019, which shall not
3 be used for construction activities.

4 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE
5 TRUST FUND

6 For necessary expenses of the Center for Middle
7 Eastern-Western Dialogue Trust Fund, as authorized by
8 section 633 of the Departments of Commerce, Justice, and
9 State, the Judiciary, and Related Agencies Appropriations
10 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-
11 est and earnings accruing to such Fund on or before Sep-
12 tember 30, 2018, to remain available until expended.

13 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

14 For necessary expenses of Eisenhower Exchange Fel-
15 lowships, Incorporated, as authorized by sections 4 and
16 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
17 U.S.C. 5204–5205), all interest and earnings accruing to
18 the Eisenhower Exchange Fellowship Program Trust
19 Fund on or before September 30, 2018, to remain avail-
20 able until expended: *Provided*, That none of the funds ap-
21 propriated herein shall be used to pay any salary or other
22 compensation, or to enter into any contract providing for
23 the payment thereof, in excess of the rate authorized by
24 section 5376 of title 5, United States Code; or for pur-
25 poses which are not in accordance with section 200 of title

1 2 of the Code of Federal Regulations, including the re-
2 strictions on compensation for personal services.

3 ISRAELI ARAB SCHOLARSHIP PROGRAM

4 For necessary expenses of the Israeli Arab Scholar-
5 ship Program, as authorized by section 214 of the Foreign
6 Relations Authorization Act, Fiscal Years 1992 and 1993
7 (22 U.S.C. 2452 note), all interest and earnings accruing
8 to the Israeli Arab Scholarship Fund on or before Sep-
9 tember 30, 2018, to remain available until expended.

10 EAST-WEST CENTER

11 To enable the Secretary of State to provide for car-
12 rying out the provisions of the Center for Cultural and
13 Technical Interchange Between East and West Act of
14 1960, by grant to the Center for Cultural and Technical
15 Interchange Between East and West in the State of Ha-
16 waii, \$16,700,000.

17 NATIONAL ENDOWMENT FOR DEMOCRACY

18 For grants made by the Department of State to the
19 National Endowment for Democracy, as authorized by the
20 National Endowment for Democracy Act (22 U.S.C.
21 4412), \$170,000,000, to remain available until expended,
22 of which \$117,500,000 shall be allocated in the traditional
23 and customary manner, including for the core institutes,
24 and \$52,500,000 shall be for democracy programs.

1 OTHER COMMISSIONS

2 COMMISSION FOR THE PRESERVATION OF AMERICA'S

3 HERITAGE ABROAD

4 SALARIES AND EXPENSES

5 For necessary expenses for the Commission for the
6 Preservation of America's Heritage Abroad, \$675,000, as
7 authorized by chapter 3123 of title 54, United States
8 Code: *Provided*, That the Commission may procure tem-
9 porary, intermittent, and other services notwithstanding
10 paragraph (3) of section 312304(b) of such chapter: *Pro-*
11 *vided further*, That such authority shall terminate on Oc-
12 tober 1, 2018: *Provided further*, That the Commission
13 shall notify the Committees on Appropriations prior to ex-
14 ercising such authority.

15 UNITED STATES COMMISSION ON INTERNATIONAL

16 RELIGIOUS FREEDOM

17 SALARIES AND EXPENSES

18 For necessary expenses for the United States Com-
19 mission on International Religious Freedom (USCIRF),
20 as authorized by title II of the International Religious
21 Freedom Act of 1998 (22 U.S.C. 6431 et seq.),
22 \$4,500,000, to remain available until September 30, 2019,
23 including not more than \$4,000 for representation ex-
24 penses: *Provided*, That prior to the obligation of
25 \$1,000,000 of the funds appropriated under this heading,

1 the Commission shall consult with the appropriate con-
2 gressional committees on the steps taken to implement the
3 recommendations of the Independent Review of USCIRF
4 Mission Effectiveness that was conducted pursuant to the
5 United States Commission on International Religious
6 Freedom Reauthorization Act of 2015 (Public Law 114–
7 71), and such funds shall be subject to the regular notifi-
8 cation procedures of the Committees on Appropriations.

9 COMMISSION ON SECURITY AND COOPERATION IN

10 EUROPE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Commission on Secu-
13 rity and Cooperation in Europe, as authorized by Public
14 Law 94–304 (22 U.S.C. 3001 et seq.), \$2,579,000, includ-
15 ing not more than \$4,000 for representation expenses, to
16 remain available until September 30, 2019.

17 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE

18 PEOPLE’S REPUBLIC OF CHINA

19 SALARIES AND EXPENSES

20 For necessary expenses of the Congressional-Execu-
21 tive Commission on the People’s Republic of China, as au-
22 thorized by title III of the U.S.-China Relations Act of
23 2000 (22 U.S.C. 6911 et seq.), \$2,000,000, including not
24 more than \$3,000 for representation expenses, to remain
25 available until September 30, 2019.

1230

1 UNITED STATES-CHINA ECONOMIC AND SECURITY
2 REVIEW COMMISSION
3 SALARIES AND EXPENSES

4 For necessary expenses of the United States-China
5 Economic and Security Review Commission, as authorized
6 by section 1238 of the Floyd D. Spence National Defense
7 Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),
8 \$3,500,000, including not more than \$4,000 for represen-
9 tation expenses, to remain available until September 30,
10 2019: *Provided*, That the authorities, requirements, limi-
11 tations, and conditions contained in the second through
12 sixth provisos under this heading in the Department of
13 State, Foreign Operations, and Related Programs Appro-
14 priations Act, 2010 (division F of Public Law 111–117)
15 shall continue in effect during fiscal year 2018 and shall
16 apply to funds appropriated under this heading as if in-
17 cluded in this Act.

1231

1 TITLE II
2 UNITED STATES AGENCY FOR INTERNATIONAL
3 DEVELOPMENT
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 OPERATING EXPENSES

6 For necessary expenses to carry out the provisions
7 of section 667 of the Foreign Assistance Act of 1961,
8 \$1,189,609,000, of which up to \$178,441,000 may remain
9 available until September 30, 2019: *Provided*, That none
10 of the funds appropriated under this heading and under
11 the heading “Capital Investment Fund” in this title may
12 be made available to finance the construction (including
13 architect and engineering services), purchase, or long-term
14 lease of offices for use by the United States Agency for
15 International Development, unless the USAID Adminis-
16 trator has identified such proposed use of funds in a re-
17 port submitted to the Committees on Appropriations at
18 least 15 days prior to the obligation of funds for such pur-
19 poses: *Provided further*, That contracts or agreements en-
20 tered into with funds appropriated under this heading may
21 entail commitments for the expenditure of such funds
22 through the following fiscal year: *Provided further*, That
23 the authority of sections 610 and 109 of the Foreign As-
24 sistance Act of 1961 may be exercised by the Secretary
25 of State to transfer funds appropriated to carry out chap-

1 ter 1 of part I of such Act to “Operating Expenses” in
2 accordance with the provisions of those sections: *Provided*
3 *further*, That of the funds appropriated or made available
4 under this heading, not to exceed \$250,000 may be avail-
5 able for representation and entertainment expenses, of
6 which not to exceed \$5,000 may be available for entertain-
7 ment expenses, and not to exceed \$100,500 shall be for
8 official residence expenses, for USAID during the current
9 fiscal year.

10 CAPITAL INVESTMENT FUND

11 For necessary expenses for overseas construction and
12 related costs, and for the procurement and enhancement
13 of information technology and related capital investments,
14 pursuant to section 667 of the Foreign Assistance Act of
15 1961, \$197,100,000, to remain available until expended:
16 *Provided*, That this amount is in addition to funds other-
17 wise available for such purposes: *Provided further*, That
18 funds appropriated under this heading shall be available
19 subject to the regular notification procedures of the Com-
20 mittees on Appropriations.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses to carry out the provisions
23 of section 667 of the Foreign Assistance Act of 1961,
24 \$72,800,000, of which up to \$10,920,000 may remain
25 available until September 30, 2019, for the Office of In-

1 spector General of the United States Agency for Inter-
2 national Development.

1234

1 TITLE III

2 BILATERAL ECONOMIC ASSISTANCE

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 For necessary expenses to enable the President to
5 carry out the provisions of the Foreign Assistance Act of
6 1961, and for other purposes, as follows:

7 GLOBAL HEALTH PROGRAMS

8 For necessary expenses to carry out the provisions
9 of chapters 1 and 10 of part I of the Foreign Assistance
10 Act of 1961, for global health activities, in addition to
11 funds otherwise available for such purposes,
12 \$3,020,000,000, to remain available until September 30,
13 2019, and which shall be apportioned directly to the
14 United States Agency for International Development: *Pro-*
15 *vided*, That this amount shall be made available for train-
16 ing, equipment, and technical assistance to build the ca-
17 pacity of public health institutions and organizations in
18 developing countries, and for such activities as: (1) child
19 survival and maternal health programs; (2) immunization
20 and oral rehydration programs; (3) other health, nutrition,
21 water and sanitation programs which directly address the
22 needs of mothers and children, and related education pro-
23 grams; (4) assistance for children displaced or orphaned
24 by causes other than AIDS; (5) programs for the preven-
25 tion, treatment, control of, and research on HIV/AIDS,

1 tuberculosis, polio, malaria, and other infectious diseases
2 including neglected tropical diseases, and for assistance to
3 communities severely affected by HIV/AIDS, including
4 children infected or affected by AIDS; (6) disaster pre-
5 paredness training for health crises; (7) programs to pre-
6 vent, prepare for, and respond to, unanticipated and
7 emerging global health threats; and (8) family planning/
8 reproductive health: *Provided further*, That funds appro-
9 priated under this paragraph may be made available for
10 a United States contribution to the GAVI Alliance: *Pro-*
11 *vided further*, That none of the funds made available in
12 this Act nor any unobligated balances from prior appro-
13 priations Acts may be made available to any organization
14 or program which, as determined by the President of the
15 United States, supports or participates in the manage-
16 ment of a program of coercive abortion or involuntary
17 sterilization: *Provided further*, That any determination
18 made under the previous proviso must be made not later
19 than 6 months after the date of enactment of this Act,
20 and must be accompanied by the evidence and criteria uti-
21 lized to make the determination: *Provided further*, That
22 none of the funds made available under this Act may be
23 used to pay for the performance of abortion as a method
24 of family planning or to motivate or coerce any person
25 to practice abortions: *Provided further*, That nothing in

1 this paragraph shall be construed to alter any existing
2 statutory prohibitions against abortion under section 104
3 of the Foreign Assistance Act of 1961: *Provided further*,
4 That none of the funds made available under this Act may
5 be used to lobby for or against abortion: *Provided further*,
6 That in order to reduce reliance on abortion in developing
7 nations, funds shall be available only to voluntary family
8 planning projects which offer, either directly or through
9 referral to, or information about access to, a broad range
10 of family planning methods and services, and that any
11 such voluntary family planning project shall meet the fol-
12 lowing requirements: (1) service providers or referral
13 agents in the project shall not implement or be subject
14 to quotas, or other numerical targets, of total number of
15 births, number of family planning acceptors, or acceptors
16 of a particular method of family planning (this provision
17 shall not be construed to include the use of quantitative
18 estimates or indicators for budgeting and planning pur-
19 poses); (2) the project shall not include payment of incen-
20 tives, bribes, gratuities, or financial reward to: (A) an indi-
21 vidual in exchange for becoming a family planning accep-
22 tor; or (B) program personnel for achieving a numerical
23 target or quota of total number of births, number of fam-
24 ily planning acceptors, or acceptors of a particular method
25 of family planning; (3) the project shall not deny any right

1 or benefit, including the right of access to participate in
2 any program of general welfare or the right of access to
3 health care, as a consequence of any individual's decision
4 not to accept family planning services; (4) the project shall
5 provide family planning acceptors comprehensible infor-
6 mation on the health benefits and risks of the method cho-
7 sen, including those conditions that might render the use
8 of the method inadvisable and those adverse side effects
9 known to be consequent to the use of the method; and
10 (5) the project shall ensure that experimental contracep-
11 tive drugs and devices and medical procedures are pro-
12 vided only in the context of a scientific study in which
13 participants are advised of potential risks and benefits;
14 and, not less than 60 days after the date on which the
15 USAID Administrator determines that there has been a
16 violation of the requirements contained in paragraph (1),
17 (2), (3), or (5) of this proviso, or a pattern or practice
18 of violations of the requirements contained in paragraph
19 (4) of this proviso, the Administrator shall submit to the
20 Committees on Appropriations a report containing a de-
21 scription of such violation and the corrective action taken
22 by the Agency: *Provided further*, That in awarding grants
23 for natural family planning under section 104 of the For-
24 eign Assistance Act of 1961 no applicant shall be discrimi-
25 nated against because of such applicant's religious or con-

1 scientific commitment to offer only natural family plan-
2 ning; and, additionally, all such applicants shall comply
3 with the requirements of the previous proviso: *Provided*
4 *further*, That for purposes of this or any other Act author-
5 izing or appropriating funds for the Department of State,
6 foreign operations, and related programs, the term “moti-
7 vate”, as it relates to family planning assistance, shall not
8 be construed to prohibit the provision, consistent with
9 local law, of information or counseling about all pregnancy
10 options: *Provided further*, That information provided
11 about the use of condoms as part of projects or activities
12 that are funded from amounts appropriated by this Act
13 shall be medically accurate and shall include the public
14 health benefits and failure rates of such use.

15 In addition, for necessary expenses to carry out the
16 provisions of the Foreign Assistance Act of 1961 for the
17 prevention, treatment, and control of, and research on,
18 HIV/AIDS, \$5,670,000,000, to remain available until
19 September 30, 2022, which shall be apportioned directly
20 to the Department of State: *Provided*, That funds appro-
21 priated under this paragraph may be made available, not-
22 withstanding any other provision of law, except for the
23 United States Leadership Against HIV/AIDS, Tuber-
24 culosis, and Malaria Act of 2003 (Public Law 108–25),
25 for a United States contribution to the Global Fund to

1 Fight AIDS, Tuberculosis and Malaria (Global Fund),
2 and shall be expended at the minimum rate necessary to
3 make timely payment for projects and activities: *Provided*
4 *further*, That the amount of such contribution should be
5 \$1,350,000,000: *Provided further*, That clauses (i) and
6 (vi) of section 202(d)(4)(A) of the United States Leader-
7 ship Against HIV/AIDS, Tuberculosis, and Malaria Act
8 of 2003 (22 U.S.C. 7622) shall be applied with respect
9 to such funds made available for fiscal years 2015 through
10 2018 by substituting “2004” for “2009”: *Provided fur-*
11 *ther*, That up to 5 percent of the aggregate amount of
12 funds made available to the Global Fund in fiscal year
13 2018 may be made available to USAID for technical as-
14 sistance related to the activities of the Global Fund, sub-
15 ject to the regular notification procedures of the Commit-
16 tees on Appropriations: *Provided further*, That of the
17 funds appropriated under this paragraph, up to
18 \$17,000,000 may be made available, in addition to
19 amounts otherwise available for such purposes, for admin-
20 istrative expenses of the Office of the United States Global
21 AIDS Coordinator.

22 DEVELOPMENT ASSISTANCE

23 For necessary expenses to carry out the provisions
24 of sections 103, 105, 106, 214, and sections 251 through
25 255, and chapter 10 of part I of the Foreign Assistance

1 Act of 1961, \$3,000,000,000, to remain available until
2 September 30, 2019.

3 INTERNATIONAL DISASTER ASSISTANCE

4 For necessary expenses to carry out the provisions
5 of section 491 of the Foreign Assistance Act of 1961 for
6 international disaster relief, rehabilitation, and recon-
7 struction assistance, \$2,696,534,000, to remain available
8 until expended.

9 TRANSITION INITIATIVES

10 For necessary expenses for international disaster re-
11 habilitation and reconstruction assistance administered by
12 the Office of Transition Initiatives, United States Agency
13 for International Development, pursuant to section 491 of
14 the Foreign Assistance Act of 1961, \$30,000,000, to re-
15 main available until expended, to support transition to de-
16 mocracy and long-term development of countries in crisis:
17 *Provided*, That such support may include assistance to de-
18 velop, strengthen, or preserve democratic institutions and
19 processes, revitalize basic infrastructure, and foster the
20 peaceful resolution of conflict: *Provided further*, That the
21 USAID Administrator shall submit a report to the Com-
22 mittees on Appropriations at least 5 days prior to begin-
23 ning a new program of assistance: *Provided further*, That
24 if the Secretary of State determines that it is important
25 to the national interest of the United States to provide

1 transition assistance in excess of the amount appropriated
2 under this heading, up to \$15,000,000 of the funds appro-
3 priated by this Act to carry out the provisions of part I
4 of the Foreign Assistance Act of 1961 may be used for
5 purposes of this heading and under the authorities appli-
6 cable to funds appropriated under this heading: *Provided*
7 *further*, That funds made available pursuant to the pre-
8 vious proviso shall be made available subject to prior con-
9 sultation with the Committees on Appropriations.

10 COMPLEX CRISES FUND

11 For necessary expenses to carry out the provisions
12 of the Foreign Assistance Act of 1961 to support pro-
13 grams and activities to prevent or respond to emerging
14 or unforeseen foreign challenges and complex crises over-
15 seas, \$10,000,000, to remain available until expended:
16 *Provided*, That funds appropriated under this heading
17 may be made available on such terms and conditions as
18 are appropriate and necessary for the purposes of pre-
19 venting or responding to such challenges and crises, except
20 that no funds shall be made available for lethal assistance
21 or to respond to natural disasters: *Provided further*, That
22 funds appropriated under this heading may be made avail-
23 able notwithstanding any other provision of law, except
24 sections 7007, 7008, and 7018 of this Act and section
25 620M of the Foreign Assistance Act of 1961: *Provided*

1 *further*, That funds appropriated under this heading may
2 be used for administrative expenses, in addition to funds
3 otherwise available for such purposes, except that such ex-
4 penses may not exceed 5 percent of the funds appropriated
5 under this heading: *Provided further*, That funds appro-
6 priated under this heading shall be subject to the regular
7 notification procedures of the Committees on Appropria-
8 tions, except that such notifications shall be transmitted
9 at least 5 days prior to the obligation of funds.

10 DEVELOPMENT CREDIT AUTHORITY

11 For the cost of direct loans and loan guarantees pro-
12 vided by the United States Agency for International De-
13 velopment, as authorized by sections 256 and 635 of the
14 Foreign Assistance Act of 1961, up to \$55,000,000 may
15 be derived by transfer from funds appropriated by this Act
16 to carry out part I of such Act and under the heading
17 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
18 *vided*, That funds provided under this paragraph and
19 funds provided as a gift that are used for purposes of this
20 paragraph pursuant to section 635(d) of the Foreign As-
21 sistance Act of 1961 shall be made available only for
22 micro- and small enterprise programs, urban programs,
23 and other programs which further the purposes of part
24 I of such Act: *Provided further*, That funds provided as
25 a gift that are used for purposes of this paragraph shall

1 be subject to prior consultation with, and the regular noti-
2 fication procedures of, the Committees on Appropriations:
3 *Provided further*, That such costs, including the cost of
4 modifying such direct and guaranteed loans, shall be as
5 defined in section 502 of the Congressional Budget Act
6 of 1974, as amended: *Provided further*, That funds made
7 available by this paragraph may be used for the cost of
8 modifying any such guaranteed loans under this Act or
9 prior Acts making appropriations for the Department of
10 State, foreign operations, and related programs, and funds
11 used for such cost, including if the cost results in a nega-
12 tive subsidy, shall be subject to the regular notification
13 procedures of the Committees on Appropriations: *Provided*
14 *further*, That the provisions of section 107A(d) (relating
15 to general provisions applicable to the Development Credit
16 Authority) of the Foreign Assistance Act of 1961, as con-
17 tained in section 306 of H.R. 1486 as reported by the
18 House Committee on International Relations on May 9,
19 1997, shall be applicable to direct loans and loan guaran-
20 tees provided under this heading, except that the principal
21 amount of loans made or guaranteed under this heading
22 with respect to any single country shall not exceed
23 \$300,000,000: *Provided further*, That these funds are
24 available to subsidize total loan principal, any portion of
25 which is to be guaranteed, of up to \$1,750,000,000.

1 *Provided further*, That the Assistant Secretary for Democ-
2 racy, Human Rights, and Labor, Department of State,
3 shall consult with the Committees on Appropriations prior
4 to the obligation of funds appropriated under this para-
5 graph.

6 For an additional amount for such purposes,
7 \$65,125,000, to remain available until September 30,
8 2019, which shall be made available for the Bureau for
9 Democracy, Conflict, and Humanitarian Assistance,
10 United States Agency for International Development.

11 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

12 For necessary expenses to carry out the provisions
13 of the Foreign Assistance Act of 1961, the FREEDOM
14 Support Act (Public Law 102–511), and the Support for
15 Eastern European Democracy (SEED) Act of 1989 (Pub-
16 lic Law 101–179), \$750,334,000, to remain available until
17 September 30, 2019, which shall be available, notwith-
18 standing any other provision of law, except section 7070
19 of this Act, for assistance and related programs for coun-
20 tries identified in section 3 of Public Law 102–511 (22
21 U.S.C. 5801) and section 3(c) of Public Law 101–179 (22
22 U.S.C. 5402), in addition to funds otherwise available for
23 such purposes: *Provided*, That funds appropriated by this
24 Act under the headings “Global Health Programs”, “Eco-
25 nomic Support Fund”, and “International Narcotics Con-

1 trol and Law Enforcement” that are made available for
2 assistance for such countries shall be administered in ac-
3 cordance with the responsibilities of the coordinator des-
4 ignated pursuant to section 102 of Public Law 102–511
5 and section 601 of Public Law 101–179: *Provided further*,
6 That funds appropriated under this heading shall be con-
7 sidered to be economic assistance under the Foreign As-
8 sistance Act of 1961 for purposes of making available the
9 administrative authorities contained in that Act for the
10 use of economic assistance.

11 DEPARTMENT OF STATE

12 MIGRATION AND REFUGEE ASSISTANCE

13 For necessary expenses not otherwise provided for,
14 to enable the Secretary of State to carry out the provisions
15 of section 2(a) and (b) of the Migration and Refugee As-
16 sistance Act of 1962, and other activities to meet refugee
17 and migration needs; salaries and expenses of personnel
18 and dependents as authorized by the Foreign Service Act
19 of 1980; allowances as authorized by sections 5921
20 through 5925 of title 5, United States Code; purchase and
21 hire of passenger motor vehicles; and services as author-
22 ized by section 3109 of title 5, United States Code,
23 \$927,802,000, to remain available until expended, of
24 which not less than \$35,000,000 shall be made available
25 to respond to small-scale emergency humanitarian require-

1 ments, and \$7,500,000 shall be made available for refu-
2 gees resettling in Israel.

3 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
4 ASSISTANCE FUND

5 For necessary expenses to carry out the provisions
6 of section 2(c) of the Migration and Refugee Assistance
7 Act of 1962, as amended (22 U.S.C. 2601(c)),
8 \$1,000,000, to remain available until expended: *Provided*,
9 That amounts in excess of the limitation contained in
10 paragraph (2) of such section shall be transferred to, and
11 merged with, funds made available by this Act under the
12 heading “Migration and Refugee Assistance”.

13 INDEPENDENT AGENCIES

14 PEACE CORPS

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to carry out the provisions
17 of the Peace Corps Act (22 U.S.C. 2501 et seq.), including
18 the purchase of not to exceed five passenger motor vehicles
19 for administrative purposes for use outside of the United
20 States, \$410,000,000, of which \$5,500,000 is for the Of-
21 fice of Inspector General, to remain available until Sep-
22 tember 30, 2019: *Provided*, That the Director of the Peace
23 Corps may transfer to the Foreign Currency Fluctuations
24 Account, as authorized by section 16 of the Peace Corps
25 Act (22 U.S.C. 2515), an amount not to exceed

1 \$5,000,000: *Provided further*, That funds transferred pur-
2 suant to the previous proviso may not be derived from
3 amounts made available for Peace Corps overseas oper-
4 ations: *Provided further*, That of the funds appropriated
5 under this heading, not to exceed \$104,000 may be avail-
6 able for representation expenses, of which not to exceed
7 \$4,000 may be made available for entertainment expenses:
8 *Provided further*, That any decision to open, close, signifi-
9 cantly reduce, or suspend a domestic or overseas office or
10 country program shall be subject to prior consultation
11 with, and the regular notification procedures of, the Com-
12 mittees on Appropriations, except that prior consultation
13 and regular notification procedures may be waived when
14 there is a substantial security risk to volunteers or other
15 Peace Corps personnel, pursuant to section 7015(e) of this
16 Act: *Provided further*, That none of the funds appropriated
17 under this heading shall be used to pay for abortions: *Pro-*
18 *vided further*, That notwithstanding the previous proviso,
19 section 614 of division E of Public Law 113–76 shall
20 apply to funds appropriated under this heading.

21 MILLENNIUM CHALLENGE CORPORATION

22 For necessary expenses to carry out the provisions
23 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701
24 et seq.) (MCA), \$905,000,000, to remain available until
25 expended: *Provided*, That of the funds appropriated under

1 this heading, up to \$105,000,000 may be available for ad-
2 ministrative expenses of the Millennium Challenge Cor-
3 poration (MCC): *Provided further*, That up to 5 percent
4 of the funds appropriated under this heading may be made
5 available to carry out the purposes of section 616 of the
6 MCA for fiscal year 2018: *Provided further*, That section
7 605(e) of the MCA shall apply to funds appropriated
8 under this heading: *Provided further*, That funds appro-
9 priated under this heading may be made available for a
10 Millennium Challenge Compact entered into pursuant to
11 section 609 of the MCA only if such Compact obligates,
12 or contains a commitment to obligate subject to the avail-
13 ability of funds and the mutual agreement of the parties
14 to the Compact to proceed, the entire amount of the
15 United States Government funding anticipated for the du-
16 ration of the Compact: *Provided further*, That the MCC
17 Chief Executive Officer shall notify the Committees on Ap-
18 propriations not later than 15 days prior to commencing
19 negotiations for any country compact or threshold country
20 program; signing any such compact or threshold program;
21 or terminating or suspending any such compact or thresh-
22 old program: *Provided further*, That funds appropriated
23 under this heading by this Act and prior Acts making ap-
24 propriations for the Department of State, foreign oper-
25 ations, and related programs that are available to imple-

1 ment section 609(g) of the MCA shall be subject to the
2 regular notification procedures of the Committees on Ap-
3 propriations: *Provided further*, That no country should be
4 eligible for a threshold program after such country has
5 completed a country compact: *Provided further*, That any
6 funds that are deobligated from a Millennium Challenge
7 Compact shall be subject to the regular notification proce-
8 dures of the Committees on Appropriations prior to re-
9 obligation: *Provided further*, That notwithstanding section
10 606(a)(2) of the MCA, a country shall be a candidate
11 country for purposes of eligibility for assistance for the
12 fiscal year if the country has a per capita income equal
13 to or below the World Bank's lower middle income country
14 threshold for the fiscal year and is among the 75 lowest
15 per capita income countries as identified by the World
16 Bank; and the country meets the requirements of section
17 606(a)(1)(B) of the MCA: *Provided further*, That notwith-
18 standing section 606(b)(1) of the MCA, in addition to
19 countries described in the preceding proviso, a country
20 shall be a candidate country for purposes of eligibility for
21 assistance for the fiscal year if the country has a per cap-
22 ita income equal to or below the World Bank's lower mid-
23 dle income country threshold for the fiscal year and is not
24 among the 75 lowest per capita income countries as identi-
25 fied by the World Bank; and the country meets the re-

1 requirements of section 606(a)(1)(B) of the MCA: *Provided*
2 *further*, That any MCC candidate country under section
3 606 of the MCA with a per capita income that changes
4 in the fiscal year such that the country would be reclassi-
5 fied from a low income country to a lower middle income
6 country or from a lower middle income country to a low
7 income country shall retain its candidacy status in its
8 former income classification for the fiscal year and the 2
9 subsequent fiscal years: *Provided further*, That publication
10 in the Federal Register of a notice of availability of a copy
11 of a Compact on the MCC Web site shall be deemed to
12 satisfy the requirements of section 610(b)(2) of the MCA
13 for such Compact: *Provided further*, That none of the
14 funds made available by this Act or prior Acts making
15 appropriations for the Department of State, foreign oper-
16 ations, and related programs shall be available for a
17 threshold program in a country that is not currently a can-
18 didate country: *Provided further*, That of the funds appro-
19 priated under this heading, not to exceed \$100,000 may
20 be available for representation and entertainment ex-
21 penses, of which not to exceed \$5,000 may be available
22 for entertainment expenses.

23 INTER-AMERICAN FOUNDATION

24 For necessary expenses to carry out the functions of
25 the Inter-American Foundation in accordance with the

1 provisions of section 401 of the Foreign Assistance Act
2 of 1969, \$22,500,000, to remain available until September
3 30, 2019: *Provided*, That of the funds appropriated under
4 this heading, not to exceed \$2,000 may be available for
5 representation expenses.

6 UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

7 For necessary expenses to carry out the African De-
8 velopment Foundation Act (title V of Public Law 96–533;
9 22 U.S.C. 290h et seq.), \$30,000,000, to remain available
10 until September 30, 2019, of which not to exceed \$2,000
11 may be available for representation expenses: *Provided*,
12 That funds made available to grantees may be invested
13 pending expenditure for project purposes when authorized
14 by the Board of Directors of the United States African
15 Development Foundation (USADF): *Provided further*,
16 That interest earned shall be used only for the purposes
17 for which the grant was made: *Provided further*, That not-
18 withstanding section 505(a)(2) of the African Develop-
19 ment Foundation Act (22 U.S.C. 290h–3(a)(2)), in excep-
20 tional circumstances the Board of Directors of the
21 USADF may waive the \$250,000 limitation contained in
22 that section with respect to a project and a project may
23 exceed the limitation by up to 10 percent if the increase
24 is due solely to foreign currency fluctuation: *Provided fur-*
25 *ther*, That the USADF shall submit a report to the appro-

1 p r i a t e c o n g r e s s i o n a l c o m m i t t e e s a f t e r e a c h t i m e s u c h w a i v -
2 e r a u t h o r i t y i s e x e r c i s e d : *Provided further*, T h a t t h e
3 U S A D F m a y m a k e r e n t o r l e a s e p a y m e n t s i n a d v a n c e
4 f r o m a p p r o p r i a t i o n s a v a i l a b l e f o r s u c h p u r p o s e f o r o f f i c e s ,
5 b u i l d i n g s , g r o u n d s , a n d q u a r t e r s i n A f r i c a a s m a y b e n e e -
6 e s s a r y t o c a r r y o u t i t s f u n c t i o n s : *Provided further*, T h a t
7 t h e U S A D F m a y m a i n t a i n b a n k a c c o u n t s o u t s i d e t h e
8 U n i t e d S t a t e s T r e a s u r y a n d r e t a i n a n y i n t e r e s t e a r n e d o n
9 s u c h a c c o u n t s , i n f u r t h e r a n c e o f t h e p u r p o s e s o f t h e A f r i -
10 c a n D e v e l o p m e n t F o u n d a t i o n A c t : *Provided further*, T h a t
11 t h e U S A D F m a y n o t w i t h d r a w a n y a p p r o p r i a t i o n f r o m t h e
12 T r e a s u r y p r i o r t o t h e n e e d o f s p e n d i n g s u c h f u n d s f o r p r o -
13 g r a m p u r p o s e s .

14 D E P A R T M E N T O F T H E T R E A S U R Y

15 I N T E R N A T I O N A L A F F A I R S T E C H N I C A L A S S I S T A N C E

16 F o r n e c e s s a r y e x p e n s e s t o c a r r y o u t t h e p r o v i s i o n s
17 o f s e c t i o n 129 o f t h e F o r e i g n A s s i s t a n c e A c t o f 1961,
18 \$30,000,000, t o r e m a i n a v a i l a b l e u n t i l S e p t e m b e r 30,
19 2020: *Provided*, T h a t a m o u n t s m a d e a v a i l a b l e u n d e r t h i s
20 h e a d i n g m a y b e m a d e a v a i l a b l e t o c o n t r a c t f o r s e r v i c e s a s
21 d e s c r i b e d i n s e c t i o n 129(d)(3)(A) o f t h e F o r e i g n A s s i s t -
22 a n c e A c t o f 1961, w i t h o u t r e g a r d t o t h e l o c a t i o n i n w h i c h
23 s u c h s e r v i c e s a r e p e r f o r m e d .

1254

1 TITLE IV
2 INTERNATIONAL SECURITY ASSISTANCE
3 DEPARTMENT OF STATE
4 INTERNATIONAL NARCOTICS CONTROL AND LAW
5 ENFORCEMENT

6 For necessary expenses to carry out section 481 of
7 the Foreign Assistance Act of 1961, \$950,845,000, to re-
8 main available until September 30, 2019: *Provided*, That
9 the Department of State may use the authority of section
10 608 of the Foreign Assistance Act of 1961, without regard
11 to its restrictions, to receive excess property from an agen-
12 cy of the United States Government for the purpose of
13 providing such property to a foreign country or inter-
14 national organization under chapter 8 of part I of such
15 Act, subject to the regular notification procedures of the
16 Committees on Appropriations: *Provided further*, That sec-
17 tion 482(b) of the Foreign Assistance Act of 1961 shall
18 not apply to funds appropriated under this heading, except
19 that any funds made available notwithstanding such sec-
20 tion shall be subject to the regular notification procedures
21 of the Committees on Appropriations: *Provided further*,
22 That funds appropriated under this heading shall be made
23 available to support training and technical assistance for
24 foreign law enforcement, corrections, and other judicial
25 authorities, utilizing regional partners: *Provided further*,

1 That funds made available under this heading that are
2 transferred to another department, agency, or instrumen-
3 tality of the United States Government pursuant to sec-
4 tion 632(b) of the Foreign Assistance Act of 1961 valued
5 in excess of \$5,000,000, and any agreement made pursu-
6 ant to section 632(a) of such Act, shall be subject to the
7 regular notification procedures of the Committees on Ap-
8 propriations.

9 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
10 RELATED PROGRAMS

11 For necessary expenses for nonproliferation, anti-ter-
12 rorism, demining and related programs and activities,
13 \$655,467,000, to remain available until September 30,
14 2019, to carry out the provisions of chapter 8 of part II
15 of the Foreign Assistance Act of 1961 for anti-terrorism
16 assistance, chapter 9 of part II of the Foreign Assistance
17 Act of 1961, section 504 of the FREEDOM Support Act,
18 section 23 of the Arms Export Control Act, or the Foreign
19 Assistance Act of 1961 for demining activities, the clear-
20 ance of unexploded ordnance, the destruction of small
21 arms, and related activities, notwithstanding any other
22 provision of law, including activities implemented through
23 nongovernmental and international organizations, and sec-
24 tion 301 of the Foreign Assistance Act of 1961 for a
25 United States contribution to the Comprehensive Nuclear

1 Test Ban Treaty Preparatory Commission, and for a vol-
2 untary contribution to the International Atomic Energy
3 Agency (IAEA): *Provided*, That the Secretary of State
4 shall inform the appropriate congressional committees of
5 information regarding any separate arrangements relating
6 to the “Road-map for the Clarification of Past and
7 Present Outstanding Issues Regarding Iran’s Nuclear
8 Program” between the IAEA and the Islamic Republic of
9 Iran, in classified form if necessary, if such information
10 becomes known to the Department of State: *Provided fur-*
11 *ther*, That funds made available under this heading for
12 the Nonproliferation and Disarmament Fund shall be
13 made available, notwithstanding any other provision of law
14 and subject to prior consultation with, and the regular no-
15 tification procedures of, the Committees on Appropria-
16 tions, to promote bilateral and multilateral activities relat-
17 ing to nonproliferation, disarmament, and weapons de-
18 struction, and shall remain available until expended: *Pro-*
19 *vided further*, That such funds may also be used for such
20 countries other than the Independent States of the former
21 Soviet Union and international organizations when it is
22 in the national security interest of the United States to
23 do so: *Provided further*, That funds appropriated under
24 this heading may be made available for the IAEA unless
25 the Secretary of State determines that Israel is being de-

1 nished its right to participate in the activities of that Agen-
2 cy: *Provided further*, That funds made available for con-
3 ventional weapons destruction programs, including
4 demining and related activities, in addition to funds other-
5 wise available for such purposes, may be used for adminis-
6 trative expenses related to the operation and management
7 of such programs and activities, subject to the regular no-
8 tification procedures of the Committees on Appropria-
9 tions.

10 PEACEKEEPING OPERATIONS

11 For necessary expenses to carry out the provisions
12 of section 551 of the Foreign Assistance Act of 1961,
13 \$212,712,000: *Provided*, That funds appropriated under
14 this heading may be used, notwithstanding section 660 of
15 such Act, to provide assistance to enhance the capacity
16 of foreign civilian security forces, including gendarmes, to
17 participate in peacekeeping operations: *Provided further*,
18 That of the funds appropriated under this heading, not
19 less than \$31,000,000 shall be made available for a United
20 States contribution to the Multinational Force and Ob-
21 servers mission in the Sinai: *Provided further*, That none
22 of the funds appropriated under this heading shall be obli-
23 gated except as provided through the regular notification
24 procedures of the Committees on Appropriations.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 INTERNATIONAL MILITARY EDUCATION AND TRAINING

3 For necessary expenses to carry out the provisions
4 of section 541 of the Foreign Assistance Act of 1961,
5 \$110,875,000, of which up to \$11,000,000 may remain
6 available until September 30, 2019: *Provided*, That the
7 civilian personnel for whom military education and train-
8 ing may be provided under this heading may include civil-
9 ians who are not members of a government whose partici-
10 pation would contribute to improved civil-military rela-
11 tions, civilian control of the military, or respect for human
12 rights: *Provided further*, That of the funds appropriated
13 under this heading, not to exceed \$55,000 may be avail-
14 able for entertainment expenses.

15 FOREIGN MILITARY FINANCING PROGRAM

16 For necessary expenses for grants to enable the
17 President to carry out the provisions of section 23 of the
18 Arms Export Control Act, \$5,671,613,000: *Provided*,
19 That to expedite the provision of assistance to foreign
20 countries and international organizations, the Secretary of
21 State, following consultation with the Committees on Ap-
22 propriations and subject to the regular notification proce-
23 dures of such Committees, may use the funds appro-
24 priated under this heading to procure defense articles and
25 services to enhance the capacity of foreign security forces:

1 *Provided further*, That of the funds appropriated under
2 this heading, not less than \$3,100,000,000 shall be avail-
3 able for grants only for Israel which shall be disbursed
4 within 30 days of enactment of this Act: *Provided further*,
5 That to the extent that the Government of Israel requests
6 that funds be used for such purposes, grants made avail-
7 able for Israel under this heading shall, as agreed by the
8 United States and Israel, be available for advanced weap-
9 ons systems, of which not less than \$815,300,000 shall
10 be available for the procurement in Israel of defense arti-
11 cles and defense services, including research and develop-
12 ment: *Provided further*, That funds appropriated or other-
13 wise made available under this heading shall be nonrepay-
14 able notwithstanding any requirement in section 23 of the
15 Arms Export Control Act: *Provided further*, That funds
16 made available under this heading shall be obligated upon
17 apportionment in accordance with paragraph (5)(C) of
18 section 1501(a) of title 31, United States Code.

19 None of the funds made available under this heading
20 shall be available to finance the procurement of defense
21 articles, defense services, or design and construction serv-
22 ices that are not sold by the United States Government
23 under the Arms Export Control Act unless the foreign
24 country proposing to make such procurement has first
25 signed an agreement with the United States Government

1 specifying the conditions under which such procurement
2 may be financed with such funds: *Provided*, That all coun-
3 try and funding level increases in allocations shall be sub-
4 mitted through the regular notification procedures of sec-
5 tion 7015 of this Act: *Provided further*, That funds made
6 available under this heading may be used, notwithstanding
7 any other provision of law, for demining, the clearance of
8 unexploded ordnance, and related activities, and may in-
9 clude activities implemented through nongovernmental
10 and international organizations: *Provided further*, That
11 only those countries for which assistance was justified for
12 the “Foreign Military Sales Financing Program” in the
13 fiscal year 1989 congressional presentation for security as-
14 sistance programs may utilize funds made available under
15 this heading for procurement of defense articles, defense
16 services, or design and construction services that are not
17 sold by the United States Government under the Arms
18 Export Control Act: *Provided further*, That funds appro-
19 priated under this heading shall be expended at the min-
20 imum rate necessary to make timely payment for defense
21 articles and services: *Provided further*, That not more than
22 \$75,000,000 of the funds appropriated under this heading
23 may be obligated for necessary expenses, including the
24 purchase of passenger motor vehicles for replacement only
25 for use outside of the United States, for the general costs

1 of administering military assistance and sales, except that
2 this limitation may be exceeded only through the regular
3 notification procedures of the Committees on Appropria-
4 tions: *Provided further*, That of the funds made available
5 under this heading for general costs of administering mili-
6 tary assistance and sales, not to exceed \$4,000 may be
7 available for entertainment expenses and not to exceed
8 \$130,000 may be available for representation expenses:
9 *Provided further*, That not more than \$950,000,000 of
10 funds realized pursuant to section 21(e)(1)(A) of the Arms
11 Export Control Act may be obligated for expenses incurred
12 by the Department of Defense during fiscal year 2018
13 pursuant to section 43(b) of the Arms Export Control Act,
14 except that this limitation may be exceeded only through
15 the regular notification procedures of the Committees on
16 Appropriations.

1262

1 TITLE V

2 MULTILATERAL ASSISTANCE

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

5 For necessary expenses to carry out the provisions
6 of section 301 of the Foreign Assistance Act of 1961, and
7 of section 2 of the United Nations Environment Program
8 Participation Act of 1973 (Public Law 93–188; 87 Stat.
9 713), \$339,000,000: *Provided*, That section 307(a) of the
10 Foreign Assistance Act of 1961 shall not apply to con-
11 tributions to the United Nations Democracy Fund.

12 INTERNATIONAL FINANCIAL INSTITUTIONS

13 GLOBAL ENVIRONMENT FACILITY

14 For payment to the International Bank for Recon-
15 struction and Development as trustee for the Global Envi-
16 ronment Facility by the Secretary of the Treasury,
17 \$139,575,000, to remain available until expended.

18 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT

19 ASSOCIATION

20 For payment to the International Development Asso-
21 ciation by the Secretary of the Treasury, \$1,097,010,000,
22 to remain available until expended.

1 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

2 For payment to the Asian Development Bank's Asian
3 Development Fund by the Secretary of the Treasury,
4 \$47,395,000, to remain available until expended.

5 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

6 For payment to the African Development Bank by
7 the Secretary of the Treasury for the United States share
8 of the paid-in portion of the increase in capital stock,
9 \$32,418,000, to remain available until expended.

10 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

11 The United States Governor of the African Develop-
12 ment Bank may subscribe without fiscal year limitation
13 to the callable capital portion of the United States share
14 of such capital stock in an amount not to exceed
15 \$507,860,808.

16 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

17 For payment to the African Development Fund by
18 the Secretary of the Treasury, \$171,300,000, to remain
19 available until expended.

20 CONTRIBUTION TO THE INTERNATIONAL FUND FOR

21 AGRICULTURAL DEVELOPMENT

22 For payment to the International Fund for Agricul-
23 tural Development by the Secretary of the Treasury,
24 \$30,000,000, to remain available until expended.

1264

1 TITLE VI
2 EXPORT AND INVESTMENT ASSISTANCE
3 EXPORT-IMPORT BANK OF THE UNITED STATES
4 INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$5,700,000, of which
8 up to \$855,000 may remain available until September 30,
9 2019.

10 PROGRAM ACCOUNT

11 The Export-Import Bank of the United States is au-
12 thorized to make such expenditures within the limits of
13 funds and borrowing authority available to such corpora-
14 tion, and in accordance with law, and to make such con-
15 tracts and commitments without regard to fiscal year limi-
16 tations, as provided by section 9104 of title 31, United
17 States Code, as may be necessary in carrying out the pro-
18 gram for the current fiscal year for such corporation: *Pro-*
19 *vided*, That none of the funds available during the current
20 fiscal year may be used to make expenditures, contracts,
21 or commitments for the export of nuclear equipment, fuel,
22 or technology to any country, other than a nuclear-weapon
23 state as defined in Article IX of the Treaty on the Non-
24 Proliferation of Nuclear Weapons eligible to receive eco-
25 nomic or military assistance under this Act, that has deto-

1 nated a nuclear explosive after the date of the enactment
2 of this Act.

3 ADMINISTRATIVE EXPENSES

4 For administrative expenses to carry out the direct
5 and guaranteed loan and insurance programs, including
6 hire of passenger motor vehicles and services as authorized
7 by section 3109 of title 5, United States Code, and not
8 to exceed \$30,000 for official reception and representation
9 expenses for members of the Board of Directors, not to
10 exceed \$110,000,000, of which up to \$16,500,000 may re-
11 main available until September 30, 2019: *Provided*, That
12 the Export-Import Bank (the Bank) may accept, and use,
13 payment or services provided by transaction participants
14 for legal, financial, or technical services in connection with
15 any transaction for which an application for a loan, guar-
16 antee or insurance commitment has been made: *Provided*
17 *further*, That the Bank shall charge fees for necessary ex-
18 penses (including special services performed on a contract
19 or fee basis, but not including other personal services) in
20 connection with the collection of moneys owed the Bank,
21 repossession or sale of pledged collateral or other assets
22 acquired by the Bank in satisfaction of moneys owed the
23 Bank, or the investigation or appraisal of any property,
24 or the evaluation of the legal, financial, or technical as-
25 pects of any transaction for which an application for a

1 loan, guarantee or insurance commitment has been made,
2 or systems infrastructure directly supporting transactions:
3 *Provided further*, That in addition to other funds appro-
4 priated for administrative expenses, such fees shall be
5 credited to this account for such purposes, to remain avail-
6 able until expended.

7 RECEIPTS COLLECTED

8 Receipts collected pursuant to the Export-Import
9 Bank Act of 1945 (Public Law 79–173) and the Federal
10 Credit Reform Act of 1990, in an amount not to exceed
11 the amount appropriated herein, shall be credited as off-
12 setting collections to this account: *Provided*, That the
13 sums herein appropriated from the General Fund shall be
14 reduced on a dollar-for-dollar basis by such offsetting col-
15 lections so as to result in a final fiscal year appropriation
16 from the General Fund estimated at \$0: *Provided further*,
17 That amounts collected in fiscal year 2018 in excess of
18 obligations, up to \$10,000,000 shall become available on
19 September 1, 2018, and shall remain available until Sep-
20 tember 30, 2021.

21 OVERSEAS PRIVATE INVESTMENT CORPORATION

22 NONCREDIT ACCOUNT

23 The Overseas Private Investment Corporation is au-
24 thorized to make, without regard to fiscal year limitations,
25 as provided by section 9104 of title 31, United States

1 Code, such expenditures and commitments within the lim-
2 its of funds available to it and in accordance with law as
3 may be necessary: *Provided*, That the amount available for
4 administrative expenses to carry out the credit and insur-
5 ance programs (including an amount for official reception
6 and representation expenses which shall not exceed
7 \$35,000) shall not exceed \$79,200,000: *Provided further*,
8 That project-specific transaction costs, including direct
9 and indirect costs incurred in claims settlements, and
10 other direct costs associated with services provided to spe-
11 cific investors or potential investors pursuant to section
12 234 of the Foreign Assistance Act of 1961, shall not be
13 considered administrative expenses for the purposes of this
14 heading.

15 PROGRAM ACCOUNT

16 For the cost of direct and guaranteed loans as au-
17 thorized by section 234 of the Foreign Assistance Act of
18 1961, \$20,000,000, to be derived by transfer from the
19 Overseas Private Investment Corporation Noncredit Ac-
20 count, to remain available until September 30, 2020: *Pro-*
21 *vided*, That such costs, including the cost of modifying
22 such loans, shall be as defined in section 502 of the Con-
23 gressional Budget Act of 1974: *Provided further*, That
24 funds so obligated in fiscal year 2018 remain available for
25 disbursement through 2026; funds obligated in fiscal year

1 2019 remain available for disbursement through 2027;
2 and funds obligated in fiscal year 2020 remain available
3 for disbursement through 2028: *Provided further*, That
4 notwithstanding any other provision of law, the Overseas
5 Private Investment Corporation is authorized to undertake
6 any program authorized by title IV of chapter 2 of part
7 I of the Foreign Assistance Act of 1961 in Iraq: *Provided*
8 *further*, That funds made available pursuant to the au-
9 thority of the previous proviso shall be subject to the reg-
10 ular notification procedures of the Committees on Appro-
11 priations.

12 In addition, such sums as may be necessary for ad-
13 ministrative expenses to carry out the credit program may
14 be derived from amounts available for administrative ex-
15 penses to carry out the credit and insurance programs in
16 the Overseas Private Investment Corporation Noncredit
17 Account and merged with said account.

18 TRADE AND DEVELOPMENT AGENCY

19 For necessary expenses to carry out the provisions
20 of section 661 of the Foreign Assistance Act of 1961,
21 \$79,500,000, to remain available until September 30,
22 2019: *Provided*, That of the funds appropriated under this
23 heading, not more than \$5,000 may be available for rep-
24 resentation and entertainment expenses.

1 TITLE VII

2 GENERAL PROVISIONS

3 ALLOWANCES AND DIFFERENTIALS

4 SEC. 7001. Funds appropriated under title I of this
5 Act shall be available, except as otherwise provided, for
6 allowances and differentials as authorized by subchapter
7 59 of title 5, United States Code; for services as author-
8 ized by section 3109 of such title and for hire of passenger
9 transportation pursuant to section 1343(b) of title 31,
10 United States Code.

11 UNOBLIGATED BALANCES REPORT

12 SEC. 7002. Any department or agency of the United
13 States Government to which funds are appropriated or
14 otherwise made available by this Act shall provide to the
15 Committees on Appropriations a quarterly accounting of
16 cumulative unobligated balances and obligated, but unex-
17 pended, balances by program, project, and activity, and
18 Treasury Account Fund Symbol of all funds received by
19 such department or agency in fiscal year 2018 or any pre-
20 vious fiscal year, disaggregated by fiscal year: *Provided*,
21 That the report required by this section shall be submitted
22 not later than 30 days after the end of each fiscal quarter
23 and should specify by account the amount of funds obli-
24 gated pursuant to bilateral agreements which have not
25 been further sub-obligated.

1 CONSULTING SERVICES

2 SEC. 7003. The expenditure of any appropriation
3 under title I of this Act for any consulting service through
4 procurement contract, pursuant to section 3109 of title
5 5, United States Code, shall be limited to those contracts
6 where such expenditures are a matter of public record and
7 available for public inspection, except where otherwise pro-
8 vided under existing law, or under existing Executive
9 Order issued pursuant to existing law.

10 DIPLOMATIC FACILITIES

11 SEC. 7004. (a) CAPITAL SECURITY COST SHARING
12 INFORMATION.—The Secretary of State shall promptly in-
13 form the Committees on Appropriations of each instance
14 in which a Federal department or agency is delinquent in
15 providing the full amount of funding required by section
16 604(e) of the Secure Embassy Construction and Counter-
17 terrorism Act of 1999 (22 U.S.C. 4865 note).

18 (b) EXCEPTION.—Notwithstanding paragraph (2) of
19 section 604(e) of the Secure Embassy Construction and
20 Counterterrorism Act of 1999 (title VI of division A of
21 H.R. 3427, as enacted into law by section 1000(a)(7) of
22 Public Law 106–113 and contained in appendix G of that
23 Act), as amended by section 111 of the Department of
24 State Authorities Act, Fiscal Year 2017 (Public Law 114–
25 323), a project to construct a facility of the United States

1 may include office space or other accommodations for
2 members of the United States Marine Corps.

3 (c) NEW DIPLOMATIC FACILITIES.—For the pur-
4 poses of calculating the fiscal year 2018 costs of providing
5 new United States diplomatic facilities in accordance with
6 section 604(e) of the Secure Embassy Construction and
7 Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the
8 Secretary of State, in consultation with the Director of
9 the Office of Management and Budget, shall determine the
10 annual program level and agency shares in a manner that
11 is proportional to the contribution of the Department of
12 State for this purpose: *Provided*, That funds appropriated
13 by this Act that are made available for departments and
14 agencies of the United States Government shall be made
15 available for the Capital Security Cost Sharing Program
16 and the Maintenance Cost Sharing Program at levels not
17 less than the prior fiscal year.

18 (d) CONSULTATION AND NOTIFICATION.—Funds ap-
19 propriated by this Act and prior Acts making appropria-
20 tions for the Department of State, foreign operations, and
21 related programs, which may be made available for the
22 acquisition of property or award of construction contracts
23 for overseas United States diplomatic facilities during fis-
24 cal year 2018, shall be subject to prior consultation with,
25 and the regular notification procedures of, the Committees

1 on Appropriations: *Provided*, That notifications pursuant
2 to this subsection shall include the information enumer-
3 ated under the heading “Embassy Security, Construction,
4 and Maintenance” in House Report 115–253 and Senate
5 Report 114–290: *Provided further*, That any such notifica-
6 tion for a new diplomatic facility justified to the Commit-
7 tees on Appropriations in the Congressional Budget Jus-
8 tification, Department of State, Foreign Operations, and
9 Related Programs, Fiscal Year 2018, or not previously
10 justified to such Committees, shall also include confirma-
11 tion that the Department of State has completed the req-
12 uisite value engineering studies required pursuant to OMB
13 Circular A–131, Value Engineering December 31, 2013
14 and the Bureau of Overseas Building Operations Policy
15 and Procedure Directive, P&PD, Cost 02: Value Engineer-
16 ing.

17 (e) INTERIM AND TEMPORARY FACILITIES
18 ABROAD.—

19 (1) SECURITY VULNERABILITIES.—Funds ap-
20 propriated by this Act under the heading “Embassy
21 Security, Construction, and Maintenance” may be
22 made available, following consultation with the ap-
23 propriate congressional committees, to address secu-
24 rity vulnerabilities at interim and temporary United
25 States diplomatic facilities abroad, including physical

1 security upgrades and local guard staffing, except
2 that the amount of funds made available for such
3 purposes from this Act and prior Acts making ap-
4 propriations for the Department of State, foreign
5 operations, and related programs shall be a min-
6 imum of \$25,000,000.

7 (2) CONSULTATION.—Notwithstanding any
8 other provision of law, the opening, closure, or any
9 significant modification to an interim or temporary
10 United States diplomatic facility shall be subject to
11 prior consultation with the appropriate congressional
12 committees and the regular notification procedures
13 of the Committees on Appropriations, except that
14 such consultation and notification may be waived if
15 there is a security risk to personnel.

16 (f) TRANSFER OF FUNDS AUTHORITY.—Funds ap-
17 propriated under the heading “Diplomatic and Consular
18 Programs”, including for Worldwide Security Protection,
19 and under the heading “Embassy Security, Construction,
20 and Maintenance” in this Act may be transferred to, and
21 merged with, funds appropriated under such headings if
22 the Secretary of State determines and reports to the Com-
23 mittees on Appropriations that to do so is necessary to
24 implement the recommendations of the Benghazi Account-
25 ability Review Board, or to prevent or respond to security

1 situations and requirements, following consultation with,
2 and subject to the regular notification procedures of, such
3 Committees: *Provided*, That such transfer authority is in
4 addition to any transfer authority otherwise available
5 under any other provision of law.

6 (g) SOFT TARGETS.—Funds appropriated by this Act
7 under the heading “Embassy Security, Construction, and
8 Maintenance” may be made available for security up-
9 grades to soft targets, including schools, recreational fa-
10 cilities, and residences used by United States diplomatic
11 personnel and their dependents, except that the amount
12 made available for such purposes shall be a minimum of
13 \$10,000,000.

14 (h) SECURE RESUPPLY AND MAINTENANCE.—The
15 Secretary of State may not grant final approval for the
16 construction of a new facility or substantial construction
17 to improve or expand an existing facility in the United
18 States by or for the Government of the People’s Republic
19 of China until the Secretary certifies and reports to the
20 appropriate congressional committees that an agreement
21 has been concluded between the Governments of the
22 United States and the People’s Republic of China that
23 permits secure resupply, maintenance, and new construc-
24 tion of United States Government facilities in the People’s
25 Republic of China.

1 (i) NEW EMBASSY COMPOUND KINSHASA.—Of the
2 funds appropriated by this Act under the heading “Peace-
3 keeping Operations” that are made available for the cen-
4 tral Government of the Democratic Republic of the Congo,
5 25 percent shall be withheld from obligation until the Sec-
6 retary of State certifies and reports to the Committees on
7 Appropriations that such Government has fully vacated
8 the property purchased by the United States in Kinshasa
9 for the construction of a New Embassy Compound.

10 (j) REPORTS.—

11 (1) None of the funds appropriated under the
12 heading “Embassy Security, Construction, and
13 Maintenance” in this Act and prior Acts making ap-
14 propriations for the Department of State, foreign
15 operations, and related programs, made available
16 through Federal agency Capital Security Cost Shar-
17 ing contributions and reimbursements, or generated
18 from the proceeds of real property sales, other than
19 from real property sales located in London, United
20 Kingdom, may be made available for site acquisition
21 and mitigation, planning, design, or construction of
22 the New London Embassy: *Provided*, That the re-
23 porting requirement contained in section 7004(f)(2)
24 of the Department of State, Foreign Operations, and
25 Related Programs Appropriations Act, 2012 (divi-

1 sion I of Public Law 112–74) shall remain in effect
2 during fiscal year 2018.

3 (2) Within 45 days of enactment of this Act
4 and every 4 months thereafter until September 30,
5 2019, the Secretary of State shall submit to the
6 Committees on Appropriations a report on the new
7 Mexico City Embassy, New Delhi Embassy, and Bei-
8 rut Embassy projects: *Provided*, That such report
9 shall include, for each of the projects—

10 (A) a detailed breakout of the project fac-
11 tors that formed the basis of the initial cost es-
12 timate used to justify such project to the Com-
13 mittees on Appropriations, as described under
14 the heading “Embassy Security, Construction,
15 and Maintenance” in House Report 115–253;

16 (B) a comparison of the current project
17 factors as compared to the project factors sub-
18 mitted pursuant to subparagraph (A) of this
19 subsection, and an explanation of any changes;
20 and

21 (C) the impact of currency exchange rate
22 fluctuations on project costs.

23 PERSONNEL ACTIONS

24 SEC. 7005. Any costs incurred by a department or
25 agency funded under title I of this Act resulting from per-

1 sonnel actions taken in response to funding reductions in-
2 cluded in this Act shall be absorbed within the total budg-
3 etary resources available under title I to such department
4 or agency: *Provided*, That the authority to transfer funds
5 between appropriations accounts as may be necessary to
6 carry out this section is provided in addition to authorities
7 included elsewhere in this Act: *Provided further*, That use
8 of funds to carry out this section shall be treated as a
9 reprogramming of funds under section 7015 of this Act.

10 DEPARTMENT OF STATE MANAGEMENT

11 SEC. 7006. (a) FINANCIAL SYSTEMS IMPROVE-
12 MENT.—Funds appropriated by this Act for the operations
13 of the Department of State under the headings “Diplo-
14 matic and Consular Programs” and “Capital Investment
15 Fund” shall be made available to implement the rec-
16 ommendations contained in the Foreign Assistance Data
17 Review Findings Report (FADR) and the Office of Inspec-
18 tor General (OIG) report entitled “Department Financial
19 Systems Are Insufficient to Track and Report on Foreign
20 Assistance Funds”: *Provided*, That not later than 45 days
21 after enactment of this Act, the Secretary of State shall
22 submit to the Committees on Appropriations an update
23 to the plan required under section 7006 of the Department
24 of State, Foreign Operations, and Related Programs Ap-
25 propriations Act, 2017 (division J of Public Law 115–31)

1 for implementing the FADR and OIG recommendations:
2 *Provided further*, That such funds may not be obligated
3 for enhancements to, or expansions of, the Budget System
4 Modernization Financial System, Central Resource Man-
5 agement System, Joint Financial Management System, or
6 Foreign Assistance Coordination and Tracking System
7 until such updated plan is submitted to the Committees
8 on Appropriations: *Provided further*, That such funds may
9 not be obligated for new, or expansion of existing, ad hoc
10 electronic systems to track commitments, obligations, or
11 expenditures of funds unless the Secretary of State, fol-
12 lowing consultation with the Chief Information Officer of
13 the Department of State, has reviewed and certified that
14 such new system or expansion is consistent with the
15 FADR and OIG recommendations.

16 (b) WORKING CAPITAL FUND.—Funds appropriated
17 by this Act or otherwise made available to the Department
18 of State for payments to the Working Capital Fund may
19 only be used for the service centers included in the Con-
20 gressional Budget Justification, Department of State,
21 Foreign Operations, and Related Programs, Fiscal Year
22 2018: *Provided*, That the amounts for such service centers
23 shall be the amounts included in such budget justification,
24 except as provided in section 7015(b) of this Act: *Provided*
25 *further*, That Federal agency components shall be charged

1 only for their direct usage of each Working Capital Fund
2 service: *Provided further*, That prior to increasing the per-
3 centage charged to Department of State bureaus and of-
4 fices for procurement-related activities, the Secretary of
5 State shall include the proposed increase in the Depart-
6 ment of State budget justification or, at least 60 days
7 prior to the increase, provide the Committees on Appro-
8 priations a justification for such increase, including a de-
9 tailed assessment of the cost and benefit of the services
10 provided by the procurement fee: *Provided further*, That
11 Federal agency components may only pay for Working
12 Capital Fund services that are consistent with the purpose
13 and authorities of such components: *Provided further*,
14 That the Working Capital Fund shall be paid in advance
15 or reimbursed at rates which will return the full cost of
16 each service.

17 (c) CERTIFICATION.—

18 (1) Not later than 45 days after the initial obli-
19 gation of funds appropriated under titles III and IV
20 of this Act that are made available to a Department
21 of State bureau or office with responsibility for the
22 management and oversight of such funds, the Sec-
23 retary of State shall certify and report to the Com-
24 mittees on Appropriations, on an individual bureau
25 or office basis, that such bureau or office is in com-

1 pliance with Department and Federal financial and
2 grants management policies, procedures, and regula-
3 tions, as applicable.

4 (2) When making a certification required by
5 paragraph (1), the Secretary of State shall consider
6 the capacity of a bureau or office to—

7 (A) account for the obligated funds at the
8 country and program level, as appropriate;

9 (B) identify risks and develop mitigation
10 and monitoring plans;

11 (C) establish performance measures and
12 indicators;

13 (D) review activities and performance; and

14 (E) assess final results and reconcile fi-
15 nances.

16 (3) If the Secretary of State is unable to make
17 a certification required by paragraph (1), the Sec-
18 retary shall submit a plan and timeline detailing the
19 steps to be taken to bring such bureau or office into
20 compliance.

21 (4) The report accompanying a certification re-
22 quired by paragraph (1) shall include the require-
23 ments contained under this section in the explana-
24 tory statement described in section 4 (in the matter
25 preceding division A of this consolidated Act).

1 (d) REPORT ON SOLE SOURCE AWARDS.—Not later
2 than December 31, 2018, the Secretary of State shall sub-
3 mit a report to the appropriate congressional committees
4 detailing all sole-source awards made by the Department
5 of State during the previous fiscal year in excess of
6 \$2,000,000: *Provided*, That such report should be posted
7 on the Department of State Web site.

8 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
9 COUNTRIES

10 SEC. 7007. None of the funds appropriated or other-
11 wise made available pursuant to titles III through VI of
12 this Act shall be obligated or expended to finance directly
13 any assistance or reparations for the governments of
14 Cuba, North Korea, Iran, or Syria: *Provided*, That for
15 purposes of this section, the prohibition on obligations or
16 expenditures shall include direct loans, credits, insurance,
17 and guarantees of the Export-Import Bank or its agents.

18 COUPS D'ÉTAT

19 SEC. 7008. None of the funds appropriated or other-
20 wise made available pursuant to titles III through VI of
21 this Act shall be obligated or expended to finance directly
22 any assistance to the government of any country whose
23 duly elected head of government is deposed by military
24 coup d'état or decree or, after the date of enactment of
25 this Act, a coup d'état or decree in which the military

1 plays a decisive role: *Provided*, That assistance may be re-
2 sumed to such government if the Secretary of State cer-
3 tifies and reports to the appropriate congressional commit-
4 tees that subsequent to the termination of assistance a
5 democratically elected government has taken office: *Pro-*
6 *vided further*, That the provisions of this section shall not
7 apply to assistance to promote democratic elections or
8 public participation in democratic processes: *Provided fur-*
9 *ther*, That funds made available pursuant to the previous
10 provisos shall be subject to the regular notification proce-
11 dures of the Committees on Appropriations.

12 TRANSFER OF FUNDS AUTHORITY

13 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
14 CASTING BOARD OF GOVERNORS.—

15 (1) DEPARTMENT OF STATE.—Not to exceed 5
16 percent of any appropriation made available for the
17 current fiscal year for the Department of State
18 under title I of this Act may be transferred between,
19 and merged with, such appropriations, but no such
20 appropriation, except as otherwise specifically pro-
21 vided, shall be increased by more than 10 percent by
22 any such transfers, and no such transfer may be
23 made to increase the appropriation under the head-
24 ing “Representation Expenses”.

1 (2) BROADCASTING BOARD OF GOVERNORS.—

2 Not to exceed 5 percent of any appropriation made
3 available for the current fiscal year for the Broad-
4 casting Board of Governors under title I of this Act
5 may be transferred between, and merged with, such
6 appropriations, but no such appropriation, except as
7 otherwise specifically provided, shall be increased by
8 more than 10 percent by any such transfers.

9 (3) TREATMENT AS REPROGRAMMING.—Any
10 transfer pursuant to this subsection shall be treated
11 as a reprogramming of funds under section 7015 of
12 this Act and shall not be available for obligation or
13 expenditure except in compliance with the proce-
14 dures set forth in that section.

15 (b) TITLE VI AGENCIES.—Not to exceed 5 percent
16 of any appropriation, other than for administrative ex-
17 penses made available for fiscal year 2018, for programs
18 under title VI of this Act may be transferred between such
19 appropriations for use for any of the purposes, programs,
20 and activities for which the funds in such receiving ac-
21 count may be used, but no such appropriation, except as
22 otherwise specifically provided, shall be increased by more
23 than 25 percent by any such transfer: *Provided*, That the
24 exercise of such authority shall be subject to the regular

1 notification procedures of the Committees on Appropria-
2 tions.

3 (c) LIMITATION ON TRANSFERS OF FUNDS BE-
4 TWEEN AGENCIES.—

5 (1) IN GENERAL.—None of the funds made
6 available under titles II through V of this Act may
7 be transferred to any department, agency, or instru-
8 mentality of the United States Government, except
9 pursuant to a transfer made by, or transfer author-
10 ity provided in, this Act or any other appropriations
11 Act.

12 (2) ALLOCATION AND TRANSFERS.—Notwith-
13 standing paragraph (1), in addition to transfers
14 made by, or authorized elsewhere in, this Act, funds
15 appropriated by this Act to carry out the purposes
16 of the Foreign Assistance Act of 1961 may be allo-
17 cated or transferred to agencies of the United States
18 Government pursuant to the provisions of sections
19 109, 610, and 632 of the Foreign Assistance Act of
20 1961.

21 (3) NOTIFICATION.—Any agreement entered
22 into by the United States Agency for International
23 Development or the Department of State with any
24 department, agency, or instrumentality of the United
25 States Government pursuant to section 632(b) of the

1 Foreign Assistance Act of 1961 valued in excess of
2 \$1,000,000 and any agreement made pursuant to
3 section 632(a) of such Act, with funds appropriated
4 by this Act or prior Acts making appropriations for
5 the Department of State, foreign operations, and re-
6 lated programs under the headings “Global Health
7 Programs”, “Development Assistance”, “Economic
8 Support Fund”, and “Assistance for Europe, Eur-
9 asia and Central Asia” shall be subject to the reg-
10 ular notification procedures of the Committees on
11 Appropriations: *Provided*, That the requirement in
12 the previous sentence shall not apply to agreements
13 entered into between USAID and the Department of
14 State.

15 (d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—
16 None of the funds made available under titles II through
17 V of this Act may be obligated under an appropriations
18 account to which such funds were not appropriated, except
19 for transfers specifically provided for in this Act, unless
20 the President, not less than 5 days prior to the exercise
21 of any authority contained in the Foreign Assistance Act
22 of 1961 to transfer funds, consults with and provides a
23 written policy justification to the Committees on Appro-
24 priations.

1 (e) AUDIT OF INTER-AGENCY TRANSFERS OF
2 FUNDS.—Any agreement for the transfer or allocation of
3 funds appropriated by this Act or prior Acts making ap-
4 propriations for the Department of State, foreign oper-
5 ations and related programs, entered into between the De-
6 partment of State or USAID and another agency of the
7 United States Government under the authority of section
8 632(a) of the Foreign Assistance Act of 1961 or any com-
9 parable provision of law, shall expressly provide that the
10 Inspector General (IG) for the agency receiving the trans-
11 fer or allocation of such funds, or other entity with audit
12 responsibility if the receiving agency does not have an IG,
13 shall perform periodic program and financial audits of the
14 use of such funds and report to the Department of State
15 or USAID, as appropriate, upon completion of such au-
16 dits: *Provided*, That such audits shall be transmitted to
17 the Committees on Appropriations by the Department of
18 State or USAID, as appropriate: *Provided further*, That
19 funds transferred under such authority may be made
20 available for the cost of such audits.

21 (f) REPORT.—Not later than 90 days after enactment
22 of this Act, the Secretary of State and the USAID Admin-
23 istrator shall each submit a report to the Committees on
24 Appropriations detailing all transfers to another agency
25 of the United States Government made pursuant to sec-

1 tions 632(a) and 632(b) of the Foreign Assistance Act of
2 1961 with funds provided in the Department of State,
3 Foreign Operations, and Related Programs Appropria-
4 tions Act, 2017 (division J of Public Law 115–31) as of
5 the date of enactment of this Act: *Provided*, That such
6 reports shall include a list of each transfer made pursuant
7 to such sections with the respective funding level, appro-
8 priation account, and the receiving agency.

9 PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

10 SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the
11 funds made available by this Act may be used for first-
12 class travel by employees of United States Government de-
13 partments and agencies funded by this Act in contraven-
14 tion of section 301–10.122 through 301–10.124 of title
15 41, Code of Federal Regulations.

16 (b) COMPUTER NETWORKS.—None of the funds
17 made available by this Act for the operating expenses of
18 any United States Government department or agency may
19 be used to establish or maintain a computer network for
20 use by such department or agency unless such network
21 has filters designed to block access to sexually explicit Web
22 sites: *Provided*, That nothing in this subsection shall limit
23 the use of funds necessary for any Federal, State, tribal,
24 or local law enforcement agency, or any other entity car-
25 rying out the following activities: criminal investigations,

1 prosecutions, and adjudications; administrative discipline;
2 and the monitoring of such Web sites undertaken as part
3 of official business.

4 (c) PROHIBITION ON PROMOTION OF TOBACCO.—
5 None of the funds made available by this Act should be
6 available to promote the sale or export of tobacco or to-
7 bacco products, or to seek the reduction or removal by any
8 foreign country of restrictions on the marketing of tobacco
9 or tobacco products, except for restrictions which are not
10 applied equally to all tobacco or tobacco products of the
11 same type.

12 AVAILABILITY OF FUNDS

13 SEC. 7011. No part of any appropriation contained
14 in this Act shall remain available for obligation after the
15 expiration of the current fiscal year unless expressly so
16 provided by this Act: *Provided*, That funds appropriated
17 for the purposes of chapters 1 and 8 of part I, section
18 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign
19 Assistance Act of 1961, section 23 of the Arms Export
20 Control Act, and funds provided under the headings “De-
21 velopment Credit Authority” and “Assistance for Europe,
22 Eurasia and Central Asia” shall remain available for an
23 additional 4 years from the date on which the availability
24 of such funds would otherwise have expired, if such funds
25 are initially obligated before the expiration of their respec-

1 tive periods of availability contained in this Act: *Provided*
2 *further*, That the availability of funds pursuant to the pre-
3 vious proviso shall not be applicable to such funds until
4 the Secretary of State submits the report required under
5 section 7011 of the Department of State, Foreign Oper-
6 ations, and Related Programs Appropriations Act, 2016
7 (division K of Public Law 114–113): *Provided further*,
8 That notwithstanding any other provision of this Act, any
9 funds made available for the purposes of chapter 1 of part
10 I and chapter 4 of part II of the Foreign Assistance Act
11 of 1961 which are allocated or obligated for cash disburse-
12 ments in order to address balance of payments or eco-
13 nomic policy reform objectives, shall remain available for
14 an additional 4 years from the date on which the avail-
15 ability of such funds would otherwise have expired, if such
16 funds are initially allocated or obligated before the expira-
17 tion of their respective periods of availability contained in
18 this Act: *Provided further*, That the Secretary of State
19 shall provide a report to the Committees on Appropria-
20 tions not later than October 30, 2018, detailing by ac-
21 count and source year, the use of this authority during
22 the previous fiscal year.

23 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

24 SEC. 7012. No part of any appropriation provided
25 under titles III through VI in this Act shall be used to

1 furnish assistance to the government of any country which
2 is in default during a period in excess of 1 calendar year
3 in payment to the United States of principal or interest
4 on any loan made to the government of such country by
5 the United States pursuant to a program for which funds
6 are appropriated under this Act unless the President de-
7 termines, following consultation with the Committees on
8 Appropriations, that assistance for such country is in the
9 national interest of the United States.

10 PROHIBITION ON TAXATION OF UNITED STATES

11 ASSISTANCE

12 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
13 of the funds appropriated under titles III through VI of
14 this Act may be made available to provide assistance for
15 a foreign country under a new bilateral agreement gov-
16 erning the terms and conditions under which such assist-
17 ance is to be provided unless such agreement includes a
18 provision stating that assistance provided by the United
19 States shall be exempt from taxation, or reimbursed, by
20 the foreign government, and the Secretary of State and
21 the Administrator of the United States Agency for Inter-
22 national Development shall expeditiously seek to negotiate
23 amendments to existing bilateral agreements, as nec-
24 essary, to conform with this requirement.

1 (b) NOTIFICATION AND REIMBURSEMENT OF FOR-
2 EIGN TAXES.—An amount equivalent to 200 percent of
3 the total taxes assessed during fiscal year 2018 on funds
4 appropriated by this Act and prior Acts making appropria-
5 tions for the Department of State, foreign operations, and
6 related programs by a foreign government or entity
7 against United States assistance programs, either directly
8 or through grantees, contractors, and subcontractors, shall
9 be withheld from obligation from funds appropriated for
10 assistance for fiscal year 2019 and for prior fiscal years
11 and allocated for the central government of such country
12 or for the West Bank and Gaza program, as applicable,
13 if, not later than September 30, 2019, such taxes have
14 not been reimbursed: *Provided*, That the Secretary of
15 State shall report to the Committees on Appropriations
16 by such date on the foreign governments and entities that
17 have not reimbursed such taxes, including any amount of
18 funds withheld pursuant to this subsection.

19 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
20 minimis nature shall not be subject to the provisions of
21 subsection (b).

22 (d) REPROGRAMMING OF FUNDS.—Funds withheld
23 from obligation for each foreign government or entity pur-
24 suant to subsection (b) shall be reprogrammed for assist-
25 ance for countries which do not assess taxes on United

1 States assistance or which have an effective arrangement
2 that is providing substantial reimbursement of such taxes,
3 and that can reasonably accommodate such assistance in
4 a programmatically responsible manner.

5 (e) DETERMINATIONS.—

6 (1) IN GENERAL.—The provisions of this sec-
7 tion shall not apply to any foreign government or en-
8 tity that assesses such taxes if the Secretary of
9 State reports to the Committees on Appropriations
10 that—

11 (A) such foreign government or entity has
12 an effective arrangement that is providing sub-
13 stantial reimbursement of such taxes; or

14 (B) the foreign policy interests of the
15 United States outweigh the purpose of this sec-
16 tion to ensure that United States assistance is
17 not subject to taxation.

18 (2) CONSULTATION.—The Secretary of State
19 shall consult with the Committees on Appropriations
20 at least 15 days prior to exercising the authority of
21 this subsection with regard to any foreign govern-
22 ment or entity.

23 (f) IMPLEMENTATION.—The Secretary of State shall
24 issue and update rules, regulations, or policy guidance, as

1 appropriate, to implement the prohibition against the tax-
2 ation of assistance contained in this section.

3 (g) DEFINITIONS.—As used in this section:

4 (1) BILATERAL AGREEMENT.—The term “bilat-
5 eral agreement” refers to a framework bilateral
6 agreement between the Government of the United
7 States and the government of the country receiving
8 assistance that describes the privileges and immuni-
9 ties applicable to United States foreign assistance
10 for such country generally, or an individual agree-
11 ment between the Government of the United States
12 and such government that describes, among other
13 things, the treatment for tax purposes that will be
14 accorded the United States assistance provided
15 under that agreement.

16 (2) TAXES AND TAXATION.—The term “taxes
17 and taxation” shall include value added taxes and
18 customs duties but shall not include individual in-
19 come taxes assessed to local staff.

20 (h) REPORT.—Not later than 90 days after enact-
21 ment of this Act, the Secretary of State, in consultation
22 with the heads of other relevant agencies of the United
23 States Government, shall submit a report to the Commit-
24 tees on Appropriations on the requirements contained
25 under this section in the explanatory statement described

1 in section 4 (in the matter preceding division A of this
2 consolidated Act).

3 RESERVATIONS OF FUNDS

4 SEC. 7014. (a) REPROGRAMMING.—Funds appro-
5 priated under titles III through VI of this Act which are
6 specifically designated may be reprogrammed for other
7 programs within the same account notwithstanding the
8 designation if compliance with the designation is made im-
9 possible by operation of any provision of this or any other
10 Act: *Provided*, That any such reprogramming shall be sub-
11 ject to the regular notification procedures of the Commit-
12 tees on Appropriations: *Provided further*, That assistance
13 that is reprogrammed pursuant to this subsection shall be
14 made available under the same terms and conditions as
15 originally provided.

16 (b) EXTENSION OF AVAILABILITY.—In addition to
17 the authority contained in subsection (a), the original pe-
18 riod of availability of funds appropriated by this Act and
19 administered by the Department of State or the United
20 States Agency for International Development that are spe-
21 cifically designated for particular programs or activities by
22 this or any other Act may be extended for an additional
23 fiscal year if the Secretary of State or the USAID Admin-
24 istrator, as appropriate, determines and reports promptly
25 to the Committees on Appropriations that the termination

1 of assistance to a country or a significant change in cir-
2 cumstances makes it unlikely that such designated funds
3 can be obligated during the original period of availability:
4 *Provided*, That such designated funds that continue to be
5 available for an additional fiscal year shall be obligated
6 only for the purpose of such designation.

7 (c) OTHER ACTS.—Ceilings and specifically des-
8 igned funding levels contained in this Act shall not be
9 applicable to funds or authorities appropriated or other-
10 wise made available by any subsequent Act unless such
11 Act specifically so directs: *Provided*, That specifically des-
12 igned funding levels or minimum funding requirements
13 contained in any other Act shall not be applicable to funds
14 appropriated by this Act.

15 NOTIFICATION REQUIREMENTS

16 SEC. 7015. (a) NOTIFICATION OF CHANGES IN PRO-
17 GRAMS, PROJECTS, AND ACTIVITIES.—None of the funds
18 made available in titles I and II of this Act or prior Acts
19 making appropriations for the Department of State, for-
20 eign operations, and related programs to the departments
21 and agencies funded by this Act that remain available for
22 obligation in fiscal year 2018, or provided from any ac-
23 counts in the Treasury of the United States derived by
24 the collection of fees or of currency reflows or other offset-
25 ting collections, or made available by transfer, to the de-

1 departments and agencies funded by this Act, shall be avail-
2 able for obligation to—

3 (1) create new programs;

4 (2) suspend or eliminate a program, project, or
5 activity;

6 (3) close, suspend, open, or reopen a mission or
7 post;

8 (4) create, close, reorganize, downsize, or re-
9 name bureaus, centers, or offices; or

10 (5) contract out or privatize any functions or
11 activities presently performed by Federal employees;

12 unless previously justified to the Committees on Appro-
13 priations or such Committees are notified 15 days in ad-
14 vance of such obligation.

15 (b) NOTIFICATION OF REPROGRAMMING OF
16 FUNDS.—None of the funds provided under titles I and
17 II of this Act or prior Acts making appropriations for the
18 Department of State, foreign operations, and related pro-
19 grams, to the departments and agencies funded under ti-
20 tles I and II of this Act that remain available for obliga-
21 tion in fiscal year 2018, or provided from any accounts
22 in the Treasury of the United States derived by the collec-
23 tion of fees available to the department and agency funded
24 under title I of this Act, shall be available for obligation
25 or expenditure for activities, programs, or projects

1 through a reprogramming of funds in excess of
2 \$1,000,000 or 10 percent, whichever is less, that—

3 (1) augments or changes existing programs,
4 projects, or activities;

5 (2) relocates an existing office or employees;

6 (3) reduces by 10 percent funding for any exist-
7 ing program, project, or activity, or numbers of per-
8 sonnel by 10 percent as approved by Congress; or

9 (4) results from any general savings, including
10 savings from a reduction in personnel, which would
11 result in a change in existing programs, activities, or
12 projects as approved by Congress;

13 unless the Committees on Appropriations are notified 15
14 days in advance of such reprogramming of funds.

15 (c) NOTIFICATION REQUIREMENT.—None of the
16 funds made available by this Act under the headings
17 “Global Health Programs”, “Development Assistance”,
18 “International Organizations and Programs”, “Trade and
19 Development Agency”, “International Narcotics Control
20 and Law Enforcement”, “Economic Support Fund”, “De-
21 mocracy Fund”, “Assistance for Europe, Eurasia and
22 Central Asia”, “Peacekeeping Operations”, “Non-
23 proliferation, Anti-terrorism, Demining and Related Pro-
24 grams”, “Millennium Challenge Corporation”, “Foreign
25 Military Financing Program”, “International Military

1 Education and Training”, and “Peace Corps”, shall be
2 available for obligation for activities, programs, projects,
3 type of materiel assistance, countries, or other operations
4 not justified or in excess of the amount justified to the
5 Committees on Appropriations for obligation under any of
6 these specific headings unless the Committees on Appro-
7 priations are notified 15 days in advance of such obliga-
8 tion: *Provided*, That the President shall not enter into any
9 commitment of funds appropriated for the purposes of sec-
10 tion 23 of the Arms Export Control Act for the provision
11 of major defense equipment, other than conventional am-
12 munition, or other major defense items defined to be air-
13 craft, ships, missiles, or combat vehicles, not previously
14 justified to Congress or 20 percent in excess of the quan-
15 tities justified to Congress unless the Committees on Ap-
16 propriations are notified 15 days in advance of such com-
17 mitment: *Provided further*, That requirements of this sub-
18 section or any similar provision of this or any other Act
19 shall not apply to any reprogramming for an activity, pro-
20 gram, or project for which funds are appropriated under
21 titles III through VI of this Act of less than 10 percent
22 of the amount previously justified to Congress for obliga-
23 tion for such activity, program, or project for the current
24 fiscal year: *Provided further*, That any notification sub-
25 mitted pursuant to subsection (f) of this section shall in-

1 clude information (if known on the date of transmittal of
2 such notification) on the use of notwithstanding authority:
3 *Provided further*, That if subsequent to the notification of
4 assistance it becomes necessary to rely on notwithstanding
5 authority, the Committees on Appropriations should be in-
6 formed at the earliest opportunity and to the extent prac-
7 ticable.

8 (d) DEPARTMENT OF DEFENSE PROGRAMS AND
9 FUNDING NOTIFICATIONS.—

10 (1) PROGRAMS.—None of the funds appro-
11 priated by this Act or prior Acts making appropria-
12 tions for the Department of State, foreign oper-
13 ations, and related programs may be made available
14 to support or continue any program initially funded
15 under any authority of title 10, United States Code,
16 or any Act making or authorizing appropriations for
17 the Department of Defense, unless the Secretary of
18 State, in consultation with the Secretary of Defense
19 and in accordance with the regular notification pro-
20 cedures of the Committees on Appropriations, sub-
21 mits a justification to such Committees that includes
22 a description of, and the estimated costs associated
23 with, the support or continuation of such program.

24 (2) FUNDING.—Notwithstanding any other pro-
25 vision of law, with the exception of funds transferred

1 to, and merged with, funds appropriated under title
2 I of this Act, funds transferred by the Department
3 of Defense to the Department of State and the
4 United States Agency for International Development
5 for assistance for foreign countries and international
6 organizations shall be subject to the regular notifica-
7 tion procedures of the Committees on Appropria-
8 tions.

9 (e) WAIVER.—The requirements of this section or
10 any similar provision of this Act or any other Act, includ-
11 ing any prior Act requiring notification in accordance with
12 the regular notification procedures of the Committees on
13 Appropriations, may be waived if failure to do so would
14 pose a substantial risk to human health or welfare: *Pro-*
15 *vided*, That in case of any such waiver, notification to the
16 Committees on Appropriations shall be provided as early
17 as practicable, but in no event later than 3 days after tak-
18 ing the action to which such notification requirement was
19 applicable, in the context of the circumstances necessi-
20 tating such waiver: *Provided further*, That any notification
21 provided pursuant to such a waiver shall contain an expla-
22 nation of the emergency circumstances.

23 (f) COUNTRY NOTIFICATION REQUIREMENTS.—None
24 of the funds appropriated under titles III through VI of
25 this Act may be obligated or expended for assistance for

1 Afghanistan, Bahrain, Bolivia, Burma, Cambodia, Colom-
2 bia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Guate-
3 mala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mex-
4 ico, Pakistan, Philippines, the Russian Federation, Soma-
5 lia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan,
6 Venezuela, Yemen, and Zimbabwe except as provided
7 through the regular notification procedures of the Com-
8 mittees on Appropriations.

9 (g) TRUST FUNDS.—Funds appropriated or other-
10 wise made available in title III of this Act and prior Acts
11 making funds available for the Department of State, for-
12 eign operations, and related programs that are made avail-
13 able for a trust fund held by an international financial
14 institution as defined by section 7034(r)(3) of this Act
15 shall be subject to the regular notification procedures of
16 the Committees on Appropriations: *Provided*, That such
17 notification shall include the information specified under
18 this section in the explanatory statement described in sec-
19 tion 4 (in the matter preceding division A of this consoli-
20 dated Act).

21 (h) OTHER PROGRAM NOTIFICATION REQUIRE-
22 MENT.—

23 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—
24 Funds appropriated under title I of this Act under
25 the heading “Diplomatic and Consular Programs”

1 that are made available for a pilot program for lat-
2 eral entry into the Foreign Service shall be subject
3 to prior consultation with, and the regular notifica-
4 tion procedures of, the Committees on Appropria-
5 tions.

6 (2) OTHER PROGRAMS.—Funds appropriated by
7 this Act that are made available for the following
8 programs and activities shall be subject to the reg-
9 ular notification procedures of the Committees on
10 Appropriations—

11 (A) The Global Engagement Center, except
12 that the Secretary of State shall consult with
13 the appropriate congressional committees prior
14 to submitting such notification;

15 (B) The Power Africa initiative, or any
16 successor program;

17 (C) Community-based police assistance
18 conducted pursuant to the authority of section
19 7049 of this Act;

20 (D) Programs to counter foreign fighters
21 and extremist organizations, pursuant to sec-
22 tion 7073(a) of this Act;

23 (E) The Relief and Recovery Fund;

24 (F) The Global Security Contingency
25 Fund; and

1 (G) Programs to end modern slavery.

2 (i) WITHHOLDING OF FUNDS.—Funds appropriated
3 by this Act under titles III and IV that are withheld from
4 obligation or otherwise not programmed as a result of ap-
5 plication of a provision of law in this or any other Act
6 shall, if reprogrammed, be subject to the regular notifica-
7 tion procedures of the Committees on Appropriations.

8 (j) REQUIREMENT TO INFORM, COORDINATE, AND
9 CONSULT.—

10 (1) The Secretary of State shall promptly in-
11 form the appropriate congressional committees of
12 each instance in which funds appropriated by this
13 Act for assistance for Iraq, Libya, Somalia, and
14 Syria, the Counterterrorism Partnership Fund, the
15 Relief and Recovery Fund, and to counter extremism
16 and foreign fighters abroad, have been diverted or
17 destroyed, to include the type and amount of assist-
18 ance, a description of the incident and parties in-
19 volved, and an explanation of the response of the
20 Department of State or USAID, as appropriate:
21 *Provided*, That the Secretary shall ensure such
22 funds are coordinated with, and complement, the
23 programs of other United States Government de-
24 partments and agencies and international partners
25 in such countries and on such activities.

1 (2) The Secretary of State shall consult with
2 the Committees on Appropriations at least seven
3 days prior to informing a government of, or pub-
4 lically announcing a decision on, the suspension of
5 assistance to a country or a territory from funds ap-
6 propriated by this Act or prior Acts making appro-
7 priations for the Department of State, foreign oper-
8 ations, and related programs.

9 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

10 SEC. 7016. Prior to providing excess Department of
11 Defense articles in accordance with section 516(a) of the
12 Foreign Assistance Act of 1961, the Department of De-
13 fense shall notify the Committees on Appropriations to the
14 same extent and under the same conditions as other com-
15 mittees pursuant to subsection (f) of that section: *Pro-*
16 *vided*, That before issuing a letter of offer to sell excess
17 defense articles under the Arms Export Control Act, the
18 Department of Defense shall notify the Committees on
19 Appropriations in accordance with the regular notification
20 procedures of such Committees if such defense articles are
21 significant military equipment (as defined in section 47(9)
22 of the Arms Export Control Act) or are valued (in terms
23 of original acquisition cost) at \$7,000,000 or more, or if
24 notification is required elsewhere in this Act for the use
25 of appropriated funds for specific countries that would re-

1 ceive such excess defense articles: *Provided further*, That
2 such Committees shall also be informed of the original ac-
3 quisition cost of such defense articles.

4 LIMITATION ON AVAILABILITY OF FUNDS FOR
5 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

6 SEC. 7017. Subject to the regular notification proce-
7 dures of the Committees on Appropriations, funds appro-
8 priated under titles I and III through V of this Act, which
9 are returned or not made available for organizations and
10 programs because of the implementation of section 307(a)
11 of the Foreign Assistance Act of 1961, shall remain avail-
12 able for obligation until September 30, 2019: *Provided*,
13 That the requirement to withhold funds for programs in
14 Burma under section 307(a) of the Foreign Assistance Act
15 of 1961 shall not apply to funds appropriated by this Act.

16 PROHIBITION ON FUNDING FOR ABORTIONS AND
17 INVOLUNTARY STERILIZATION

18 SEC. 7018. None of the funds made available to carry
19 out part I of the Foreign Assistance Act of 1961, as
20 amended, may be used to pay for the performance of abor-
21 tions as a method of family planning or to motivate or
22 coerce any person to practice abortions. None of the funds
23 made available to carry out part I of the Foreign Assist-
24 ance Act of 1961, as amended, may be used to pay for
25 the performance of involuntary sterilization as a method

1 of family planning or to coerce or provide any financial
2 incentive to any person to undergo sterilizations. None of
3 the funds made available to carry out part I of the Foreign
4 Assistance Act of 1961, as amended, may be used to pay
5 for any biomedical research which relates in whole or in
6 part, to methods of, or the performance of, abortions or
7 involuntary sterilization as a means of family planning.
8 None of the funds made available to carry out part I of
9 the Foreign Assistance Act of 1961, as amended, may be
10 obligated or expended for any country or organization if
11 the President certifies that the use of these funds by any
12 such country or organization would violate any of the
13 above provisions related to abortions and involuntary steri-
14 lizations.

15 ALLOCATIONS AND REPORTS

16 SEC. 7019. (a) ALLOCATION TABLES.—Subject to
17 subsection (b), funds appropriated by this Act under titles
18 III through V shall be made available in the amounts spe-
19 cifically designated in the respective tables included in the
20 explanatory statement described in section 4 (in the mat-
21 ter preceding division A of this consolidated Act): *Pro-*
22 *vided*, That such designated amounts for foreign countries
23 and international organizations shall serve as the amounts
24 for such countries and international organizations trans-

1 mitted to Congress in the report required by section
2 653(a) of the Foreign Assistance Act of 1961.

3 (b) AUTHORIZED DEVIATIONS.—Unless otherwise
4 provided for by this Act, the Secretary of State and the
5 Administrator of the United States Agency for Inter-
6 national Development, as applicable, may only deviate up
7 to 4 percent from the amounts specifically designated in
8 the respective tables included in the explanatory statement
9 described in section 4 (in the matter preceding division
10 A of this consolidated Act): *Provided*, That such percent-
11 age may be exceeded only to respond to significant, exi-
12 gent, or unforeseen events, or to address other exceptional
13 circumstances directly related to the national interest:
14 *Provided further*, That deviations pursuant to the previous
15 proviso shall be subject to prior consultation with, and the
16 regular notification procedures of, the Committees on Ap-
17 propriations.

18 (c) LIMITATION.—For specifically designated
19 amounts that are included, pursuant to subsection (a), in
20 the report required by section 653(a) of the Foreign As-
21 sistance Act of 1961, no deviations authorized by sub-
22 section (b) may take place until submission of such report.

23 (d) EXCEPTIONS.—

24 (1) Subsections (a) and (b) shall not apply to—

1 (A) amounts designated for “International
2 Military Education and Training” in the re-
3 spective tables included in the explanatory
4 statement described in section 4 (in the matter
5 preceding division A of this consolidated Act);
6 and

7 (B) funds for which the initial period of
8 availability has expired.

9 (2) The authority in subsection (b) to deviate
10 below amounts designated in the respective tables in-
11 cluded in the explanatory statement described in sec-
12 tion 4 (in the matter preceding division A of this
13 consolidated Act) shall not apply to the table in-
14 cluded under the heading “Global Health Programs”
15 in such explanatory statement.

16 (e) REPORTS.—The Secretary of State and the
17 USAID Administrator, as appropriate, shall submit the
18 reports required, in the manner described, in House Re-
19 port 115–253, Senate Report 115–152, and the explana-
20 tory statement described in section 4 (in the matter pre-
21 ceding division A of this consolidated Act), unless directed
22 otherwise in such explanatory statement.

23 REPRESENTATION AND ENTERTAINMENT EXPENSES

24 SEC. 7020. (a) USES OF FUNDS.—Each Federal de-
25 partment, agency, or entity funded in titles I or II of this

1 Act, and the Department of the Treasury and independent
2 agencies funded in titles III or VI of this Act, shall take
3 steps to ensure that domestic and overseas representation
4 and entertainment expenses further official agency busi-
5 ness and United States foreign policy interests, and—

6 (1) are primarily for fostering relations outside
7 of the Executive Branch;

8 (2) are principally for meals and events of a
9 protocol nature;

10 (3) are not for employee-only events; and

11 (4) do not include activities that are substan-
12 tially of a recreational character.

13 (b) LIMITATIONS.—None of the funds appropriated
14 or otherwise made available by this Act under the head-
15 ings “International Military Education and Training” or
16 “Foreign Military Financing Program” for Informational
17 Program activities or under the headings “Global Health
18 Programs”, “Development Assistance”, “Economic Sup-
19 port Fund”, and “Assistance for Europe, Eurasia and
20 Central Asia” may be obligated or expended to pay for—

21 (1) alcoholic beverages; or

22 (2) entertainment expenses for activities that
23 are substantially of a recreational character, includ-
24 ing entrance fees at sporting events, theatrical and
25 musical productions, and amusement parks.

1 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

2 SUPPORTING INTERNATIONAL TERRORISM

3 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-

4 PORTS.—

5 (1) PROHIBITION.—None of the funds appro-
6 priated or otherwise made available by titles III
7 through VI of this Act may be made available to any
8 foreign government which provides lethal military
9 equipment to a country the government of which the
10 Secretary of State has determined supports inter-
11 national terrorism for purposes of section 6(j) of the
12 Export Administration Act of 1979 as continued in
13 effect pursuant to the International Emergency Eco-
14 nomic Powers Act: *Provided*, That the prohibition
15 under this section with respect to a foreign govern-
16 ment shall terminate 12 months after that govern-
17 ment ceases to provide such military equipment:
18 *Provided further*, That this section applies with re-
19 spect to lethal military equipment provided under a
20 contract entered into after October 1, 1997.

21 (2) DETERMINATION.—Assistance restricted by
22 paragraph (1) or any other similar provision of law,
23 may be furnished if the President determines that to
24 do so is important to the national interest of the
25 United States.

1 (3) REPORT.—Whenever the President makes a
2 determination pursuant to paragraph (2), the Presi-
3 dent shall submit to the Committees on Appropria-
4 tions a report with respect to the furnishing of such
5 assistance, including a detailed explanation of the
6 assistance to be provided, the estimated dollar
7 amount of such assistance, and an explanation of
8 how the assistance furthers United States national
9 interest.

10 (b) BILATERAL ASSISTANCE.—

11 (1) LIMITATIONS.—Funds appropriated for bi-
12 lateral assistance in titles III through VI of this Act
13 and funds appropriated under any such title in prior
14 Acts making appropriations for the Department of
15 State, foreign operations, and related programs,
16 shall not be made available to any foreign govern-
17 ment which the President determines—

18 (A) grants sanctuary from prosecution to
19 any individual or group which has committed
20 an act of international terrorism;

21 (B) otherwise supports international ter-
22 rorism; or

23 (C) is controlled by an organization des-
24 ignated as a terrorist organization under sec-

1 tion 219 of the Immigration and Nationality
2 Act (8 U.S.C. 1189).

3 (2) WAIVER.—The President may waive the ap-
4 plication of paragraph (1) to a government if the
5 President determines that national security or hu-
6 manitarian reasons justify such waiver: *Provided*,
7 That the President shall publish each such waiver in
8 the Federal Register and, at least 15 days before the
9 waiver takes effect, shall notify the Committees on
10 Appropriations of the waiver (including the justifica-
11 tion for the waiver) in accordance with the regular
12 notification procedures of the Committees on Appro-
13 priations.

14 AUTHORIZATION REQUIREMENTS

15 SEC. 7022. Funds appropriated by this Act, except
16 funds appropriated under the heading “Trade and Devel-
17 opment Agency”, may be obligated and expended notwith-
18 standing section 10 of Public Law 91–672 (22 U.S.C.
19 2412), section 15 of the State Department Basic Authori-
20 ties Act of 1956 (22 U.S.C. 2680), section 313 of the For-
21 eign Relations Authorization Act, Fiscal Years 1994 and
22 1995 (22 U.S.C. 6212), and section 504(a)(1) of the Na-
23 tional Security Act of 1947 (50 U.S.C. 3094(a)(1)).

1 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

2 SEC. 7023. For the purpose of titles II through VI
3 of this Act “program, project, and activity” shall be de-
4 fined at the appropriations Act account level and shall in-
5 clude all appropriations and authorizations Acts funding
6 directives, ceilings, and limitations with the exception that
7 for the following accounts: “Economic Support Fund”,
8 “Assistance for Europe, Eurasia and Central Asia”, and
9 “Foreign Military Financing Program”, “program,
10 project, and activity” shall also be considered to include
11 country, regional, and central program level funding with-
12 in each such account; and for the development assistance
13 accounts of the United States Agency for International
14 Development, “program, project, and activity” shall also
15 be considered to include central, country, regional, and
16 program level funding, either as—

17 (1) justified to Congress; or

18 (2) allocated by the Executive Branch in ac-
19 cordance with a report, to be provided to the Com-
20 mittees on Appropriations within 30 days after the
21 enactment of this Act, as required by section 653(a)
22 of the Foreign Assistance Act of 1961 or as modi-
23 fied pursuant to section 7019 of this Act.

1 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
2 FOUNDATION AND UNITED STATES AFRICAN DEVEL-
3 OPMENT FOUNDATION

4 SEC. 7024. Unless expressly provided to the contrary,
5 provisions of this or any other Act, including provisions
6 contained in prior Acts authorizing or making appropria-
7 tions for the Department of State, foreign operations, and
8 related programs, shall not be construed to prohibit activi-
9 ties authorized by or conducted under the Peace Corps
10 Act, the Inter-American Foundation Act or the African
11 Development Foundation Act: *Provided*, That prior to con-
12 ducting activities in a country for which assistance is pro-
13 hibited, the agency shall consult with the Committees on
14 Appropriations and report to such Committees within 15
15 days of taking such action.

16 COMMERCE, TRADE AND SURPLUS COMMODITIES

17 SEC. 7025. (a) WORLD MARKETS.—None of the
18 funds appropriated or made available pursuant to titles
19 III through VI of this Act for direct assistance and none
20 of the funds otherwise made available to the Export-Im-
21 port Bank and the Overseas Private Investment Corpora-
22 tion shall be obligated or expended to finance any loan,
23 any assistance, or any other financial commitments for es-
24 tablishing or expanding production of any commodity for
25 export by any country other than the United States, if

1 the commodity is likely to be in surplus on world markets
2 at the time the resulting productive capacity is expected
3 to become operative and if the assistance will cause sub-
4 stantial injury to United States producers of the same,
5 similar, or competing commodity: *Provided*, That such
6 prohibition shall not apply to the Export-Import Bank if
7 in the judgment of its Board of Directors the benefits to
8 industry and employment in the United States are likely
9 to outweigh the injury to United States producers of the
10 same, similar, or competing commodity, and the Chairman
11 of the Board so notifies the Committees on Appropria-
12 tions: *Provided further*, That this subsection shall not pro-
13 hibit—

14 (1) activities in a country that is eligible for as-
15 sistance from the International Development Asso-
16 ciation, is not eligible for assistance from the Inter-
17 national Bank for Reconstruction and Development,
18 and does not export on a consistent basis the agri-
19 cultural commodity with respect to which assistance
20 is furnished; or

21 (2) activities in a country the President deter-
22 mines is recovering from widespread conflict, a hu-
23 manitarian crisis, or a complex emergency.

24 (b) EXPORTS.—None of the funds appropriated by
25 this or any other Act to carry out chapter 1 of part I

1 of the Foreign Assistance Act of 1961 shall be available
2 for any testing or breeding feasibility study, variety im-
3 provement or introduction, consultancy, publication, con-
4 ference, or training in connection with the growth or pro-
5 duction in a foreign country of an agricultural commodity
6 for export which would compete with a similar commodity
7 grown or produced in the United States: *Provided*, That
8 this subsection shall not prohibit—

9 (1) activities designed to increase food security
10 in developing countries where such activities will not
11 have a significant impact on the export of agricul-
12 tural commodities of the United States;

13 (2) research activities intended primarily to
14 benefit United States producers;

15 (3) activities in a country that is eligible for as-
16 sistance from the International Development Asso-
17 ciation, is not eligible for assistance from the Inter-
18 national Bank for Reconstruction and Development,
19 and does not export on a consistent basis the agri-
20 cultural commodity with respect to which assistance
21 is furnished; or

22 (4) activities in a country the President deter-
23 mines is recovering from widespread conflict, a hu-
24 manitarian crisis, or a complex emergency.

1 (c) INTERNATIONAL FINANCIAL INSTITUTIONS.—
2 The Secretary of the Treasury shall instruct the United
3 States executive directors of the international financial in-
4 stitutions, as defined in section 7034(r)(3) of this Act, to
5 use the voice and vote of the United States to oppose any
6 assistance by such institutions, using funds appropriated
7 or made available by this Act, for the production or extrac-
8 tion of any commodity or mineral for export, if it is in
9 surplus on world markets and if the assistance will cause
10 substantial injury to United States producers of the same,
11 similar, or competing commodity.

12 SEPARATE ACCOUNTS

13 SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL
14 CURRENCIES.—

15 (1) AGREEMENTS.—If assistance is furnished to
16 the government of a foreign country under chapters
17 1 and 10 of part I or chapter 4 of part II of the
18 Foreign Assistance Act of 1961 under agreements
19 which result in the generation of local currencies of
20 that country, the Administrator of the United States
21 Agency for International Development shall—

22 (A) require that local currencies be depos-
23 ited in a separate account established by that
24 government;

1 (B) enter into an agreement with that gov-
2 ernment which sets forth—

3 (i) the amount of the local currencies
4 to be generated; and

5 (ii) the terms and conditions under
6 which the currencies so deposited may be
7 utilized, consistent with this section; and

8 (C) establish by agreement with that gov-
9 ernment the responsibilities of USAID and that
10 government to monitor and account for deposits
11 into and disbursements from the separate ac-
12 count.

13 (2) USES OF LOCAL CURRENCIES.—As may be
14 agreed upon with the foreign government, local cur-
15 rencies deposited in a separate account pursuant to
16 subsection (a), or an equivalent amount of local cur-
17 rencies, shall be used only—

18 (A) to carry out chapter 1 or 10 of part
19 I or chapter 4 of part II of the Foreign Assist-
20 ance Act of 1961 (as the case may be), for such
21 purposes as—

22 (i) project and sector assistance activi-
23 ties; or

24 (ii) debt and deficit financing; or

1 (B) for the administrative requirements of
2 the United States Government.

3 (3) PROGRAMMING ACCOUNTABILITY.—USAID
4 shall take all necessary steps to ensure that the
5 equivalent of the local currencies disbursed pursuant
6 to subsection (a)(2)(A) from the separate account
7 established pursuant to subsection (a)(1) are used
8 for the purposes agreed upon pursuant to subsection
9 (a)(2).

10 (4) TERMINATION OF ASSISTANCE PRO-
11 GRAMS.—Upon termination of assistance to a coun-
12 try under chapter 1 or 10 of part I or chapter 4 of
13 part II of the Foreign Assistance Act of 1961 (as
14 the case may be), any unencumbered balances of
15 funds which remain in a separate account estab-
16 lished pursuant to subsection (a) shall be disposed of
17 for such purposes as may be agreed to by the gov-
18 ernment of that country and the United States Gov-
19 ernment.

20 (5) REPORT.—The USAID Administrator shall
21 report as part of the congressional budget justifica-
22 tion submitted to the Committees on Appropriations
23 on the use of local currencies for the administrative
24 requirements of the United States Government as
25 authorized in subsection (a)(2)(B), and such report

1 shall include the amount of local currency (and
2 United States dollar equivalent) used or to be used
3 for such purpose in each applicable country.

4 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

5 (1) IN GENERAL.—If assistance is made avail-
6 able to the government of a foreign country, under
7 chapter 1 or 10 of part I or chapter 4 of part II of
8 the Foreign Assistance Act of 1961, as cash transfer
9 assistance or as nonproject sector assistance, that
10 country shall be required to maintain such funds in
11 a separate account and not commingle with any
12 other funds.

13 (2) APPLICABILITY OF OTHER PROVISIONS OF
14 LAW.—Such funds may be obligated and expended
15 notwithstanding provisions of law which are incon-
16 sistent with the nature of this assistance including
17 provisions which are referenced in the Joint Explan-
18 atory Statement of the Committee of Conference ac-
19 companying House Joint Resolution 648 (House Re-
20 port No. 98–1159).

21 (3) NOTIFICATION.—At least 15 days prior to
22 obligating any such cash transfer or nonproject sec-
23 tor assistance, the President shall submit a notifica-
24 tion through the regular notification procedures of
25 the Committees on Appropriations, which shall in-

1 clude a detailed description of how the funds pro-
2 posed to be made available will be used, with a dis-
3 cussion of the United States interests that will be
4 served by such assistance (including, as appropriate,
5 a description of the economic policy reforms that will
6 be promoted by such assistance).

7 (4) EXEMPTION.—Nonproject sector assistance
8 funds may be exempt from the requirements of para-
9 graph (1) only through the regular notification pro-
10 cedures of the Committees on Appropriations.

11 ELIGIBILITY FOR ASSISTANCE

12 SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-
13 MENTAL ORGANIZATIONS.—Restrictions contained in this
14 or any other Act with respect to assistance for a country
15 shall not be construed to restrict assistance in support of
16 programs of nongovernmental organizations from funds
17 appropriated by this Act to carry out the provisions of
18 chapters 1, 10, 11, and 12 of part I and chapter 4 of
19 part II of the Foreign Assistance Act of 1961 and from
20 funds appropriated under the heading “Assistance for Eu-
21 rope, Eurasia and Central Asia”: *Provided*, That before
22 using the authority of this subsection to furnish assistance
23 in support of programs of nongovernmental organizations,
24 the President shall notify the Committees on Appropria-
25 tions pursuant to the regular notification procedures, in-

1 cluding a description of the program to be assisted, the
2 assistance to be provided, and the reasons for furnishing
3 such assistance: *Provided further*, That nothing in this
4 subsection shall be construed to alter any existing statu-
5 tory prohibitions against abortion or involuntary steriliza-
6 tions contained in this or any other Act.

7 (b) PUBLIC LAW 480.—During fiscal year 2018, re-
8 strictions contained in this or any other Act with respect
9 to assistance for a country shall not be construed to re-
10 strict assistance under the Food for Peace Act (Public
11 Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none
12 of the funds appropriated to carry out title I of such Act
13 and made available pursuant to this subsection may be
14 obligated or expended except as provided through the reg-
15 ular notification procedures of the Committees on Appro-
16 priations.

17 (c) EXCEPTION.—This section shall not apply—

18 (1) with respect to section 620A of the Foreign
19 Assistance Act of 1961 or any comparable provision
20 of law prohibiting assistance to countries that sup-
21 port international terrorism; or

22 (2) with respect to section 116 of the Foreign
23 Assistance Act of 1961 or any comparable provision
24 of law prohibiting assistance to the government of a

1 country that violates internationally recognized
2 human rights.

3 LOCAL COMPETITION

4 SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO
5 COMPETITION FOR LOCAL ENTITIES.—Funds appro-
6 priated by this Act that are made available to the United
7 States Agency for International Development may only be
8 made available for limited competitions through local enti-
9 ties if—

10 (1) prior to the determination to limit competi-
11 tion to local entities, USAID has—

12 (A) assessed the level of local capacity to
13 effectively implement, manage, and account for
14 programs included in such competition; and

15 (B) documented the written results of the
16 assessment and decisions made; and

17 (2) prior to making an award after limiting
18 competition to local entities—

19 (A) each successful local entity has been
20 determined to be responsible in accordance with
21 USAID guidelines; and

22 (B) effective monitoring and evaluation
23 systems are in place to ensure that award fund-
24 ing is used for its intended purposes; and

25 (3) no level of acceptable fraud is assumed.

1 (b) REPORT.—In addition to the requirements of sub-
2 section (a)(1), the USAID Administrator shall report to
3 the appropriate congressional committees not later than
4 45 days after the end of fiscal year 2018 on all awards
5 subject to limited or no competition for local entities: *Pro-*
6 *vided*, That such report shall be posted on the USAID
7 Web site: *Provided further*, That the requirements of this
8 subsection shall only apply to awards in excess of
9 \$3,000,000 and sole source awards to local entities in ex-
10 cess of \$2,000,000.

11 (c) EXTENSION OF PROCUREMENT AUTHORITY.—
12 Section 7077 of the Department of State, Foreign Oper-
13 ations, and Related Programs Appropriations Act, 2012
14 (division I of Public Law 112–74) shall continue in effect
15 during fiscal year 2018.

16 INTERNATIONAL FINANCIAL INSTITUTIONS

17 SEC. 7029. (a) EVALUATIONS AND REPORT.—The
18 Secretary of the Treasury shall instruct the United States
19 executive director of each international financial institu-
20 tion to seek to require that such institution adopts and
21 implements a publicly available policy, including the stra-
22 tegic use of peer reviews and external experts, to conduct
23 independent, in-depth evaluations of the effectiveness of
24 at least 25 percent of all loans, grants, programs, and sig-
25 nificant analytical non-lending activities in advancing the

1 institution's goals of reducing poverty and promoting equi-
2 table economic growth, consistent with relevant safe-
3 guards, to ensure that decisions to support such loans,
4 grants, programs, and activities are based on accurate
5 data and objective analysis: *Provided*, That not later than
6 45 days after enactment of this Act, the Secretary shall
7 submit a report to the Committees on Appropriations on
8 steps taken in fiscal year 2017 by the United States execu-
9 tive directors and the international financial institutions
10 consistent with this subsection compared to the previous
11 fiscal year.

12 (b) SAFEGUARDS.—

13 (1) The Secretary of the Treasury shall instruct
14 the United States Executive Director of the Inter-
15 national Bank for Reconstruction and Development
16 and the International Development Association to
17 vote against any loan, grant, policy, or strategy if
18 such institution has adopted and is implementing
19 any social or environmental safeguard relevant to
20 such loan, grant, policy, or strategy that provides
21 less protection than World Bank safeguards in effect
22 on September 30, 2015.

23 (2) The Secretary of the Treasury should in-
24 struct the United States executive director of each
25 international financial institution to vote against

1 loans or other financing for projects unless such
2 projects—

3 (A) provide for accountability and trans-
4 parency, including the collection, verification
5 and publication of beneficial ownership informa-
6 tion related to extractive industries and on-site
7 monitoring during the life of the project;

8 (B) will be developed and carried out in ac-
9 cordance with best practices regarding environ-
10 mental conservation; cultural protection; and
11 empowerment of local populations, including
12 free, prior and informed consent of affected in-
13 digenous communities;

14 (C) do not provide incentives for, or facili-
15 tate, forced displacement; and

16 (D) do not partner with or otherwise in-
17 volve enterprises owned or controlled by the
18 armed forces.

19 (c) COMPENSATION.—None of the funds appro-
20 priated under title V of this Act may be made as payment
21 to any international financial institution while the United
22 States executive director to such institution is com-
23 pensated by the institution at a rate which, together with
24 whatever compensation such executive director receives
25 from the United States, is in excess of the rate provided

1 for an individual occupying a position at level IV of the
2 Executive Schedule under section 5315 of title 5, United
3 States Code, or while any alternate United States execu-
4 tive director to such institution is compensated by the in-
5 stitution at a rate in excess of the rate provided for an
6 individual occupying a position at level V of the Executive
7 Schedule under section 5316 of title 5, United States
8 Code.

9 (d) HUMAN RIGHTS.—The Secretary of the Treasury
10 shall instruct the United States executive director of each
11 international financial institution to seek to require that
12 such institution conducts rigorous human rights due dili-
13 gence and risk management, as appropriate, in connection
14 with any loan, grant, policy, or strategy of such institu-
15 tion: *Provided*, That prior to voting on any such loan,
16 grant, policy, or strategy the executive director shall con-
17 sult with the Assistant Secretary for Democracy, Human
18 Rights, and Labor, Department of State, if the executive
19 director has reason to believe that such loan, grant, policy,
20 or strategy could result in forced displacement or other
21 violation of human rights.

22 (e) FRAUD AND CORRUPTION.—The Secretary of the
23 Treasury shall instruct the United States executive direc-
24 tor of each international financial institution to promote
25 in loan, grant, and other financing agreements improve-

1 ments in borrowing countries' financial management and
2 judicial capacity to investigate, prosecute, and punish
3 fraud and corruption.

4 (f) BENEFICIAL OWNERSHIP INFORMATION.—The
5 Secretary of the Treasury shall instruct the United States
6 executive director of each international financial institu-
7 tion to seek to require that such institution collects,
8 verifies, and publishes, to the maximum extent practicable,
9 beneficial ownership information (excluding proprietary
10 information) for any corporation or limited liability com-
11 pany, other than a publicly listed company, that receives
12 funds from any such financial institution: *Provided*, That
13 not later than 45 days after enactment of this Act, the
14 Secretary shall submit a report to the Committees on Ap-
15 propriations on steps taken in fiscal year 2017 by the
16 United States executive directors and the international fi-
17 nancial institutions consistent with this subsection com-
18 pared to the previous fiscal year.

19 (g) WHISTLEBLOWER PROTECTIONS.—The Secretary
20 of the Treasury shall instruct the United States executive
21 director of each international financial institution to seek
22 to require that each such institution is effectively imple-
23 menting and enforcing policies and procedures which re-
24 flect best practices for the protection of whistleblowers
25 from retaliation, including best practices for—

1 (1) REQUIREMENTS.—Funds appropriated by
2 this Act may be made available for direct govern-
3 ment-to-government assistance only if—

4 (A)(i) each implementing agency or min-
5 istry to receive assistance has been assessed
6 and is considered to have the systems required
7 to manage such assistance and any identified
8 vulnerabilities or weaknesses of such agency or
9 ministry have been addressed;

10 (ii) the recipient agency or ministry em-
11 ploys and utilizes staff with the necessary tech-
12 nical, financial, and management capabilities;

13 (iii) the recipient agency or ministry has
14 adopted competitive procurement policies and
15 systems;

16 (iv) effective monitoring and evaluation
17 systems are in place to ensure that such assist-
18 ance is used for its intended purposes;

19 (v) no level of acceptable fraud is assumed;
20 and

21 (vi) the government of the recipient coun-
22 try is taking steps to publicly disclose on an an-
23 nual basis its national budget, to include in-
24 come and expenditures;

1 (B) the recipient government is in compli-
2 ance with the principles set forth in section
3 7013 of this Act;

4 (C) the recipient agency or ministry is not
5 headed or controlled by an organization des-
6 ignated as a foreign terrorist organization
7 under section 219 of the Immigration and Na-
8 tionality Act (8 U.S.C. 1189);

9 (D) the Government of the United States
10 and the government of the recipient country
11 have agreed, in writing, on clear and achievable
12 objectives for the use of such assistance, which
13 should be made available on a cost-reimbursable
14 basis; and

15 (E) the recipient government is taking
16 steps to protect the rights of civil society, in-
17 cluding freedoms of expression, association, and
18 assembly.

19 (2) CONSULTATION AND NOTIFICATION.—In
20 addition to the requirements in paragraph (1), no
21 funds may be made available for direct government-
22 to-government assistance without prior consultation
23 with, and notification of, the Committees on Appro-
24 priations: *Provided*, That such notification shall con-
25 tain an explanation of how the proposed activity

1 meets the requirements of paragraph (1): *Provided*
2 *further*, That the requirements of this paragraph
3 shall only apply to direct government-to-government
4 assistance in excess of \$10,000,000 and all funds
5 available for cash transfer, budget support, and cash
6 payments to individuals.

7 (3) SUSPENSION OF ASSISTANCE.—The Admin-
8 istrator of the United States Agency for Inter-
9 national Development or the Secretary of State, as
10 appropriate, shall suspend any direct government-to-
11 government assistance if the Administrator or the
12 Secretary has credible information of material mis-
13 use of such assistance, unless the Administrator or
14 the Secretary reports to the Committees on Appro-
15 priations that it is in the national interest of the
16 United States to continue such assistance, including
17 a justification, or that such misuse has been appro-
18 priately addressed.

19 (4) SUBMISSION OF INFORMATION.—The Sec-
20 retary of State shall submit to the Committees on
21 Appropriations, concurrent with the fiscal year 2019
22 congressional budget justification materials, amounts
23 planned for assistance described in paragraph (1) by
24 country, proposed funding amount, source of funds,
25 and type of assistance.

1 (5) REPORT.—Not later than 90 days after the
2 enactment of this Act and every 6 months thereafter
3 until September 30, 2019, the USAID Adminis-
4 trator shall submit to the Committees on Appropria-
5 tions a report that—

6 (A) details all assistance described in para-
7 graph (1) provided during the previous 6-month
8 period by country, funding amount, source of
9 funds, and type of such assistance; and

10 (B) the type of procurement instrument or
11 mechanism utilized and whether the assistance
12 was provided on a reimbursable basis.

13 (6) DEBT SERVICE PAYMENT PROHIBITION.—
14 None of the funds made available by this Act may
15 be used by the government of any foreign country
16 for debt service payments owed by any country to
17 any international financial institution: *Provided,*
18 That for purposes of this paragraph, the term
19 “international financial institution” has the meaning
20 given the term in section 7034(r)(3) of this Act.

21 (b) NATIONAL BUDGET AND CONTRACT TRANS-
22 PARENCY.—

23 (1) MINIMUM REQUIREMENTS OF FISCAL
24 TRANSPARENCY.—The Secretary of State shall con-
25 tinue to update and strengthen the “minimum re-

1 requirements of fiscal transparency” for each govern-
2 ment receiving assistance appropriated by this Act,
3 as identified in the report required by section
4 7031(b) of the Department of State, Foreign Oper-
5 ations, and Related Programs Appropriations Act,
6 2014 (division K of Public Law 113–76).

7 (2) DEFINITION.—For purposes of paragraph
8 (1), “minimum requirements of fiscal transparency”
9 are requirements consistent with those in subsection
10 (a)(1), and the public disclosure of national budget
11 documentation (to include receipts and expenditures
12 by ministry) and government contracts and licenses
13 for natural resource extraction (to include bidding
14 and concession allocation practices).

15 (3) DETERMINATION AND REPORT.—For each
16 government identified pursuant to paragraph (1),
17 the Secretary of State, not later than 180 days after
18 enactment of this Act, shall make or update any de-
19 termination of “significant progress” or “no signifi-
20 cant progress” in meeting the minimum require-
21 ments of fiscal transparency, and make such deter-
22 minations publicly available in an annual “Fiscal
23 Transparency Report” to be posted on the Depart-
24 ment of State Web site: *Provided*, That the Sec-
25 retary shall identify the significant progress made by

1 each such government to publicly disclose national
2 budget documentation, contracts, and licenses which
3 are additional to such information disclosed in pre-
4 vious fiscal years, and include specific recommenda-
5 tions of short- and long-term steps such government
6 should take to improve fiscal transparency: *Provided*
7 *further*, That the annual report shall include a de-
8 tailed description of how funds appropriated by this
9 Act are being used to improve fiscal transparency,
10 and identify benchmarks for measuring progress.

11 (4) ASSISTANCE.—Funds appropriated under
12 title III of this Act shall be made available for pro-
13 grams and activities to assist governments identified
14 pursuant to paragraph (1) to improve budget trans-
15 parency and to support civil society organizations in
16 such countries that promote budget transparency:
17 *Provided*, That such sums shall be in addition to
18 funds otherwise available for such purposes: *Pro-*
19 *vided further*, That a description of the uses of such
20 funds shall be included in the annual “Fiscal Trans-
21 parency Report” required by paragraph (3).

22 (c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

23 (1) INELIGIBILITY.—

24 (A) Officials of foreign governments and
25 their immediate family members about whom

1 the Secretary of State has credible information
2 have been involved in significant corruption, in-
3 cluding corruption related to the extraction of
4 natural resources, or a gross violation of human
5 rights shall be ineligible for entry into the
6 United States.

7 (B) The Secretary shall also publicly or
8 privately designate or identify officials of for-
9 eign governments and their immediate family
10 members about whom the Secretary has such
11 credible information without regard to whether
12 the individual has applied for a visa.

13 (2) EXCEPTION.—Individuals shall not be ineli-
14 gible if entry into the United States would further
15 important United States law enforcement objectives
16 or is necessary to permit the United States to fulfill
17 its obligations under the United Nations Head-
18 quarters Agreement: *Provided*, That nothing in
19 paragraph (1) shall be construed to derogate from
20 United States Government obligations under applica-
21 ble international agreements.

22 (3) WAIVER.—The Secretary may waive the ap-
23 plication of paragraph (1) if the Secretary deter-
24 mines that the waiver would serve a compelling na-
25 tional interest or that the circumstances which

1 caused the individual to be ineligible have changed
2 sufficiently.

3 (4) REPORT.—Not later than 6 months after
4 enactment of this Act, the Secretary of State shall
5 submit a report, including a classified annex if nec-
6 essary, to the Committees on Appropriations and the
7 Committees on the Judiciary describing the informa-
8 tion related to corruption or violation of human
9 rights concerning each of the individuals found ineli-
10 gible in the previous 12 months pursuant to para-
11 graph (1)(A) as well as the individuals who the Sec-
12 retary designated or identified pursuant to para-
13 graph (1)(B), or who would be ineligible but for the
14 application of paragraph (2), a list of any waivers
15 provided under paragraph (3), and the justification
16 for each waiver.

17 (5) POSTING OF REPORT.—Any unclassified
18 portion of the report required under paragraph (4)
19 shall be posted on the Department of State Web
20 site.

21 (6) CLARIFICATION.—For purposes of para-
22 graphs (1)(B), (4), and (5), the records of the De-
23 partment of State and of diplomatic and consular of-
24 fices of the United States pertaining to the issuance

1 or refusal of visas or permits to enter the United
2 States shall not be considered confidential.

3 (d) NETWORKS OF CORRUPTION.—If the Secretary
4 of State has credible information of networks of corruption
5 involving the participation of, or support from, a senior
6 official in a country that receives assistance funded by this
7 Act under titles III or IV, the Secretary shall update the
8 report on such networks required by section 7031(d) of
9 the Department of State, Foreign Operations, and Related
10 Programs Appropriations Act, 2017 (division J of Public
11 Law 115–31).

12 (e) EXTRACTION OF NATURAL RESOURCES.—

13 (1) ASSISTANCE.—Funds appropriated by this
14 Act shall be made available to promote and support
15 transparency and accountability of expenditures and
16 revenues related to the extraction of natural re-
17 sources, including by strengthening implementation
18 and monitoring of the Extractive Industries Trans-
19 parency Initiative, implementing and enforcing sec-
20 tion 8204 of the Food, Conservation, and Energy
21 Act of 2008 (Public Law 110–246; 122 Stat. 2052)
22 and the amendments made by such section, and to
23 prevent the sale of conflict diamonds, and provide
24 technical assistance to promote independent audit

1 mechanisms and support civil society participation in
2 natural resource management.

3 (2) UNITED STATES POLICY.—

4 (A) The Secretary of the Treasury shall in-
5 form the management of the international fi-
6 nancial institutions, and post on the Depart-
7 ment of the Treasury Web site, that it is the
8 policy of the United States to vote against any
9 assistance by such institutions (including any
10 loan, credit, grant, or guarantee) to any coun-
11 try for the extraction and export of a natural
12 resource if the government of such country has
13 in place laws, regulations, or procedures to pre-
14 vent or limit the public disclosure of company
15 payments as required by United States law, and
16 unless such government has adopted laws, regu-
17 lations, or procedures in the sector in which as-
18 sistance is being considered for—

19 (i) accurately accounting for and pub-
20 lic disclosure of payments to the host gov-
21 ernment by companies involved in the ex-
22 traction and export of natural resources;

23 (ii) the independent auditing of ac-
24 counts receiving such payments and public

1 disclosure of the findings of such audits;
2 and

3 (iii) public disclosure of such docu-
4 ments as Host Government Agreements,
5 Concession Agreements, and bidding docu-
6 ments, allowing in any such dissemination
7 or disclosure for the redaction of, or excep-
8 tions for, information that is commercially
9 proprietary or that would create competi-
10 tive disadvantage.

11 (B) The requirements of subparagraph (A)
12 shall not apply to assistance for the purpose of
13 building the capacity of such government to
14 meet the requirements of this subparagraph.

15 (f) FOREIGN ASSISTANCE WEB SITE.—Funds appro-
16 priated by this Act under titles I and II, and funds made
17 available for any independent agency in title III, as appro-
18 priate, shall be made available to support the provision
19 of additional information on United States Government
20 foreign assistance on the Department of State foreign as-
21 sistance Web site: *Provided*, That all Federal agencies
22 funded under this Act shall provide such information on
23 foreign assistance, upon request, to the Department of
24 State.

1 DEMOCRACY PROGRAMS

2 SEC. 7032. (a) FUNDING.—

3 (1) IN GENERAL.—Of the funds appropriated
4 by this Act under the headings “Development As-
5 sistance”, “Economic Support Fund”, “Democracy
6 Fund”, “Assistance for Europe, Eurasia and Cen-
7 tral Asia”, and “International Narcotics Control and
8 Law Enforcement”, not less than \$2,308,517,000
9 shall be made available for democracy programs.

10 (2) PROGRAMS.—Of the funds made available
11 for democracy programs pursuant to paragraph (1),
12 the Bureau of Democracy, Human Rights, and
13 Labor, Department of State, shall administer an
14 amount not less than the amount administered in
15 fiscal year 2017 under the headings “Economic Sup-
16 port Fund” and “Assistance for Europe, Eurasia
17 and Central Asia”.

18 (b) AUTHORITY.—Funds made available by this Act
19 for democracy programs may be made available notwith-
20 standing any other provision of law, and with regard to
21 the National Endowment for Democracy, any regulation.

22 (c) DEFINITION OF DEMOCRACY PROGRAMS.—For
23 purposes of funds appropriated by this Act, the term “de-
24 mocracy programs” means programs that support good
25 governance, credible and competitive elections, freedom of

1 expression, association, assembly, and religion, human
2 rights, labor rights, independent media, and the rule of
3 law, and that otherwise strengthen the capacity of demo-
4 cratic political parties, governments, nongovernmental or-
5 ganizations and institutions, and citizens to support the
6 development of democratic states, and institutions that are
7 responsive and accountable to citizens.

8 (d) PROGRAM PRIORITIZATION.—Funds made avail-
9 able pursuant to this section that are made available for
10 programs to strengthen government institutions shall be
11 prioritized for those institutions that demonstrate a com-
12 mitment to democracy and the rule of law, as determined
13 by the Secretary of State or the Administrator of the
14 United States Agency for International Development, as
15 appropriate.

16 (e) RESTRICTION ON PRIOR APPROVAL.—With re-
17 spect to the provision of assistance for democracy pro-
18 grams in this Act, the organizations implementing such
19 assistance, the specific nature of that assistance, and the
20 participants in such programs shall not be subject to the
21 prior approval by the government of any foreign country:
22 *Provided*, That the Secretary of State, in coordination
23 with the USAID Administrator, shall report to the Com-
24 mittees on Appropriations, not later than 120 days after
25 enactment of this Act, detailing steps taken by the Depart-

1 ment of State and USAID to comply with the require-
2 ments of this subsection.

3 (f) CONTINUATION OF CURRENT PRACTICES.—
4 USAID shall continue to implement civil society and polit-
5 ical competition and consensus building programs abroad
6 with funds appropriated by this Act in a manner that rec-
7 ognizes the unique benefits of grants and cooperative
8 agreements in implementing such programs: *Provided*,
9 That nothing in this paragraph shall be construed to af-
10 fect the ability of any entity, including United States small
11 businesses, from competing for proposals for USAID-
12 funded civil society and political competition and con-
13 sensus building programs.

14 (g) COUNTRY STRATEGY REVIEWS.—Prior to the ob-
15 ligation of funds made available by this Act for Depart-
16 ment of State and USAID democracy programs for a non-
17 democratic or democratic transitioning country for which
18 a country strategy has been concluded after the date of
19 enactment of this Act, as required by section 2111(e)(1)
20 of the ADVANCE Democracy Act of 2007 (title XXI of
21 Public Law 110–53; 22 U.S.C. 8211) or similar provision
22 of law or regulation, the Under Secretary for Civilian Se-
23 curity, Democracy and Human Rights, Department of
24 State, in consultation with the Assistant Secretary for De-
25 mocracy, Human Rights, and Labor, Department of

1 State, and the Assistant Administrator for Democracy,
2 Conflict, and Humanitarian Assistance, USAID, shall re-
3 view such strategy to ensure that it includes—

4 (1) specific goals and objectives for such pro-
5 gram, including a specific plan and timeline to meas-
6 ure impacts;

7 (2) an assessment of the risks associated with
8 the conduct of such program to intended bene-
9 ficiaries and implementers, including steps to sup-
10 port and protect such individuals; and

11 (3) the funding requirements to initiate and
12 sustain such program in fiscal year 2018 and subse-
13 quent fiscal years, as appropriate:

14 *Provided*, That for the purposes of this subsection, the
15 term “nondemocratic or democratic transitioning country”
16 shall have the same meaning as in section 2104(6) of the
17 ADVANCE Democracy Act of 2007.

18 (h) COMMUNICATION AND REPORTS.—

19 (1) INFORMING THE NATIONAL ENDOWMENT
20 FOR DEMOCRACY.—The Assistant Secretary for De-
21 mocracy, Human Rights, and Labor, Department of
22 State, and the Assistant Administrator for Democ-
23 racy, Conflict, and Humanitarian Assistance,
24 USAID, shall regularly inform the National Endow-
25 ment for Democracy of democracy programs that

1 are planned and supported by funds made available
2 by this Act and prior Acts making appropriations
3 for the Department of State, foreign operations, and
4 related programs.

5 (2) REPORTS.—

6 (A) FUNDING INSTRUMENTS.—Not later
7 than September 30, 2018, the Secretary of
8 State and USAID Administrator shall each
9 submit to the Committees on Appropriations a
10 report detailing the use of contracts, grants,
11 and cooperative agreements in the conduct of
12 democracy programs with funds made available
13 by the Department of State, Foreign Oper-
14 ations, and Related Programs Appropriations
15 Act, 2017 (division J of Public Law 115–31),
16 which shall include funding level, account, pro-
17 gram sector and subsector, and a brief sum-
18 mary of purpose.

19 (B) PROGRAM CHANGES.—The Secretary
20 of State or the USAID Administrator, as ap-
21 propriate, shall report to the appropriate con-
22 gressional committees within 30 days of a deci-
23 sion to significantly change the objectives or the
24 content of a democracy program or to close
25 such a program due to the increasingly repres-

1 sive nature of the host country government:
2 *Provided*, That the report shall also include a
3 strategy for continuing support for democracy
4 promotion, if such programming is feasible, and
5 may be submitted in classified form, if nec-
6 essary.

7 (i) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND
8 JOURNALISTS.—

9 (1) PLAN.—Not later than 120 days after en-
10 actment of this Act, the Secretary of State shall sub-
11 mit to the appropriate congressional committees a
12 diplomatic and programmatic action plan to support
13 and protect civil society activists and journalists who
14 have been threatened, harassed, or attacked for
15 peacefully exercising their rights of free expression,
16 association, or assembly: *Provided*, That the Assist-
17 ant Secretary for Democracy, Human Rights, and
18 Labor (DRL), Department of State, shall develop
19 such action plan in coordination with the relevant
20 bureaus and offices of the Department of State and
21 USAID.

22 (2) FUNDS.—Of the funds appropriated by this
23 Act under the headings “Economic Support Fund”
24 and “Democracy Fund”, not less than \$10,000,000
25 shall be made available for programs and activities

1 to implement the action plan described in paragraph
2 (1): *Provided*, That such funds may only be made
3 available following consultation with the Committees
4 on Appropriations: *Provided further*, That such
5 funds shall be allocated to, and administered by,
6 DRL and relevant bureaus and offices of the De-
7 partment of State and USAID, and are in addition
8 to amounts otherwise made available for such pur-
9 poses.

10 INTERNATIONAL RELIGIOUS FREEDOM

11 SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREE-
12 DOM OFFICE AND SPECIAL ENVOY TO PROMOTE RELI-
13 GIOUS FREEDOM.—

14 (1) OPERATIONS.—Funds appropriated by this
15 Act under the heading “Diplomatic and Consular
16 Programs” shall be made available for the Office of
17 International Religious Freedom, Bureau of Democ-
18 racy, Human Rights, and Labor, Department of
19 State, the Office of the Ambassador-at-Large for
20 International Religious Freedom, and the Special
21 Envoy to Promote Religious Freedom of Religious
22 Minorities in the Near East and South Central Asia,
23 as authorized in the Near East and South Central
24 Asia Religious Freedom Act of 2014 (Public Law
25 113–161), including for support staff at not less

1 than the amounts specified for such offices in the
2 table under such heading in the explanatory state-
3 ment described in section 4 (in the matter preceding
4 division A of this consolidated Act).

5 (2) CURRICULUM.—Funds appropriated under
6 the heading “Diplomatic and Consular Programs”
7 and designated for the Office of International Reli-
8 gious Freedom shall be made available for the devel-
9 opment and implementation of an international reli-
10 gious freedom curriculum in accordance with section
11 708(a)(2) of the Foreign Service Act of 1980 (22
12 U.S.C. 4028(a)(2)).

13 (b) ASSISTANCE.—

14 (1) INTERNATIONAL RELIGIOUS FREEDOM PRO-
15 GRAMS.—Of the funds appropriated by this Act
16 under the heading “Democracy Fund” and available
17 for the Human Rights and Democracy Fund, not
18 less than \$10,000,000 shall be made available for
19 international religious freedom programs: *Provided,*
20 That the Ambassador-at-Large for International Re-
21 ligious Freedom shall consult with the Committees
22 on Appropriations on the uses of such funds.

23 (2) PROTECTION AND INVESTIGATION PRO-
24 GRAMS.—Of the funds appropriated by this Act
25 under the heading “Economic Support Fund”, not

1 less than \$10,000,000 shall be made available for
2 programs to protect vulnerable and persecuted reli-
3 gious minorities: *Provided*, That a portion of such
4 funds shall be made available for programs to inves-
5 tigate the persecution of such minorities by govern-
6 ments and non-state actors and for the public dis-
7 semination of information collected on such persecu-
8 tion, including on the Department of State Web site.

9 (3) HUMANITARIAN PROGRAMS.—Funds appro-
10 priated by this Act under the headings “Inter-
11 national Disaster Assistance” and “Migration and
12 Refugee Assistance” shall be made available for hu-
13 manitarian assistance for vulnerable and persecuted
14 religious minorities, including victims of genocide
15 designated by the Secretary of State and other
16 groups that have suffered crimes against humanity
17 and ethnic cleansing, to—

18 (A) facilitate the implementation of an im-
19 mediate, coordinated, and sustained response to
20 provide humanitarian assistance;

21 (B) enhance protection of conflict victims,
22 including those facing a dire humanitarian cri-
23 sis and severe persecution because of their faith
24 or ethnicity; and

1 (C) improve access to secure locations for
2 obtaining humanitarian and resettlement serv-
3 ices.

4 (4) TRANSITIONAL JUSTICE, RECONCILIATION,
5 AND REINTEGRATION PROGRAMS.—Of the funds ap-
6 propriated by this Act that are made available for
7 the Relief and Recovery Fund, not less than
8 \$5,000,000 shall be made available to support tran-
9 sitional justice, reconciliation, and reintegration pro-
10 grams for vulnerable and persecuted religious mi-
11 norities, including in the Middle East and North Af-
12 rica regions: *Provided*, That such funds shall be
13 matched, to the maximum extent practicable, from
14 sources other than the United States Government.

15 (5) RESPONSIBILITY FOR FUNDS.—Funds made
16 available by paragraphs (1) and (2) shall be the re-
17 sponsibility of the Ambassador-at-Large for Inter-
18 national Religious Freedom, in consultation with
19 other relevant United States Government officials.

20 (c) INTERNATIONAL BROADCASTING.—Funds appro-
21 priated by this Act under the heading “Broadcasting
22 Board of Governors, International Broadcasting Oper-
23 ations” shall be made available for programs related to
24 international religious freedom, including reporting on the
25 condition of vulnerable and persecuted religious groups.

1 (d) ATROCITIES PREVENTION.—Of the funds appro-
2 priated by this Act under the headings “Economic Sup-
3 port Fund” and “International Narcotics Control and
4 Law Enforcement”, not less than \$5,000,000 shall be
5 made available for programs to prevent atrocities, includ-
6 ing to implement recommendations of the Atrocities Pre-
7 vention Board: *Provided*, That the Under Secretary for Ci-
8 vilian Security, Democracy, and Human Rights, Depart-
9 ment of State, shall be responsible for providing the stra-
10 tegic policy direction for, and policy oversight of, funds
11 made available pursuant to this subsection to the Bureaus
12 of International Narcotics and Law Enforcement Affairs
13 and Democracy, Human Rights, and Labor, Department
14 of State: *Provided further*, That such funds shall be sub-
15 ject to the regular notification procedures of the Commit-
16 tees on Appropriations.

17 (e) FUNDING CLARIFICATION.—Funds made avail-
18 able pursuant to subsections (b) and (d) are in addition
19 to amounts otherwise made available for such purposes.

20 SPECIAL PROVISIONS

21 SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHIL-
22 DREN, AND DISPLACED BURMESE.—Funds appropriated
23 in titles III and VI of this Act that are made available
24 for victims of war, displaced children, displaced Burmese,
25 and to combat trafficking in persons and assist victims

1 of such trafficking, may be made available notwith-
2 standing any other provision of law.

3 (b) LAW ENFORCEMENT AND SECURITY.—

4 (1) CHILD SOLDIERS.—Funds appropriated by
5 this Act should not be used to support any military
6 training or operations that include child soldiers.

7 (2) CROWD CONTROL ITEMS.—Funds appro-
8 priated by this Act should not be used for tear gas,
9 small arms, light weapons, ammunition, or other
10 items for crowd control purposes for foreign security
11 forces that use excessive force to repress peaceful ex-
12 pression, association, or assembly in countries un-
13 dergoing democratic transition.

14 (3) DISARMAMENT, DEMOBILIZATION, AND RE-
15 INTEGRATION.—Section 7034(d) of the Department
16 of State, Foreign Operations, and Related Programs
17 Appropriations Act, 2015 (division J of Public Law
18 113–235) shall continue in effect during fiscal year
19 2018.

20 (4) FORENSIC ASSISTANCE.—

21 (A) Of the funds appropriated by this Act
22 under the heading “Economic Support Fund”,
23 not less than \$8,000,000 shall be made avail-
24 able for forensic anthropology assistance related
25 to the exhumation and identification of victims

1 of war crimes, crimes against humanity, and
2 genocide, which shall be administered by the
3 Assistant Secretary for Democracy, Human
4 Rights, and Labor, Department of State: *Pro-*
5 *vided*, That such funds shall be in addition to
6 funds made available by this Act and prior Acts
7 making appropriations for the Department of
8 State, foreign operations, and related programs
9 for assistance for countries.

10 (B) Of the funds appropriated by this Act
11 under the heading “International Narcotics
12 Control and Law Enforcement”, not less than
13 \$6,000,000 shall be made available for DNA fo-
14 rensic technology programs to combat human
15 trafficking in Central America and Mexico.

16 (5) INTERNATIONAL PRISON CONDITIONS.—
17 Section 7065 of the Department of State, Foreign
18 Operations, and Related Programs Appropriations
19 Act, 2015 (division J of Public Law 113–235) shall
20 continue in effect during fiscal year 2018.

21 (6) RECONSTITUTING CIVILIAN POLICE AU-
22 THORITY.—In providing assistance with funds ap-
23 propriated by this Act under section 660(b)(6) of
24 the Foreign Assistance Act of 1961, support for a
25 nation emerging from instability may be deemed to

1 mean support for regional, district, municipal, or
2 other sub-national entity emerging from instability,
3 as well as a nation emerging from instability.

4 (7) SECURITY ASSISTANCE REPORT.—Not later
5 than 120 days after enactment of this Act, the Sec-
6 retary of State shall submit to the Committees on
7 Appropriations a report on funds obligated and ex-
8 pended during fiscal year 2017, by country and pur-
9 pose of assistance, under the headings “Peace-
10 keeping Operations”, “International Military Edu-
11 cation and Training”, and “Foreign Military Fi-
12 nancing Program”.

13 (8) FOREIGN MILITARY SALES AND FOREIGN
14 MILITARY FINANCING PROGRAM.—

15 (A) AVAILABILITY.—Funds appropriated
16 by this Act under the heading “Foreign Mili-
17 tary Financing Program” for the general costs
18 of administering military assistance and sales
19 shall be made available to increase the effi-
20 ciency and effectiveness of programs authorized
21 by Chapter 2 of the Arms Export Control Act:
22 *Provided*, That prior to the obligation of funds
23 for such purposes, the Secretary of State shall
24 consult with the Committees on Appropriations.

1 (B) QUARTERLY STATUS REPORT.—Fol-
2 lowing the submission of the quarterly report
3 required by section 36 of Public Law 90–629
4 (22 U.S.C. 2776), the Secretary of State, in co-
5 ordination with the Secretary of Defense, shall
6 submit to the Committees on Appropriations a
7 status report that contains the information de-
8 scribed under the heading “Foreign Military Fi-
9 nancing Program” in House Report 115–253.

10 (9) VETTING REPORT.—

11 (A) IN GENERAL.—Not later than 90 days
12 after enactment of this Act, the Secretary of
13 State shall submit a report to the appropriate
14 congressional committees on foreign assistance
15 cases submitted for vetting for purposes of sec-
16 tion 620M of the Foreign Assistance Act of
17 1961 during the preceding fiscal year, includ-
18 ing—

19 (i) the total number of cases sub-
20 mitted, approved, suspended, or rejected
21 for human rights reasons; and

22 (ii) for cases rejected, a description of
23 the steps taken to assist the foreign gov-
24 ernment in taking effective measures to
25 bring the responsible members of the secu-

1 rity forces to justice, in accordance with
2 section 620M(c) of the Foreign Assistance
3 Act of 1961.

4 (B) FORM.—The report required by this
5 paragraph shall be submitted in unclassified
6 form, but may be accompanied by a classified
7 annex.

8 (10) ANNUAL FOREIGN MILITARY TRAINING RE-
9 PORT.—For the purposes of implementing section
10 656 of the Foreign Assistance Act of 1961, the term
11 “military training provided to foreign military per-
12 sonnel by the Department of Defense and the De-
13 partment of State” shall be deemed to include all
14 military training provided by foreign governments
15 with funds appropriated to the Department of De-
16 fense or the Department of State, except for train-
17 ing provided by the government of a country des-
18 ignated by section 517(b) of such Act as a major
19 non-NATO ally.

20 (11) ASSISTANCE TO ELIMINATE TORTURE.—
21 Funds appropriated under titles III and IV of this
22 Act shall be made available, notwithstanding section
23 660 of the Foreign Assistance Act of 1961 and fol-
24 lowing consultation with the Committees on Appro-
25 priations, for assistance to eliminate torture by for-

1 eign police, military or other security forces in coun-
2 tries receiving assistance from funds appropriated by
3 this Act.

4 (12) COMBAT CASUALTY CARE.—

5 (A) Consistent with the objectives of the
6 Foreign Assistance Act of 1961 and the Arms
7 Export Control Act, funds appropriated by this
8 Act under the headings “Peacekeeping Oper-
9 ations” and “Foreign Military Financing Pro-
10 gram” shall be made available for combat cas-
11 ualty training and equipment.

12 (B) The Secretary of State shall offer com-
13 bat casualty care training and equipment as a
14 component of any package of lethal assistance
15 funded by this Act with funds appropriated
16 under the headings “Peacekeeping Operations”
17 and “Foreign Military Financing Program”:
18 *Provided*, That the requirement of this para-
19 graph shall apply to a country in conflict, un-
20 less the Secretary determines that such country
21 has in place, to the maximum extent prac-
22 ticable, functioning combat casualty care treat-
23 ment and equipment that meets or exceeds the
24 standards recommended by the Committee on
25 Tactical Combat Casualty Care: *Provided fur-*

1 *ther*, That any such training and equipment for
2 combat casualty care shall be made available
3 through an open and transparent process.

4 (c) WORLD FOOD PROGRAMME.—

5 (1) CONTRIBUTION.—Funds managed by the
6 Bureau for Democracy, Conflict, and Humanitarian
7 Assistance, United States Agency for International
8 Development, from this or any other Act, may be
9 made available as a general contribution to the
10 World Food Programme, notwithstanding any other
11 provision of law.

12 (2) PROGRAM TO LEVERAGE ADDITIONAL CON-
13 TRIBUTIONS.—Funds appropriated by this Act shall
14 be made available to leverage additional contribu-
15 tions for the World Food Programme from sources
16 other than the United States Government: *Provided*,
17 That the Secretary of State shall consult with the
18 Committees on Appropriations on implementation of
19 this paragraph.

20 (d) DIRECTIVES AND AUTHORITIES.—

21 (1) RESEARCH AND TRAINING.—Funds appro-
22 priated by this Act under the heading “Assistance
23 for Europe, Eurasia and Central Asia” shall be
24 made available to carry out the Program for Re-
25 search and Training on Eastern Europe and the

1 Independent States of the Former Soviet Union as
2 authorized by the Soviet-Eastern European Research
3 and Training Act of 1983 (22 U.S.C. 4501 et seq.).

4 (2) GENOCIDE VICTIMS MEMORIAL SITES.—
5 Funds appropriated by this Act and prior Acts mak-
6 ing appropriations for the Department of State, for-
7 eign operations, and related programs under the
8 headings “Economic Support Fund” and “Assist-
9 ance for Europe, Eurasia and Central Asia” may be
10 made available as contributions to establish and
11 maintain memorial sites of genocide, subject to the
12 regular notification procedures of the Committees on
13 Appropriations.

14 (3) ADDITIONAL AUTHORITIES.—Of the
15 amounts made available by title I of this Act under
16 the heading “Diplomatic and Consular Programs”,
17 up to \$500,000 may be made available for grants
18 pursuant to section 504 of the Foreign Relations
19 Authorization Act, Fiscal Year 1979 (22 U.S.C.
20 2656d), including to facilitate collaboration with in-
21 digenous communities, and up to \$1,000,000 may be
22 made available for grants to carry out the activities
23 of the Cultural Antiquities Task Force.

24 (4) INNOVATION.—The USAID Administrator
25 may use funds appropriated by this Act under title

1 III to make innovation incentive awards: *Provided*,
2 That each individual award may not exceed
3 \$100,000: *Provided further*, That no more than 10
4 such awards may be made during fiscal year 2018:
5 *Provided further*, That for purposes of this para-
6 graph the term “innovation incentive award” means
7 the provision of funding on a competitive basis
8 that—

9 (A) encourages and rewards the develop-
10 ment of solutions for a particular, well-defined
11 problem related to the alleviation of poverty; or

12 (B) helps identify and promote a broad
13 range of ideas and practices facilitating further
14 development of an idea or practice by third par-
15 ties.

16 (5) EXCHANGE VISITOR PROGRAM.—None of
17 the funds made available by this Act may be used
18 to modify the Exchange Visitor Program adminis-
19 tered by the Department of State to implement the
20 Mutual Educational and Cultural Exchange Act of
21 1961, as amended, (Public Law 87–256; 22 U.S.C.
22 2451 et seq.), except through the formal rulemaking
23 process pursuant to the Administrative Procedures
24 Act and notwithstanding the exceptions to such rule-
25 making process in such Act: *Provided*, That funds

1 made available for such purpose shall only be made
2 available after consultation with, and subject to the
3 regular notification procedures of, the Committees
4 on Appropriations, regarding how any proposed
5 modification would affect the public diplomacy goals
6 of, and the estimated economic impact on, the
7 United States.

8 (6) REPORT.—The report required by section
9 502(d) of the Intelligence Authorization Act for Fis-
10 cal Year 2017 (division N of Public Law 115–31; 22
11 U.S.C. 254a note) shall be provided to the Commit-
12 tees on Appropriations.

13 (e) PARTNER VETTING.—The Secretary of State and
14 USAID Administrator may initiate a partner vetting pro-
15 gram to mitigate the risk of diversion of foreign assist-
16 ance, or make significant modifications to any existing
17 partner vetting program, only following consultation with
18 the Committees on Appropriations: *Provided*, That the
19 Secretary and Administrator should provide a direct vet-
20 ting option for prime awardees in any partner vetting pro-
21 gram initiated after the date of the enactment of this Act.

22 (f) CONTINGENCIES.—During fiscal year 2018, the
23 President may use up to \$125,000,000 under the author-
24 ity of section 451 of the Foreign Assistance Act of 1961,
25 notwithstanding any other provision of law.

1 (g) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
2 retary of State should withhold funds appropriated under
3 title III of this Act for assistance for the central govern-
4 ment of any country that is not taking appropriate steps
5 to comply with the Convention on the Civil Aspects of
6 International Child Abductions, done at the Hague on Oc-
7 tober 25, 1980: *Provided*, That the Secretary shall report
8 to the Committees on Appropriations within 15 days of
9 withholding funds under this subsection.

10 (h) CULTURAL PRESERVATION PROJECT DETER-
11 MINATION.—None of the funds appropriated in titles I and
12 III of this Act may be used for the preservation of reli-
13 gious sites unless the Secretary of State or the USAID
14 Administrator, as appropriate, determines and reports to
15 the Committees on Appropriations that such sites are his-
16 torically, artistically, or culturally significant, that the
17 purpose of the project is neither to advance nor to inhibit
18 the free exercise of religion, and that the project is in the
19 national interest of the United States.

20 (i) TRANSFER OF FUNDS FOR EXTRAORDINARY PRO-
21 TECTION.—The Secretary of State may transfer to, and
22 merge with, funds under the heading “Protection of For-
23 eign Missions and Officials” unobligated balances of ex-
24 pired funds appropriated under the heading “Diplomatic
25 and Consular Programs” for fiscal year 2018, except for

1 funds designated for Overseas Contingency Operations/
2 Global War on Terrorism pursuant to section
3 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985, at no later than the end of
5 the fifth fiscal year after the last fiscal year for which such
6 funds are available for the purposes for which appro-
7 priated: *Provided*, That not more than \$50,000,000 may
8 be transferred.

9 (j) AUTHORITY TO COUNTER EXTREMISM.—Funds
10 made available by this Act under the heading “Economic
11 Support Fund” to counter extremism may be made avail-
12 able notwithstanding any other provision of law restricting
13 assistance to foreign countries, except sections 502B and
14 620A of the Foreign Assistance Act of 1961: *Provided*,
15 That the use of the authority of this subsection shall be
16 subject to prior consultation with the appropriate congres-
17 sional committees, and the regular notification procedures
18 of the Committees on Appropriations.

19 (k) PROTECTIONS AND REMEDIES FOR EMPLOYEES
20 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
21 ZATIONS.—Section 7034(k) of the Department of State,
22 Foreign Operations, and Related Programs Appropria-
23 tions Act, 2015 (division J of Public Law 113–235) shall
24 continue in effect during fiscal year 2018.

25 (l) EXTENSION OF AUTHORITIES.—

1 (1) PASSPORT FEES.—Section 1(b)(2) of the
2 Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2))
3 shall be applied by substituting “September 30,
4 2018” for “September 30, 2010”.

5 (2) INCENTIVES FOR CRITICAL POSTS.—The
6 authority contained in section 1115(d) of the Sup-
7 plemental Appropriations Act, 2009 (Public Law
8 111–32) shall remain in effect through September
9 30, 2018.

10 (3) USAID CIVIL SERVICE ANNUITANT WAIV-
11 ER.—Section 625(j)(1) of the Foreign Assistance
12 Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied
13 by substituting “September 30, 2018” for “October
14 1, 2010” in subparagraph (B).

15 (4) OVERSEAS PAY COMPARABILITY AND LIM-
16 TATION.—

17 (A) Subject to the limitation described in
18 subparagraph (B), the authority provided by
19 section 1113 of the Supplemental Appropria-
20 tions Act, 2009 (Public Law 111–32) shall re-
21 main in effect through September 30, 2018.

22 (B) The authority described in subpara-
23 graph (A) may not be used to pay an eligible
24 member of the Foreign Service (as defined in
25 section 1113(b) of the Supplemental Appropria-

1 tions Act, 2009 (Public Law 111–32)) a local-
2 ity-based comparability payment (stated as a
3 percentage) that exceeds two-thirds of the
4 amount of the locality-based comparability pay-
5 ment (stated as a percentage) that would be
6 payable to such member under section 5304 of
7 title 5, United States Code, if such member’s
8 official duty station were in the District of Co-
9 lumbia.

10 (5) CATEGORICAL ELIGIBILITY.—The Foreign
11 Operations, Export Financing, and Related Pro-
12 grams Appropriations Act, 1990 (Public Law 101–
13 167) is amended—

14 (A) in section 599D (8 U.S.C. 1157
15 note)—

16 (i) in subsection (b)(3), by striking
17 “and 2017” and inserting “2017, and
18 2018”; and

19 (ii) in subsection (e), by striking
20 “2017” each place it appears and inserting
21 “2018”; and

22 (B) in section 599E (8 U.S.C. 1255 note)
23 in subsection (b)(2), by striking “2017” and in-
24 serting “2018”.

1 (6) INSPECTOR GENERAL ANNUITANT WAIV-
2 ER.—The authorities provided in section 1015(b) of
3 the Supplemental Appropriations Act, 2010 (Public
4 Law 111–212) shall remain in effect through Sep-
5 tember 30, 2018.

6 (7) EXTENSION OF WAR RESERVES STOCKPILE
7 AUTHORITY.—

8 (A) Section 12001(d) of the Department of
9 Defense Appropriations Act, 2005 (Public Law
10 108–287; 118 Stat. 1011) is amended by strik-
11 ing “2018” and inserting “2019”.

12 (B) Section 514(b)(2)(A) of the Foreign
13 Assistance Act of 1961 (22 U.S.C.
14 2321h(b)(2)(A)) is amended by striking “and
15 2018” and inserting “2018, and 2019”.

16 (8) ACCOUNTABILITY REVIEW BOARDS.—The
17 authority provided by section 301(a)(3) of the Omni-
18 bus Diplomatic Security and Antiterrorism Act of
19 1986 (22 U.S.C. 4831(a)(3)) shall be in effect for
20 facilities in Afghanistan through September 30,
21 2018, except that the notification and reporting re-
22 quirements contained in such section shall include
23 the Committees on Appropriations.

24 (m) MONITORING AND EVALUATION.—Funds appro-
25 priated by this Act that are available for monitoring and

1 evaluation of assistance under the headings “Development
2 Assistance”, “International Disaster Assistance” and
3 “Migration and Refugee Assistance” shall, as appropriate,
4 be made available for the regular collection of feedback
5 obtained directly from beneficiaries on the quality and rel-
6 evance of such assistance: *Provided*, That the Department
7 of State and USAID shall, as appropriate, require imple-
8 menting partners that receive funds under such headings
9 to establish procedures for regularly collecting and re-
10 sponding to such feedback, inform the Department of
11 State and USAID of such procedures, and report to the
12 Department of State and USAID on actions taken in re-
13 sponse to the feedback received: *Provided further*, That the
14 Department of State and USAID shall conduct regular
15 oversight to ensure that such feedback is collected and
16 used by implementing partners to maximize the cost-effec-
17 tiveness and utility of such assistance.

18 (n) HIV/AIDS WORKING CAPITAL FUND.—Funds
19 available in the HIV/AIDS Working Capital Fund estab-
20 lished pursuant to section 525(b)(1) of the Foreign Oper-
21 ations, Export Financing, and Related Programs Appro-
22 priations Act, 2005 (Public Law 108–447) may be made
23 available for pharmaceuticals and other products for child
24 survival, malaria, and tuberculosis to the same extent as
25 HIV/AIDS pharmaceuticals and other products, subject to

1 the terms and conditions in such section: *Provided*, That
2 the authority in section 525(b)(5) of the Foreign Oper-
3 ations, Export Financing, and Related Programs Appro-
4 priation Act, 2005 (Public Law 108–447) shall be exer-
5 cised by the Assistant Administrator for Global Health,
6 USAID, with respect to funds deposited for such non-
7 HIV/AIDS pharmaceuticals and other products, and shall
8 be subject to the regular notification procedures of the
9 Committees on Appropriations: *Provided further*, That the
10 Secretary of State shall include in the congressional budg-
11 et justification an accounting of budgetary resources, dis-
12 bursements, balances, and reimbursements related to such
13 fund.

14 (o) LOANS AND ENTERPRISE FUNDS.—

15 (1) LOAN GUARANTEES.—Funds appropriated
16 under the headings “Economic Support Fund” and
17 “Assistance for Europe, Eurasia and Central Asia”
18 by this Act and prior Acts making appropriations
19 for the Department of State, foreign operations, and
20 related programs may be made available for the
21 costs, as defined in section 502 of the Congressional
22 Budget Act of 1974, of loan guarantees for Egypt,
23 Jordan, Iraq, Tunisia, and Ukraine, which are au-
24 thorized to be provided: *Provided*, That amounts
25 made available under this paragraph for the costs of

1 such guarantees shall not be considered assistance
2 for the purposes of provisions of law limiting assist-
3 ance to a country.

4 (2) ENTERPRISE FUNDS.—Funds appropriated
5 under the heading “Economic Support Fund” in
6 this Act may be made available to establish and op-
7 erate one or more enterprise funds for Egypt, Jor-
8 dan, and Tunisia: *Provided*, That the first, third and
9 fifth provisos under section 7041(b) of the Depart-
10 ment of State, Foreign Operations, and Related Pro-
11 grams Appropriations Act, 2012 (division I of Public
12 Law 112–74) shall apply to funds appropriated by
13 this Act under the heading “Economic Support
14 Fund” for an enterprise fund or funds to the same
15 extent and in the same manner as such provision of
16 law applied to funds made available under such sec-
17 tion (except that the clause excluding subsection
18 (d)(3) of section 201 of the SEED Act shall not
19 apply): *Provided further*, That in addition to the pre-
20 vious proviso, the authorities in the matter preceding
21 the first proviso of such section may apply to any
22 such enterprise fund or funds: *Provided further*,
23 That the authority of any such enterprise fund or
24 funds to provide assistance shall cease to be effective
25 on December 31, 2028.

1 (3) DESIGNATION REQUIREMENT.—Funds
2 made available pursuant to paragraph (1) from prior
3 Acts making appropriations for the Department of
4 State, foreign operations, and related programs that
5 were previously designated by the Congress for Over-
6 seas Contingency Operations/Global War on Ter-
7 rorism pursuant to section 251(b)(2)(A)(ii) of the
8 Balanced Budget and Emergency Deficit Control
9 Act of 1985 are designated by the Congress for
10 Overseas Contingency Operations/Global War on
11 Terrorism pursuant to section 251(b)(2)(A)(ii) of
12 such Act.

13 (4) CONSULTATION AND NOTIFICATION.—
14 Funds made available pursuant to the authorities of
15 this subsection shall be subject to prior consultation
16 with the appropriate congressional committees, and
17 subject to the regular notification procedures of the
18 Committees on Appropriations.

19 (p) LOCAL WORKS.—

20 (1) The “Small Grants Program” established
21 pursuant to section 7080 of the Department of
22 State, Foreign Operations, and Related Programs
23 Appropriations Act, 2015 (division J of Public Law
24 113–235) shall hereafter be referred to as “Local
25 Works”.

1 (2) Of the funds appropriated by this Act under
2 the headings “Development Assistance”, “Economic
3 Support Fund”, and “Assistance for Europe, Eur-
4 asia and Central Asia”, not less than \$47,000,000
5 shall be made available for Local Works pursuant to
6 section 7080 of the Department of State, Foreign
7 Operations, and Related Programs Appropriations
8 Act, 2015 (division J of Public Law 113–235),
9 which may remain available until September 30,
10 2022.

11 (3) For the purposes of section 7080 of the De-
12 partment of State, Foreign Operations, and Related
13 Programs Appropriations Act, 2015 (division J of
14 Public Law 113–235), “eligible entities” shall be de-
15 fined as small local, international, and United
16 States-based nongovernmental organizations, edu-
17 cational institutions, and other small entities that
18 have received less than a total of \$5,000,000 from
19 USAID over the previous 5 fiscal years: *Provided,*
20 That departments or centers of such educational in-
21 stitutions may be considered individually in deter-
22 mining such eligibility.

23 (q) DEPARTMENT OF STATE INSPECTOR GENERAL
24 WAIVER AUTHORITY.—The Inspector General of the De-
25 partment of State may waive the provisions of subsections

1 (a) through (d) of section 824 of the Foreign Service Act
2 of 1980 (22 U.S.C. 4064) on a case-by-case basis for an
3 annuitant reemployed by the Inspector General on a tem-
4 porary basis, subject to the same constraints and in the
5 same manner by which the Secretary of State may exercise
6 such waiver authority pursuant to subsection (g) of such
7 section.

8 (r) DEFINITIONS.—

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—Unless otherwise defined in this Act, for
11 purposes of this Act the term “appropriate congress-
12 sional committees” means the Committees on Appro-
13 priations and Foreign Relations of the Senate and
14 the Committees on Appropriations and Foreign Af-
15 fairs of the House of Representatives.

16 (2) FUNDS APPROPRIATED BY THIS ACT AND
17 PRIOR ACTS.—Unless otherwise defined in this Act,
18 for purposes of this Act the term “funds appro-
19 priated by this Act and prior Acts making appro-
20 priations for the Department of State, foreign oper-
21 ations, and related programs” means funds that re-
22 main available for obligation, and have not expired.

23 (3) INTERNATIONAL FINANCIAL INSTITU-
24 TIONS.—In this Act “international financial institu-
25 tions” means the International Bank for Recon-

1 construction and Development, the International Devel-
2 opment Association, the International Finance Cor-
3 poration, the Inter-American Development Bank, the
4 International Monetary Fund, the Asian Develop-
5 ment Bank, the Asian Development Fund, the Inter-
6 American Investment Corporation, the North Amer-
7 ican Development Bank, the European Bank for Re-
8 construction and Development, the African Develop-
9 ment Bank, the African Development Fund, and the
10 Multilateral Investment Guarantee Agency.

11 (4) SOUTHERN KORDOFAN REFERENCE.—Any
12 reference to Southern Kordofan in this or any other
13 Act making appropriations for the Department of
14 State, foreign operations, and related programs shall
15 be deemed to include portions of Western Kordofan
16 that were previously part of Southern Kordofan
17 prior to the 2013 division of Southern Kordofan.

18 (5) USAID.—In this Act, the term “USAID”
19 means the United States Agency for International
20 Development.

21 (6) SPEND PLAN.—In this Act, the term
22 “spend plan” means a plan for the uses of funds ap-
23 propriated for a particular entity, country, program,
24 purpose, or account and which shall include, at a
25 minimum, a description of—

1 (A) realistic and sustainable goals, criteria
2 for measuring progress, and a timeline for
3 achieving such goals;

4 (B) amounts and sources of funds by ac-
5 count;

6 (C) how such funds will complement other
7 ongoing or planned programs; and

8 (D) implementing partners, to the max-
9 imum extent practicable.

10 (7) CLARIFICATION.—In this Act, the terms
11 “Assistant Secretary” and “Under Secretary” shall
12 include individuals appointed by the President and
13 confirmed by the Senate to serve in such designated
14 positions, as well as individuals serving in acting ca-
15 pacities or performing functions pursuant to alter
16 ego delegations with such designated “Assistant Sec-
17 retary” and “Under Secretary” positions.

18 ARAB LEAGUE BOYCOTT OF ISRAEL

19 SEC. 7035. It is the sense of the Congress that—

20 (1) the Arab League boycott of Israel, and the
21 secondary boycott of American firms that have com-
22 mercial ties with Israel, is an impediment to peace
23 in the region and to United States investment and
24 trade in the Middle East and North Africa;

1 (2) the Arab League boycott, which was regret-
2 tably reinstated in 1997, should be immediately and
3 publicly terminated, and the Central Office for the
4 Boycott of Israel immediately disbanded;

5 (3) all Arab League states should normalize re-
6 lations with their neighbor Israel;

7 (4) the President and the Secretary of State
8 should continue to vigorously oppose the Arab
9 League boycott of Israel and find concrete steps to
10 demonstrate that opposition by, for example, taking
11 into consideration the participation of any recipient
12 country in the boycott when determining to sell
13 weapons to said country; and

14 (5) the President should report to Congress an-
15 nually on specific steps being taken by the United
16 States to encourage Arab League states to normalize
17 their relations with Israel to bring about the termi-
18 nation of the Arab League boycott of Israel, includ-
19 ing those to encourage allies and trading partners of
20 the United States to enact laws prohibiting busi-
21 nesses from complying with the boycott and penal-
22 izing businesses that do comply.

23 PALESTINIAN STATEHOOD

24 SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None
25 of the funds appropriated under titles III through VI of

1 this Act may be provided to support a Palestinian state
2 unless the Secretary of State determines and certifies to
3 the appropriate congressional committees that—

4 (1) the governing entity of a new Palestinian
5 state—

6 (A) has demonstrated a firm commitment
7 to peaceful co-existence with the State of Israel;
8 and

9 (B) is taking appropriate measures to
10 counter terrorism and terrorist financing in the
11 West Bank and Gaza, including the dismantling
12 of terrorist infrastructures, and is cooperating
13 with appropriate Israeli and other appropriate
14 security organizations; and

15 (2) the Palestinian Authority (or the governing
16 entity of a new Palestinian state) is working with
17 other countries in the region to vigorously pursue ef-
18 forts to establish a just, lasting, and comprehensive
19 peace in the Middle East that will enable Israel and
20 an independent Palestinian state to exist within the
21 context of full and normal relationships, which
22 should include—

23 (A) termination of all claims or states of
24 belligerency;

1 (B) respect for and acknowledgment of the
2 sovereignty, territorial integrity, and political
3 independence of every state in the area through
4 measures including the establishment of demili-
5 tarized zones;

6 (C) their right to live in peace within se-
7 cure and recognized boundaries free from
8 threats or acts of force;

9 (D) freedom of navigation through inter-
10 national waterways in the area; and

11 (E) a framework for achieving a just set-
12 tlement of the refugee problem.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the governing entity should enact a constitution
15 assuring the rule of law, an independent judiciary, and
16 respect for human rights for its citizens, and should enact
17 other laws and regulations assuring transparent and ac-
18 countable governance.

19 (c) WAIVER.—The President may waive subsection
20 (a) if the President determines that it is important to the
21 national security interest of the United States to do so.

22 (d) EXEMPTION.—The restriction in subsection (a)
23 shall not apply to assistance intended to help reform the
24 Palestinian Authority and affiliated institutions, or the
25 governing entity, in order to help meet the requirements

1 of subsection (a), consistent with the provisions of section
2 7040 of this Act (“Limitation on Assistance for the Pales-
3 tinian Authority”).

4 RESTRICTIONS CONCERNING THE PALESTINIAN
5 AUTHORITY

6 SEC. 7037. None of the funds appropriated under ti-
7 tles II through VI of this Act may be obligated or ex-
8 pended to create in any part of Jerusalem a new office
9 of any department or agency of the United States Govern-
10 ment for the purpose of conducting official United States
11 Government business with the Palestinian Authority over
12 Gaza and Jericho or any successor Palestinian governing
13 entity provided for in the Israel-PLO Declaration of Prin-
14 ciples: *Provided*, That this restriction shall not apply to
15 the acquisition of additional space for the existing Con-
16 sulate General in Jerusalem: *Provided further*, That meet-
17 ings between officers and employees of the United States
18 and officials of the Palestinian Authority, or any successor
19 Palestinian governing entity provided for in the Israel-
20 PLO Declaration of Principles, for the purpose of con-
21 ducting official United States Government business with
22 such authority should continue to take place in locations
23 other than Jerusalem: *Provided further*, That as has been
24 true in the past, officers and employees of the United
25 States Government may continue to meet in Jerusalem on

1 other subjects with Palestinians (including those who now
2 occupy positions in the Palestinian Authority), have social
3 contacts, and have incidental discussions.

4 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
5 BROADCASTING CORPORATION

6 SEC. 7038. None of the funds appropriated or other-
7 wise made available by this Act may be used to provide
8 equipment, technical support, consulting services, or any
9 other form of assistance to the Palestinian Broadcasting
10 Corporation.

11 ASSISTANCE FOR THE WEST BANK AND GAZA

12 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2018,
13 30 days prior to the initial obligation of funds for the bi-
14 lateral West Bank and Gaza Program, the Secretary of
15 State shall certify to the Committees on Appropriations
16 that procedures have been established to assure the Comp-
17 troller General of the United States will have access to
18 appropriate United States financial information in order
19 to review the uses of United States assistance for the Pro-
20 gram funded under the heading “Economic Support
21 Fund” for the West Bank and Gaza.

22 (b) VETTING.—Prior to the obligation of funds ap-
23 propriated by this Act under the heading “Economic Sup-
24 port Fund” for assistance for the West Bank and Gaza,
25 the Secretary of State shall take all appropriate steps to

1 ensure that such assistance is not provided to or through
2 any individual, private or government entity, or edu-
3 cational institution that the Secretary knows or has reason
4 to believe advocates, plans, sponsors, engages in, or has
5 engaged in, terrorist activity nor, with respect to private
6 entities or educational institutions, those that have as a
7 principal officer of the entity's governing board or gov-
8 erning board of trustees any individual that has been de-
9 termined to be involved in, or advocating terrorist activity
10 or determined to be a member of a designated foreign ter-
11 rorist organization: *Provided*, That the Secretary of State
12 shall, as appropriate, establish procedures specifying the
13 steps to be taken in carrying out this subsection and shall
14 terminate assistance to any individual, entity, or edu-
15 cational institution which the Secretary has determined to
16 be involved in or advocating terrorist activity.

17 (c) PROHIBITION.—

18 (1) RECOGNITION OF ACTS OF TERRORISM.—

19 None of the funds appropriated under titles III
20 through VI of this Act for assistance under the West
21 Bank and Gaza Program may be made available
22 for—

23 (A) the purpose of recognizing or otherwise
24 honoring individuals who commit, or have com-
25 mitted acts of terrorism; and

1 (B) any educational institution located in
2 the West Bank or Gaza that is named after an
3 individual who the Secretary of State deter-
4 mines has committed an act of terrorism.

5 (2) SECURITY ASSISTANCE AND REPORTING RE-
6 QUIREMENT.—Notwithstanding any other provision
7 of law, none of the funds made available by this or
8 prior appropriations Acts, including funds made
9 available by transfer, may be made available for obli-
10 gation for security assistance for the West Bank and
11 Gaza until the Secretary of State reports to the
12 Committees on Appropriations on the benchmarks
13 that have been established for security assistance for
14 the West Bank and Gaza and reports on the extent
15 of Palestinian compliance with such benchmarks.

16 (d) OVERSIGHT BY THE UNITED STATES AGENCY
17 FOR INTERNATIONAL DEVELOPMENT.—

18 (1) The Administrator of the United States
19 Agency for International Development shall ensure
20 that Federal or non-Federal audits of all contractors
21 and grantees, and significant subcontractors and
22 sub-grantees, under the West Bank and Gaza Pro-
23 gram, are conducted at least on an annual basis to
24 ensure, among other things, compliance with this
25 section.

1 (2) Of the funds appropriated by this Act, up
2 to \$1,000,000 may be used by the Office of Inspec-
3 tor General of the United States Agency for Inter-
4 national Development for audits, investigations, and
5 other activities in furtherance of the requirements of
6 this subsection: *Provided*, That such funds are in ad-
7 dition to funds otherwise available for such pur-
8 poses.

9 (e) COMPTROLLER GENERAL OF THE UNITED
10 STATES AUDIT.—Subsequent to the certification specified
11 in subsection (a), the Comptroller General of the United
12 States shall conduct an audit and an investigation of the
13 treatment, handling, and uses of all funds for the bilateral
14 West Bank and Gaza Program, including all funds pro-
15 vided as cash transfer assistance, in fiscal year 2018
16 under the heading “Economic Support Fund”, and such
17 audit shall address—

18 (1) the extent to which such Program complies
19 with the requirements of subsections (b) and (c);
20 and

21 (2) an examination of all programs, projects,
22 and activities carried out under such Program, in-
23 cluding both obligations and expenditures.

24 (f) NOTIFICATION PROCEDURES.—Funds made
25 available in this Act for West Bank and Gaza shall be

1 subject to the regular notification procedures of the Com-
2 mittees on Appropriations.

3 (g) REPORT.—Not later than 180 days after enact-
4 ment of this Act, the Secretary of State shall submit a
5 report to the Committees on Appropriations updating the
6 report contained in section 2106 of chapter 2 of title II
7 of the Emergency Supplemental Appropriations Act for
8 Defense, the Global War on Terror, and Tsunami Relief,
9 2005 (Public Law 109–13).

10 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN

11 AUTHORITY

12 SEC. 7040. (a) PROHIBITION OF FUNDS.—None of
13 the funds appropriated by this Act to carry out the provi-
14 sions of chapter 4 of part II of the Foreign Assistance
15 Act of 1961 may be obligated or expended with respect
16 to providing funds to the Palestinian Authority.

17 (b) WAIVER.—The prohibition included in subsection
18 (a) shall not apply if the President certifies in writing to
19 the Speaker of the House of Representatives, the Presi-
20 dent pro tempore of the Senate, and the Committees on
21 Appropriations that waiving such prohibition is important
22 to the national security interest of the United States.

23 (c) PERIOD OF APPLICATION OF WAIVER.—Any
24 waiver pursuant to subsection (b) shall be effective for no

1 more than a period of 6 months at a time and shall not
2 apply beyond 12 months after the enactment of this Act.

3 (d) REPORT.—Whenever the waiver authority pursu-
4 ant to subsection (b) is exercised, the President shall sub-
5 mit a report to the Committees on Appropriations detail-
6 ing the justification for the waiver, the purposes for which
7 the funds will be spent, and the accounting procedures in
8 place to ensure that the funds are properly disbursed: *Pro-*
9 *vided*, That the report shall also detail the steps the Pales-
10 tinian Authority has taken to arrest terrorists, confiscate
11 weapons and dismantle the terrorist infrastructure.

12 (e) CERTIFICATION.—If the President exercises the
13 waiver authority under subsection (b), the Secretary of
14 State must certify and report to the Committees on Ap-
15 propriations prior to the obligation of funds that the Pal-
16 estinian Authority has established a single treasury ac-
17 count for all Palestinian Authority financing and all fi-
18 nancing mechanisms flow through this account, no parallel
19 financing mechanisms exist outside of the Palestinian Au-
20 thority treasury account, and there is a single comprehen-
21 sive civil service roster and payroll, and the Palestinian
22 Authority is acting to counter incitement of violence
23 against Israelis and is supporting activities aimed at pro-
24 moting peace, coexistence, and security cooperation with
25 Israel.

1 (f) PROHIBITION TO HAMAS AND THE PALESTINE
2 LIBERATION ORGANIZATION.—

3 (1) None of the funds appropriated in titles III
4 through VI of this Act may be obligated for salaries
5 of personnel of the Palestinian Authority located in
6 Gaza or may be obligated or expended for assistance
7 to Hamas or any entity effectively controlled by
8 Hamas, any power-sharing government of which
9 Hamas is a member, or that results from an agree-
10 ment with Hamas and over which Hamas exercises
11 undue influence.

12 (2) Notwithstanding the limitation of paragraph
13 (1), assistance may be provided to a power-sharing
14 government only if the President certifies and re-
15 ports to the Committees on Appropriations that such
16 government, including all of its ministers or such
17 equivalent, has publicly accepted and is complying
18 with the principles contained in section 620K(b)(1)
19 (A) and (B) of the Foreign Assistance Act of 1961,
20 as amended.

21 (3) The President may exercise the authority in
22 section 620K(e) of the Foreign Assistance Act of
23 1961, as added by the Palestinian Anti-Terrorism
24 Act of 2006 (Public Law 109–446) with respect to
25 this subsection.

1 (4) Whenever the certification pursuant to
2 paragraph (2) is exercised, the Secretary of State
3 shall submit a report to the Committees on Appro-
4 priations within 120 days of the certification and
5 every quarter thereafter on whether such govern-
6 ment, including all of its ministers or such equiva-
7 lent are continuing to comply with the principles
8 contained in section 620K(b)(1) (A) and (B) of the
9 Foreign Assistance Act of 1961, as amended: *Pro-*
10 *vided*, That the report shall also detail the amount,
11 purposes and delivery mechanisms for any assistance
12 provided pursuant to the abovementioned certifi-
13 cation and a full accounting of any direct support of
14 such government.

15 (5) None of the funds appropriated under titles
16 III through VI of this Act may be obligated for as-
17 sistance for the Palestine Liberation Organization.

18 MIDDLE EAST AND NORTH AFRICA

19 SEC. 7041. (a) EGYPT.—

20 (1) CERTIFICATION AND REPORT.—Funds ap-
21 propriated by this Act that are available for assist-
22 ance for Egypt may be made available notwith-
23 standing any other provision of law restricting as-
24 sistance for Egypt, except for this subsection and
25 section 620M of the Foreign Assistance Act of 1961,

1 and may only be made available for assistance for
2 the Government of Egypt if the Secretary of State
3 certifies and reports to the Committees on Appro-
4 priations that such government is—

5 (A) sustaining the strategic relationship
6 with the United States; and

7 (B) meeting its obligations under the 1979
8 Egypt-Israel Peace Treaty.

9 (2) ECONOMIC SUPPORT FUND.—

10 (A) FUNDING.—Of the funds appropriated
11 by this Act under the heading “Economic Sup-
12 port Fund”, up to \$112,500,000 may be made
13 available for assistance for Egypt, of which not
14 less than \$35,000,000 should be made available
15 for higher education programs including not
16 less than \$10,000,000 for scholarships for
17 Egyptian students with high financial need to
18 attend not-for-profit institutions of higher edu-
19 cation: *Provided*, That such funds shall be made
20 available for democracy programs, and for de-
21 velopment programs in the Sinai: *Provided fur-*
22 *ther*, That such funds may not be made avail-
23 able for cash transfer assistance or budget sup-
24 port unless the Secretary of State certifies and
25 reports to the appropriate congressional com-

1 mittees that the Government of Egypt is taking
2 consistent and effective steps to stabilize the
3 economy and implement market-based economic
4 reforms.

5 (B) WITHHOLDING.—The Secretary of
6 State shall withhold from obligation funds ap-
7 propriated by this Act under the heading “Eco-
8 nomic Support Fund” for assistance for Egypt,
9 an amount of such funds that the Secretary de-
10 termines to be equivalent to that expended by
11 the United States Government for bail, and by
12 nongovernmental organizations for legal and
13 court fees, associated with democracy-related
14 trials in Egypt until the Secretary certifies and
15 reports to the Committees on Appropriations
16 that the Government of Egypt has dismissed
17 the convictions issued by the Cairo Criminal
18 Court on June 4, 2013, in “Public Prosecution
19 Case No. 1110 for the Year 2012”.

20 (C) LIMITATION.—None of the funds ap-
21 propriated by this Act and prior Acts making
22 appropriations for the Department of State,
23 foreign operations, and related programs under
24 the heading “Economic Support Fund” may be
25 made available for a contribution, voluntary or

1 otherwise, to the “Civil Associations and Foun-
2 dations Support Fund”, or any similar fund, es-
3 tablished pursuant to Law 70 on Associations
4 and Other Foundations Working in the Field of
5 Civil Work published in the Official Gazette of
6 Egypt on May 29, 2017.

7 (3) FOREIGN MILITARY FINANCING PRO-
8 GRAM.—

9 (A) CERTIFICATION.—Of the funds appro-
10 priated by this Act under the heading “Foreign
11 Military Financing Program”, up to
12 \$1,300,000,000, to remain available until Sep-
13 tember 30, 2019, may be made available for as-
14 sistance for Egypt: *Provided*, That such funds
15 may be transferred to an interest bearing ac-
16 count in the Federal Reserve Bank of New
17 York, following consultation with the Commit-
18 tees on Appropriations: *Provided further*, That
19 \$300,000,000 of such funds shall be withheld
20 from obligation until the Secretary of State cer-
21 tifies and reports to the Committees on Appro-
22 priations that the Government of Egypt is tak-
23 ing sustained and effective steps to—

24 (i) advance democracy and human
25 rights in Egypt, including to govern demo-

1 cratically and protect religious minorities
2 and the rights of women, which are in ad-
3 dition to steps taken during the previous
4 calendar year for such purposes;

5 (ii) implement reforms that protect
6 freedoms of expression, association, and
7 peaceful assembly, including the ability of
8 civil society organizations, human rights
9 defenders, and the media to function with-
10 out interference;

11 (iii) release political prisoners and
12 provide detainees with due process of law;

13 (iv) hold Egyptian security forces ac-
14 countable, including officers credibly al-
15 leged to have violated human rights;

16 (v) investigate and prosecute cases of
17 extrajudicial killings and forced disappear-
18 ances; and

19 (vi) provide regular access for United
20 States officials to monitor such assistance
21 in areas where the assistance is used:

22 *Provided further*, That the certification require-
23 ment of this paragraph shall not apply to funds
24 appropriated by this Act under such heading

1 for counterterrorism, border security, and non-
2 proliferation programs for Egypt.

3 (B) WAIVER.—The Secretary of State may
4 waive the certification requirement in subpara-
5 graph (A) if the Secretary determines and re-
6 ports to the Committees on Appropriations that
7 to do so is important to the national security
8 interest of the United States, and submits a re-
9 port to such Committees containing a detailed
10 justification for the use of such waiver and the
11 reasons why any of the requirements of sub-
12 paragraph (A) cannot be met, and including an
13 assessment of the compliance of the Govern-
14 ment of Egypt with United Nations Security
15 Council Resolution 2270 and other such resolu-
16 tions regarding North Korea: *Provided*, That
17 the report required by this paragraph shall be
18 submitted in unclassified form, but may be ac-
19 companied by a classified annex.

20 (4) OVERSIGHT REQUIREMENT.—The Secretary
21 of State shall take all practicable steps to ensure
22 that mechanisms are in place for monitoring, over-
23 sight, and control of funds made available by this
24 subsection for assistance for Egypt.

1 (5) CONSULTATION REQUIREMENT.—Not later
2 than 90 days after enactment of this Act, the Sec-
3 retary of State shall consult with the Committees on
4 Appropriations on any plan to restructure military
5 assistance for Egypt.

6 (b) IRAN.—

7 (1) FUNDING.—Funds appropriated by this Act
8 under the headings “Diplomatic and Consular Pro-
9 grams”, “Economic Support Fund”, and “Non-
10 proliferation, Anti-terrorism, Demining and Related
11 Programs” shall be used by the Secretary of State—

12 (A) to support the United States policy to
13 prevent Iran from achieving the capability to
14 produce or otherwise obtain a nuclear weapon;

15 (B) to support an expeditious response to
16 any violation of the Joint Comprehensive Plan
17 of Action or United Nations Security Council
18 Resolution 2231;

19 (C) to support the implementation and en-
20 forcement of sanctions against Iran for support
21 of terrorism, human rights abuses, and ballistic
22 missile and weapons proliferation; and

23 (D) for democracy programs for Iran, to
24 be administered by the Assistant Secretary for
25 Near Eastern Affairs, Department of State, in

1 consultation with the Assistant Secretary for
2 Democracy, Human Rights, and Labor, Depart-
3 ment of State.

4 (2) CONTINUATION OF PROHIBITION.—The
5 terms and conditions of section 7041(c)(2) of the
6 Department of State, Foreign Operations, and Re-
7 lated Programs Appropriations Act, 2012 (division I
8 of Public Law 112–74) shall continue in effect dur-
9 ing fiscal year 2018.

10 (3) REPORTS.—

11 (A) SEMI-ANNUAL REPORT.—The Sec-
12 retary of State shall submit to the Committees
13 on Appropriations the semi-annual report re-
14 quired by section 135 of the Atomic Energy Act
15 of 1954 (42 U.S.C. 2160e(d)(4)), as added by
16 section 2 of the Iran Nuclear Agreement Re-
17 view Act of 2015 (Public Law 114–17).

18 (B) SANCTIONS REPORT.—Not later than
19 180 days after the date of enactment of this
20 Act, the Secretary of State, in consultation with
21 the Secretary of the Treasury, shall submit to
22 the appropriate congressional committees a re-
23 port on the status of the implementation and
24 enforcement of bilateral United States and mul-
25 tilateral sanctions against Iran and actions

1 taken by the United States and the inter-
2 national community to enforce such sanctions
3 against Iran: *Provided*, That the report shall
4 also include any entities involved in providing
5 significant support for the development of a
6 ballistic missile by the Government of Iran after
7 October 1, 2015, including shipping and financ-
8 ing, and note whether such entities are cur-
9 rently under United States sanctions: *Provided*
10 *further*, That such report shall be submitted in
11 an unclassified form, but may contain a classi-
12 fied annex if necessary.

13 (c) IRAQ.—

14 (1) PURPOSES.—Funds appropriated by this
15 Act shall be made available for assistance for Iraq
16 to promote governance and security, and for sta-
17 bilization programs, including in the Kurdistan Re-
18 gion of Iraq and other areas impacted by the conflict
19 in Syria, and among religious and ethnic minority
20 populations in Iraq: *Provided*, That such assistance
21 shall be provided in accordance with the Constitution
22 of Iraq: *Provided further*, That funds appropriated
23 by this Act under the headings “International Dis-
24 aster Assistance” and “Migration and Refugee As-
25 sistance” should be made available for assistance for

1 the Kurdistan Region of Iraq to address the needs
2 of internally displaced persons and refugees: *Pro-*
3 *vided further*, That the Secretary of State shall con-
4 sult with the Committees on Appropriations prior to
5 obligating funds made available for the Kurdistan
6 Region of Iraq.

7 (2) BASING RIGHTS AGREEMENT.—None of the
8 funds appropriated or otherwise made available by
9 this Act may be used by the Government of the
10 United States to enter into a permanent basing
11 rights agreement between the United States and
12 Iraq.

13 (d) JORDAN.—Of the funds appropriated by this Act
14 under titles III and IV, not less than \$1,525,000,000 shall
15 be made available for assistance for Jordan, of which: not
16 less than \$1,082,400,000 shall be made available under
17 the heading “Economic Support Fund”, of which not less
18 than \$745,100,000 shall be made available for budget sup-
19 port for the Government of Jordan; and not less than
20 \$425,000,000 shall be made available under the heading
21 “Foreign Military Financing Program”.

22 (e) LEBANON.—

23 (1) LIMITATION.—None of the funds appro-
24 priated by this Act may be made available for the
25 Lebanese Internal Security Forces (ISF) or the Leb-

1 anese Armed Forces (LAF) if the ISF or the LAF
2 is controlled by a foreign terrorist organization, as
3 designated pursuant to section 219 of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1189).

5 (2) CONSULTATION.—Funds appropriated by
6 this Act under the headings “International Narcotics
7 Control and Law Enforcement” and “Foreign Mili-
8 tary Financing Program” that are available for as-
9 sistance for Lebanon may be made available for pro-
10 grams and equipment for the ISF and the LAF to
11 address security and stability requirements in areas
12 affected by the conflict in Syria, following consulta-
13 tion with the appropriate congressional committees.

14 (3) ECONOMIC SUPPORT FUND.—Funds appro-
15 priated by this Act under the heading “Economic
16 Support Fund” that are available for assistance for
17 Lebanon may be made available notwithstanding
18 section 1224 of the Foreign Relations Authorization
19 Act, Fiscal Year 2003 (Public Law 107–228; 22
20 U.S.C. 2346 note).

21 (4) FOREIGN MILITARY FINANCING PRO-
22 GRAM.—In addition to the activities described in
23 paragraph (2), funds appropriated by this Act under
24 the heading “Foreign Military Financing Program”
25 for assistance for Lebanon may be made available

1 only to professionalize the LAF and to strengthen
2 border security and combat terrorism, including
3 training and equipping the LAF to secure Lebanon’s
4 borders, interdicting arms shipments, preventing the
5 use of Lebanon as a safe haven for terrorist groups,
6 and to implement United Nations Security Council
7 Resolution 1701: *Provided*, That funds may not be
8 obligated for assistance for the LAF until the Sec-
9 retary of State submits to the Committees on Appro-
10 priations a spend plan, including actions to be taken
11 to ensure equipment provided to the LAF is only
12 used for the intended purposes, except such plan
13 may not be considered as meeting the notification
14 requirements under section 7015 of this Act or
15 under section 634A of the Foreign Assistance Act of
16 1961, and shall be submitted not later than Sep-
17 tember 1, 2018: *Provided further*, That any notifica-
18 tion submitted pursuant to such sections shall in-
19 clude any funds specifically intended for lethal mili-
20 tary equipment.

21 (f) LIBYA.—

22 (1) FUNDING.—Funds appropriated by titles
23 III and IV of this Act shall be made available for
24 assistance for Libya for programs to strengthen gov-
25 erning institutions and civil society, improve border

1 security, and promote stability in Libya, and for ac-
2 tivities to address the humanitarian needs of the
3 people of Libya: *Provided*, That section 7015(j) of
4 this Act regarding notification of assistance diverted
5 or destroyed shall apply to funds made available for
6 assistance for Libya.

7 (2) LIMITATIONS.—

8 (A) COOPERATION ON THE SEPTEMBER
9 2012 ATTACK ON UNITED STATES PERSONNEL
10 AND FACILITIES.—None of the funds appro-
11 priated by this Act may be made available for
12 assistance for the central Government of Libya
13 unless the Secretary of State certifies and re-
14 ports to the Committees on Appropriations that
15 such government is cooperating with United
16 States Government efforts to investigate and
17 bring to justice those responsible for the attack
18 on United States personnel and facilities in
19 Benghazi, Libya in September 2012: *Provided*,
20 That the limitation in this paragraph shall not
21 apply to funds made available for the purpose
22 of protecting United States Government per-
23 sonnel or facilities.

24 (B) INFRASTRUCTURE PROJECTS.—The
25 limitation on the uses of funds in section

1 7041(f)(2) of the Department of State, Foreign
2 Operations, and Related Programs Appropria-
3 tions Act, 2014 (division K of Public Law 113–
4 76) shall apply to funds appropriated by this
5 Act that are made available for assistance for
6 Libya.

7 (3) CERTIFICATION.—Prior to the initial obliga-
8 tion of funds made available by this Act for assist-
9 ance for Libya, the Secretary of State shall certify
10 and report to the Committees on Appropriations
11 that all practicable steps have been taken to ensure
12 that mechanisms are in place for monitoring, over-
13 sight, and control of funds made available by this
14 subsection for assistance for Libya.

15 (g) MOROCCO.—

16 (1) AVAILABILITY AND CONSULTATION RE-
17 QUIREMENT.—Funds appropriated under title III of
18 this Act shall be made available for assistance for
19 the Western Sahara: *Provided*, That not later than
20 90 days after enactment of this Act and prior to the
21 obligation of such funds, the Secretary of State, in
22 consultation with the USAID Administrator, shall
23 consult with the Committees on Appropriations on
24 the proposed uses of such funds.

1 (2) FOREIGN MILITARY FINANCING PRO-
2 GRAM.—Funds appropriated by this Act under the
3 heading “Foreign Military Financing Program” that
4 are available for assistance for Morocco may only be
5 used for the purposes requested in the Congressional
6 Budget Justification, Foreign Operations, Fiscal
7 Year 2017.

8 (h) REFUGEE ASSISTANCE IN NORTH AFRICA.—Not
9 later than 45 days after enactment of this Act, the Sec-
10 retary of State, after consultation with the United Nations
11 High Commissioner for Refugees and the Executive Direc-
12 tor of the World Food Programme, shall submit a report
13 to the Committees on Appropriations describing steps
14 taken to strengthen monitoring of the delivery of humani-
15 tarian assistance provided for refugees in North Africa,
16 including any steps taken to ensure that all vulnerable ref-
17 ugees are receiving such assistance.

18 (i) NORTH AFRICA STRATEGY.—Not later than 60
19 days after enactment of this Act, the Secretary of State,
20 in consultation with the Secretary of Defense, shall submit
21 to the appropriate congressional committees a strategy for
22 United States engagement in North Africa, which shall in-
23 clude detailed information on how diplomatic engagement
24 and assistance will be prioritized for such region, including
25 to address economic and security needs.

1 (j) RELIEF AND RECOVERY FUND.—

2 (1) FUNDS AND TRANSFER AUTHORITY.—Of
3 the funds appropriated by this Act under the head-
4 ings “Economic Support Fund”, “International Nar-
5 cotics Control and Law Enforcement”, “Non-
6 proliferation, Anti-terrorism, Demining and Related
7 Programs”, “Peacekeeping Operations”, and “For-
8 eign Military Financing Program”, not less than
9 \$500,000,000 shall be made available for the Relief
10 and Recovery Fund for assistance for areas liberated
11 from, at risk from, or under the control of, the Is-
12 lamic State of Iraq and Syria, other terrorist organi-
13 zations, or violent extremist organizations in the
14 Middle East and Africa, including for stabilization
15 assistance for vulnerable ethnic and religious minor-
16 ity communities affected by conflict: *Provided*, That
17 such funds are in addition to amounts otherwise
18 made available for such purposes and to amounts
19 specifically designated in this Act or in the explana-
20 tory statement described in section 4 (in the matter
21 preceding division A of this consolidated Act) for as-
22 sistance for countries: *Provided further*, That such
23 funds appropriated under such headings may be
24 transferred to, and merged with, funds appropriated
25 under such headings: *Provided further*, That such

1 transfer authority is in addition to any other trans-
2 fer authority provided by this Act or any other Act,
3 and is subject to the regular notification procedures
4 of the Committees on Appropriations.

5 (2) TRANSITIONAL JUSTICE.—Of the funds ap-
6 propriated by this Act under the heading “Inter-
7 national Narcotics Control and Law Enforcement”
8 that are made available for the Relief and Recovery
9 Fund, not less than \$5,000,000 shall be made avail-
10 able for programs to promote accountability in Iraq
11 and Syria for genocide, crimes against humanity,
12 and war crimes, which shall be in addition to any
13 other funds made available by this Act for such pur-
14 poses: *Provided*, That such programs shall include
15 components to develop local investigative and judi-
16 cial skills, and to collect and preserve evidence and
17 maintain the chain of custody of evidence, including
18 for use in prosecutions: *Provided further*, That such
19 funds shall be administered by the Special Coordi-
20 nator for the Office of Global Criminal Justice, De-
21 partment of State: *Provided further*, That funds
22 made available by this paragraph shall only be made
23 available on an open and competitive basis.

24 (3) COST-MATCHING BASIS.—Funds appro-
25 priated pursuant to paragraph (1) shall be made

1 available to the maximum extent practicable on a
2 cost-matching basis from sources other than the
3 United States Government.

4 (k) SYRIA.—

5 (1) NON-LETHAL ASSISTANCE.—Funds appro-
6 priated by this Act under the headings “Economic
7 Support Fund”, “International Narcotics Control
8 and Law Enforcement”, and “Peacekeeping Oper-
9 ations” shall be made available, to the extent prac-
10 ticable and notwithstanding any other provision of
11 law, for non-lethal assistance to address the needs of
12 civilians affected by conflict in Syria, and programs
13 that seek to—

14 (A) establish local governance in Syria that
15 is representative, inclusive, and accountable;

16 (B) empower women through political and
17 economic programs, and address the psycho-
18 social needs of women and their families in
19 Syria and neighboring countries;

20 (C) develop and implement political proc-
21 esses that are democratic, transparent, and
22 strengthen the rule of law;

23 (D) further the legitimacy and viability of
24 the Syrian opposition, including local govern-

1 ment structures in Syria and through cross-bor-
2 der programs;

3 (E) develop and sustain civil society and
4 independent media in Syria;

5 (F) promote stability and economic devel-
6 opment in Syria;

7 (G) document, investigate, and prosecute
8 human rights violations in Syria, including
9 through transitional justice programs and sup-
10 port for nongovernmental organizations;

11 (H) expand the role of women in negotia-
12 tions to end the violence and in any political
13 transition in Syria;

14 (I) assist Syrian refugees whose education
15 has been interrupted by the ongoing conflict to
16 complete higher education requirements at uni-
17 versities and other academic institutions in the
18 region, and through distance learning;

19 (J) assist vulnerable populations in Syria
20 and in neighboring countries;

21 (K) protect and preserve the cultural iden-
22 tity of the people of Syria as a counterbalance
23 to extremism, particularly those living in neigh-
24 boring countries and among youth;

1 (L) protect and preserve cultural heritage
2 sites in Syria, particularly those damaged and
3 destroyed by extremists;

4 (M) counter extremism in Syria; and

5 (N) facilitate the return of displaced per-
6 sons to liberated areas in Syria.

7 (2) DEMINING AND UNEXPLODED ORDNANCE
8 CLEARANCE.—Funds appropriated by this Act under
9 the heading “Nonproliferation, Anti-terrorism,
10 Demining and Related Programs” for assistance for
11 Syria shall be made available for demining and
12 unexploded ordnance clearance programs.

13 (3) STRATEGY AND SYRIAN ORGANIZATIONS.—
14 Funds appropriated by this Act that are made avail-
15 able for assistance for Syria pursuant to the author-
16 ity of this subsection—

17 (A) may only be made available after the
18 Secretary of State, in consultation with the
19 heads of relevant United States Government
20 agencies, submits, in classified form if nec-
21 essary, an update to the comprehensive strategy
22 required in section 7041(i)(3) of the Depart-
23 ment of State, Foreign Operations, and Related
24 Programs Appropriations Act, 2014 (division K
25 of Public Law 113–76); and

1 (B) shall be made available, on an open
2 and competitive basis, to continue a program to
3 strengthen the capability of Syrian civil society
4 organizations to address the immediate and
5 long-term needs of the Syrian people in Syria in
6 a manner that supports the sustainability of
7 such organizations in implementing Syrian-led
8 humanitarian and development programs: *Pro-*
9 *vided*, That funds made available by this para-
10 graph shall be administered by the Bureau for
11 Democracy, Human Rights, and Labor, Depart-
12 ment of State.

13 (4) LIMITATION.—None of the funds appro-
14 priated by this Act for assistance for Syria may be
15 made available for a project or activity that supports
16 or otherwise legitimizes the Government of Iran, for-
17 eign terrorist organizations (as designated pursuant
18 to section 219 of the Immigration and Nationality
19 Act (8 U.S.C. 1189)), or a proxy of Iran in Syria.

20 (5) MONITORING, OVERSIGHT, CONSULTATION,
21 AND NOTIFICATION.—

22 (A) Prior to the obligation of funds appro-
23 priated by this Act and made available for as-
24 sistance for Syria, the Secretary of State shall
25 take all practicable steps to ensure that mecha-

1 nisms are in place for monitoring, oversight,
2 and control of such assistance inside Syria.

3 (B) Section 7015(j) of this Act regarding
4 the notification of assistance diverted or de-
5 stroyed shall apply to funds made available for
6 assistance for Syria.

7 (C) Funds made available pursuant to this
8 subsection may only be made available following
9 consultation with the appropriate congressional
10 committees, and shall be subject to the regular
11 notification procedures of the Committees on
12 Appropriations.

13 (l) TUNISIA.—Of the funds appropriated under titles
14 III and IV of this Act, not less than \$165,400,000 shall
15 be made available for assistance for Tunisia.

16 (m) WEST BANK AND GAZA.—

17 (1) REPORT ON ASSISTANCE.—Prior to the ini-
18 tial obligation of funds made available by this Act
19 under the heading “Economic Support Fund” for
20 assistance for the West Bank and Gaza, the Sec-
21 retary of State shall report to the Committees on
22 Appropriations that the purpose of such assistance
23 is to—

24 (A) advance Middle East peace;

25 (B) improve security in the region;

1 (C) continue support for transparent and
2 accountable government institutions;

3 (D) promote a private sector economy; or

4 (E) address urgent humanitarian needs.

5 (2) LIMITATIONS.—

6 (A)(i) None of the funds appropriated
7 under the heading “Economic Support Fund”
8 in this Act may be made available for assistance
9 for the Palestinian Authority, if after the date
10 of enactment of this Act—

11 (I) the Palestinians obtain the same
12 standing as member states or full member-
13 ship as a state in the United Nations or
14 any specialized agency thereof outside an
15 agreement negotiated between Israel and
16 the Palestinians; or

17 (II) the Palestinians initiate an Inter-
18 national Criminal Court (ICC) judicially
19 authorized investigation, or actively sup-
20 port such an investigation, that subjects
21 Israeli nationals to an investigation for al-
22 leged crimes against Palestinians.

23 (ii) The Secretary of State may waive the
24 restriction in clause (i) of this subparagraph re-
25 sulting from the application of subclause (I) of

1 such clause if the Secretary certifies to the
2 Committees on Appropriations that to do so is
3 in the national security interest of the United
4 States, and submits a report to such Commit-
5 tees detailing how the waiver and the continu-
6 ation of assistance would assist in furthering
7 Middle East peace.

8 (B)(i) The President may waive the provi-
9 sions of section 1003 of the Foreign Relations
10 Authorization Act, Fiscal Years 1988 and 1989
11 (Public Law 100–204) if the President deter-
12 mines and certifies in writing to the Speaker of
13 the House of Representatives, the President pro
14 tempore of the Senate, and the appropriate con-
15 gressional committees that the Palestinians
16 have not, after the date of enactment of this
17 Act—

18 (I) obtained in the United Nations or
19 any specialized agency thereof the same
20 standing as member states or full member-
21 ship as a state outside an agreement nego-
22 tiated between Israel and the Palestinians;
23 and

1 (II) initiated or actively supported an
2 ICC investigation against Israeli nationals
3 for alleged crimes against Palestinians.

4 (ii) Not less than 90 days after the Presi-
5 dent is unable to make the certification pursu-
6 ant to clause (i) of this subparagraph, the
7 President may waive section 1003 of Public
8 Law 100–204 if the President determines and
9 certifies in writing to the Speaker of the House
10 of Representatives, the President pro tempore
11 of the Senate, and the Committees on Appro-
12 priations that the Palestinians have entered
13 into direct and meaningful negotiations with
14 Israel: *Provided*, That any waiver of the provi-
15 sions of section 1003 of Public Law 100–204
16 under clause (i) of this subparagraph or under
17 previous provisions of law must expire before
18 the waiver under the preceding sentence may be
19 exercised.

20 (iii) Any waiver pursuant to this subpara-
21 graph shall be effective for no more than a pe-
22 riod of 6 months at a time and shall not apply
23 beyond 12 months after the enactment of this
24 Act.

1 (3) REDUCTION.—The Secretary of State shall
2 reduce the amount of assistance made available by
3 this Act under the heading “Economic Support
4 Fund” for the Palestinian Authority by an amount
5 the Secretary determines is equivalent to the amount
6 expended by the Palestinian Authority, the Palestine
7 Liberation Organization, and any successor or affili-
8 ated organizations with such entities as payments
9 for acts of terrorism by individuals who are impris-
10 oned after being fairly tried and convicted for acts
11 of terrorism and by individuals who died committing
12 acts of terrorism during the previous calendar year:
13 *Provided*, That the Secretary shall report to the
14 Committees on Appropriations on the amount re-
15 duced for fiscal year 2018 prior to the obligation of
16 funds for the Palestinian Authority.

17 (4) SECURITY REPORT.—The reporting require-
18 ments in section 1404 of the Supplemental Appro-
19 priations Act, 2008 (Public Law 110–252) shall
20 apply to funds made available by this Act, including
21 a description of modifications, if any, to the security
22 strategy of the Palestinian Authority.

23 (5) INCITEMENT REPORT.—Not later than 90
24 days after enactment of this Act, the Secretary of
25 State shall submit a report to the appropriate con-

1 (2) may be made available for counterterrorism
2 programs to combat Boko Haram.

3 (c) CENTRAL AFRICAN REPUBLIC.—Funds made
4 available by this Act for assistance for the Central African
5 Republic shall be made available for reconciliation and
6 peacebuilding programs, including activities to promote
7 inter-faith dialogue at the national and local levels, and
8 for programs to prevent crimes against humanity.

9 (d) ETHIOPIA.—

10 (1) FORCED EVICTIONS.—

11 (A) Funds appropriated by this Act for as-
12 sistance for Ethiopia may not be made available
13 for any activity that supports forced evictions.

14 (B) The Secretary of the Treasury should
15 instruct the United States executive director of
16 each international financial institution to use
17 the voice and vote of the United States to sup-
18 port projects in Ethiopia only if such projects
19 are developed and carried out in accordance
20 with the requirements of section 7029(b)(2) of
21 this Act.

22 (2) CONSULTATION.—Programs and activities
23 to improve livelihoods shall include prior consulta-
24 tion with, and the participation of, affected commu-

1 nities, including in the South Omo and Gambella re-
2 gions.

3 (3) REPORT.—Not later than 45 days after en-
4 actment of this Act, the Secretary of State shall sub-
5 mit to the Committees on Appropriations the report
6 under this subsection in the explanatory statement
7 described in section 4 (in the matter preceding divi-
8 sion A of this consolidated Act).

9 (e) LAKE CHAD BASIN COUNTRIES.—Funds appro-
10 priated by this Act that are made available for assistance
11 for Cameroon, Chad, Niger, and Nigeria should be made
12 available, following consultation with the Committees on
13 Appropriations, for—

14 (1) democracy programs, including to protect
15 freedom of expression, association, assembly, and re-
16 ligion, including support for independent journalists,
17 civil society, and democratic political parties;

18 (2) assistance for governments of such coun-
19 tries to strengthen accountability and the rule of
20 law, including within the security forces; and

21 (3) health and development programs.

22 (f) LORD'S RESISTANCE ARMY.—Funds appropriated
23 by this Act shall be made available for programs and ac-
24 tivities in areas affected by the Lord's Resistance Army
25 (LRA) consistent with the goals of the Lord's Resistance

1 Army Disarmament and Northern Uganda Recovery Act
2 of 2009 (Public Law 111–172), including to improve phys-
3 ical access, telecommunications infrastructure, and early-
4 warning mechanisms and to support the disarmament, de-
5 mobilization, and reintegration of former LRA combat-
6 ants, especially child soldiers.

7 (g) MALAWI.—Of the funds appropriated by this Act
8 under the heading “Development Assistance”, not less
9 than \$56,000,000 shall be made available for assistance
10 for Malawi, of which up to \$10,000,000 shall be made
11 available for higher education programs.

12 (h) SOUTH SUDAN.—

13 (1) STRATEGY UPDATE.—Not later than 60
14 days after enactment of this Act, the Secretary of
15 State, in consultation with the USAID Adminis-
16 trator, shall submit an update to the strategy re-
17 quired in section 7042(i) of the Department of
18 State, Foreign Operations, and Related Programs
19 Appropriations Act, 2017 (division J of Public Law
20 115–31).

21 (2) CERTIFICATION.—None of the funds appro-
22 priated by this Act that are available for assistance
23 for the central Government of South Sudan may be
24 made available until the Secretary of State certifies

1 and reports to the Committees on Appropriations
2 that such government is taking effective steps to—

3 (A) end hostilities and pursue good faith
4 negotiations for a political settlement of the
5 conflict;

6 (B) provide access for humanitarian orga-
7 nizations;

8 (C) end the recruitment and use of child
9 soldiers;

10 (D) protect freedoms of expression, asso-
11 ciation, and assembly;

12 (E) reduce corruption related to the ex-
13 traction and sale of oil and gas;

14 (F) establish democratic institutions;

15 (G) establish accountable military and po-
16 lice forces under civilian authority; and

17 (H) investigate and prosecute individuals
18 credibly alleged to have committed gross viola-
19 tions of human rights, including at the Terrain
20 compound in Juba, South Sudan on July 11,
21 2016.

22 (3) EXCLUSIONS.—The limitation of paragraph
23 (2) shall not apply to—

24 (A) humanitarian assistance;

1 (B) assistance to support South Sudan
2 peace negotiations or to advance or implement
3 a peace agreement; and

4 (C) assistance to support implementation
5 of outstanding issues of the Comprehensive
6 Peace Agreement and mutual arrangements re-
7 lated to such Agreement.

8 (4) CONSULTATION.—Prior to the initial obliga-
9 tion of funds made available for the central Govern-
10 ment of South Sudan pursuant to paragraphs (3)(B)
11 and (C), the Secretary of State shall consult with
12 the Committees on Appropriations on the intended
13 uses of such funds, steps taken by such government
14 to advance or implement a peace agreement, and
15 progress made by the Government of South Sudan
16 in meeting the requirements in paragraph (2).

17 (i) SUDAN.—

18 (1) LIMITATIONS.—

19 (A) ASSISTANCE.—Notwithstanding any
20 other provision of law, none of the funds appro-
21 priated by this Act may be made available for
22 assistance for the Government of Sudan.

23 (B) LOANS.—None of the funds appro-
24 priated by this Act may be made available for
25 the cost, as defined in section 502 of the Con-

1 gressional Budget Act of 1974, of modifying
2 loans and loan guarantees held by the Govern-
3 ment of Sudan, including the cost of selling, re-
4 ducing, or canceling amounts owed to the
5 United States, and modifying concessional
6 loans, guarantees, and credit agreements.

7 (2) EXCLUSIONS.—The limitations of para-
8 graph (1) shall not apply to—

9 (A) humanitarian assistance;

10 (B) assistance for democracy programs;

11 (C) assistance for the Darfur region,
12 Southern Kordofan State, Blue Nile State,
13 other marginalized areas and populations in
14 Sudan, and Abyei; and

15 (D) assistance to support implementation
16 of outstanding issues of the Comprehensive
17 Peace Agreement, mutual arrangements related
18 to post-referendum issues associated with such
19 Agreement, or any other internationally recog-
20 nized viable peace agreement in Sudan.

21 (j) ZIMBABWE.—

22 (1) INSTRUCTION.—The Secretary of the Treas-
23 ury shall instruct the United States executive direc-
24 tor of each international financial institution to vote
25 against any extension by the respective institution of

1 any loan or grant to the Government of Zimbabwe,
2 except to meet basic human needs or to promote de-
3 mocracy, unless the Secretary of State certifies and
4 reports to the Committees on Appropriations that
5 the rule of law has been restored, including respect
6 for ownership and title to property, and freedoms of
7 expression, association, and assembly.

8 (2) LIMITATION.—None of the funds appro-
9 priated by this Act shall be made available for as-
10 sistance for the central Government of Zimbabwe,
11 except for health and education, unless the Secretary
12 of State certifies and reports as required in para-
13 graph (1), and funds may be made available for
14 macroeconomic growth assistance if the Secretary
15 reports to the Committees on Appropriations that
16 such government is implementing transparent fiscal
17 policies, including public disclosure of revenues from
18 the extraction of natural resources.

19 EAST ASIA AND THE PACIFIC

20 SEC. 7043. (a) BURMA.—

21 (1) BILATERAL ECONOMIC ASSISTANCE.—

22 (A) ECONOMIC SUPPORT FUND.—Funds
23 appropriated by this Act under the heading
24 “Economic Support Fund” for assistance for
25 Burma may be made available notwithstanding

1 any other provision of law, except for this sub-
2 section, and following consultation with the ap-
3 propriate congressional committees.

4 (B) USES.—Funds appropriated under
5 title III of this Act for assistance for Burma—

6 (i) shall be made available to
7 strengthen civil society organizations in
8 Burma and for programs to strengthen
9 independent media;

10 (ii) shall be made available for com-
11 munity-based organizations operating in
12 Thailand to provide food, medical, and
13 other humanitarian assistance to internally
14 displaced persons in eastern Burma, in ad-
15 dition to assistance for Burmese refugees
16 from funds appropriated by this Act under
17 the heading “Migration and Refugee As-
18 sistance”;

19 (iii) shall be made available for pro-
20 grams to promote ethnic and religious tol-
21 erance and to combat gender-based vio-
22 lence, including in Rakhine, Shan, Kachin,
23 and Karen states;

24 (iv) shall be made available to pro-
25 mote rural economic development in

1 Burma, including through microfinance
2 programs;

3 (v) shall be made available to increase
4 opportunities for foreign direct investment
5 by strengthening the rule of law, trans-
6 parency, and accountability;

7 (vi) shall be made available for pro-
8 grams to investigate and document allega-
9 tions of ethnic cleansing and other gross
10 violations of human rights committed
11 against the Rohingya people in Rakhine
12 state at not less than the amount specified
13 for such programs in the table under this
14 subsection in the explanatory statement
15 described in section 4 (in the matter pre-
16 ceding division A of this consolidated Act):
17 *Provided*, That such funds shall be made
18 available for civil society organizations in
19 Bangladesh and Burma for such purposes:
20 *Provided further*, That prior to the obliga-
21 tion of such funds, the Assistant Secretary
22 for Democracy, Human Rights, and Labor,
23 Department of State, shall ensure the es-
24 tablishment of a standard documentation
25 format and documentation procedures for

1 use by such organizations, and shall iden-
2 tify an appropriate repository for such in-
3 formation: *Provided further*, That such
4 sums shall be in addition to funds other-
5 wise made available for such purposes;

6 (vii) shall be made available for pro-
7 grams to investigate and document allega-
8 tions of gross violations of human rights
9 committed in Burma, particularly in areas
10 of conflict: *Provided*, That such funds shall
11 be made available for civil society and
12 international organizations, including those
13 in countries bordering Burma, at not less
14 than the amount specified for such pro-
15 grams in the table under this subsection in
16 the explanatory statement described in sec-
17 tion 4 (in the matter preceding division A
18 of this consolidated Act);

19 (viii) shall be made available to sup-
20 port the implementation of the August
21 2017 Final Report of the Advisory Com-
22 mission on Rakhine State entitled “To-
23 wards a Peaceful, Fair and Prosperous
24 Future for the People of Rakhine”;

1 (ix) may not be made available to any
2 individual or organization if the Secretary
3 of State has credible information that such
4 individual or organization has committed a
5 gross violation of human rights, including
6 against Rohingya and other minority
7 groups, or that advocates violence against
8 ethnic or religious groups or individuals in
9 Burma;

10 (x) may not be made available to any
11 organization or entity controlled by the
12 armed forces of Burma;

13 (xi) may be made available for ethnic
14 groups and civil society in Burma to help
15 sustain ceasefire agreements and further
16 prospects for reconciliation and peace,
17 which may include support to representa-
18 tives of ethnic armed groups for this pur-
19 pose; and

20 (xii) may only be made available for
21 programs to support the return of
22 Rohingya, Karen, and other refugees and
23 internally displaced persons to their loca-
24 tions of origin or preference in Burma if

1 such returns are voluntary and consistent
2 with international law.

3 (C) REGIONAL PROGRAMS.—Funds appro-
4 priated under title III of this Act shall be made
5 available for regional programs to address vio-
6 lent extremism, which shall be administered by
7 the Mission Director of the Regional Develop-
8 ment Mission for Asia, USAID.

9 (2) INTERNATIONAL SECURITY ASSISTANCE.—
10 None of the funds appropriated by this Act under
11 the headings “International Military Education and
12 Training” and “Foreign Military Financing Pro-
13 gram” may be made available for assistance for
14 Burma: *Provided*, That the Department of State
15 may continue consultations with the armed forces of
16 Burma only on human rights and disaster response
17 in a manner consistent with the prior fiscal year,
18 and following consultation with the appropriate con-
19 gressional committees.

20 (3) MULTILATERAL ASSISTANCE.—The Sec-
21 retary of the Treasury should instruct the United
22 States executive director of each international finan-
23 cial institution to use the voice and vote of the
24 United States to support projects in Burma only if
25 such projects are developed and carried out in ac-

1 cordance with the requirements of section
2 7029(b)(2) of this Act.

3 (4) CERTIFICATION AND WAIVER.—

4 (A) Notwithstanding any provision of this
5 subsection, of the funds appropriated by this
6 Act under the heading “Economic Support
7 Fund” that are made available for assistance
8 for Burma, 15 percent may not be obligated
9 until the Secretary of State certifies and reports
10 to the Committees on Appropriations that the
11 Government of Burma—

12 (i) has terminated military coopera-
13 tion with North Korea;

14 (ii) is respecting human rights and
15 the rule of law, including the arrest and
16 prosecution of journalists and two Kachin
17 pastors in December 2016;

18 (iii) is revising, updating, or repealing
19 colonial-era and other oppressive laws that
20 are used in such prosecutions, including
21 the Unlawful Associations Act; and

22 (iv) is credibly investigating the mur-
23 der of U Ko Ni, and is taking steps to pro-
24 tect and defend the security and safety of
25 other activists.

1 (B) The Secretary of State may waive the
2 requirements of this paragraph if the Secretary
3 determines and reports to the Committees on
4 Appropriations that do so is in the national in-
5 terest.

6 (5) PROGRAMS, POSITION, AND RESPONSIBIL-
7 ITIES.—

8 (A) Any new program or activity in Burma
9 initiated in fiscal year 2018 shall be subject to
10 prior consultation with the appropriate congress-
11 sional committees.

12 (B) Section 7043(b)(7) of the Department
13 of State, Foreign Operations, and Related Pro-
14 grams Appropriations Act, 2015 (division J of
15 Public Law 113–235) shall continue in effect
16 during fiscal year 2018.

17 (C) The United States Chief of Mission in
18 Burma, in consultation with the Assistant Sec-
19 retary for Democracy, Human Rights, and
20 Labor, Department of State, shall be respon-
21 sible for democracy and human rights programs
22 in Burma.

23 (b) CAMBODIA.—

24 (1) ASSISTANCE.—

1 (A) None of the funds appropriated by this
2 Act that are made available for assistance for
3 the Government of Cambodia may be obligated
4 or expended unless the Secretary of State cer-
5 tifies and reports to the Committees on Appro-
6 priations that such Government is taking effec-
7 tive steps to—

8 (i) strengthen regional security and
9 stability, particularly regarding territorial
10 disputes in the South China Sea and the
11 enforcement of international sanctions with
12 respect to North Korea; and

13 (ii) respect the rights and responsibil-
14 ities enshrined in the Constitution of the
15 Kingdom of Cambodia as enacted in 1993,
16 including through the—

17 (I) restoration of the civil and
18 political rights of the opposition Cam-
19 bodia National Rescue Party, media,
20 and civil society organizations;

21 (II) restoration of all elected offi-
22 cials to their elected offices; and

23 (III) release of all political pris-
24 oners, including journalists, civil soci-

1 ety activists, and members of the op-
2 position political party.

3 (B) Funds appropriated under title III of
4 this Act for assistance for Cambodia shall be
5 made available for—

6 (i) democracy programs, including re-
7 search and education programs associated
8 with the Khmer Rouge in Cambodia, ex-
9 cept that no funds for such purposes may
10 be made available to the Extraordinary
11 Chambers in the Court of Cambodia; and

12 (ii) programs in the Khmer language
13 to counter the influence of the People’s Re-
14 public of China in Cambodia.

15 (2) VISA RESTRICTION.—Funds appropriated
16 under title I of this Act shall be made available to
17 continue to implement the policy announced by the
18 Department of State on December 6, 2017, to re-
19 strict the issuance of visas to enter the United
20 States to individuals involved in undermining democ-
21 racy in Cambodia, including the family members of
22 such individuals, as appropriate: *Provided*, That not
23 later than 30 days after enactment of this Act, the
24 Secretary of State shall submit a report to the ap-

1 appropriate congressional committees describing the
2 implementation of such policy.

3 (c) NORTH KOREA.—

4 (1) CYBERSECURITY.—None of the funds ap-
5 propriated by this Act and prior Acts making appro-
6 priations for the Department of State, foreign oper-
7 ations, and related programs may be made available
8 for assistance for the central government of a coun-
9 try the Secretary of State determines and reports to
10 the appropriate congressional committees engages in
11 significant transactions contributing materially to
12 the malicious cyber-intrusion capabilities of the Gov-
13 ernment of North Korea: *Provided*, That the Sec-
14 retary of State shall submit the report required by
15 section 209 of the North Korea Sanctions and Policy
16 Enhancement Act of 2016 (Public Law 114–122; 22
17 U.S.C. 9229), as amended, to the Committees on
18 Appropriations in the manner described in subpara-
19 graph (2)(A) of such section: *Provided further*, That
20 the Secretary of State may waive the application of
21 the restriction in this paragraph with respect to as-
22 sistance for the central government of a country if
23 the Secretary determines and reports to the appro-
24 priate congressional committees that to do so is im-
25 portant to the national security interest of the

1 United States, including a description of such inter-
2 est served.

3 (2) BROADCASTS.—Funds appropriated by this
4 Act under the heading “International Broadcasting
5 Operations” shall be made available to maintain
6 broadcasting hours into North Korea at levels not
7 less than the prior fiscal year.

8 (3) REFUGEES.—Funds appropriated by this
9 Act under the heading “Migration and Refugee As-
10 sistance” should be made available for assistance for
11 refugees from North Korea, including protection ac-
12 tivities in the People’s Republic of China and other
13 countries in Asia.

14 (4) HUMAN RIGHTS PROMOTION, DATABASE,
15 AND LIMITATION ON USE OF FUNDS.—

16 (A) HUMAN RIGHTS PROMOTION.—Of the
17 funds appropriated by this Act under the head-
18 ings “Economic Support Fund” and “Democ-
19 racy Fund”, not less than \$8,000,000 shall be
20 made available for the promotion of human
21 rights in North Korea: *Provided*, That such
22 funds shall be administered by the Assistant
23 Secretary for Democracy, Human Rights, and
24 Labor, Department of State: *Provided further*,

1 That the authority of section 7032(b) of this
2 Act shall apply to such funds.

3 (B) DATABASE.—Funds appropriated by
4 this Act under title III shall be made available
5 to maintain a database of prisons and gulags in
6 North Korea, in accordance with section
7 7032(i) of the Department of State, Foreign
8 Operations, and Related Programs Appropria-
9 tions Act, 2014 (division K of Public Law 113–
10 76).

11 (C) LIMITATION.—None of the funds made
12 available by this Act under the heading “Eco-
13 nomic Support Fund” may be made available
14 for assistance for the Government of North
15 Korea.

16 (d) PEOPLE’S REPUBLIC OF CHINA.—

17 (1) LIMITATION ON USE OF FUNDS.—None of
18 the funds appropriated under the heading “Diplo-
19 matic and Consular Programs” in this Act may be
20 obligated or expended for processing licenses for the
21 export of satellites of United States origin (including
22 commercial satellites and satellite components) to
23 the People’s Republic of China (PRC) unless, at
24 least 15 days in advance, the Committees on Appro-
25 priations are notified of such proposed action.

1 (2) PEOPLE’S LIBERATION ARMY.—The terms
2 and requirements of section 620(h) of the Foreign
3 Assistance Act of 1961 shall apply to foreign assist-
4 ance projects or activities of the People’s Liberation
5 Army (PLA) of the PRC, to include such projects or
6 activities by any entity that is owned or controlled
7 by, or an affiliate of, the PLA: *Provided*, That none
8 of the funds appropriated or otherwise made avail-
9 able pursuant to this Act may be used to finance
10 any grant, contract, or cooperative agreement with
11 the PLA, or any entity that the Secretary of State
12 has reason to believe is owned or controlled by, or
13 an affiliate of, the PLA.

14 (3) COUNTER INFLUENCE PROGRAMS.—Funds
15 appropriated by this Act for public diplomacy under
16 title I and for assistance under titles III and IV
17 shall be made available to counter the influence of
18 the PRC, in accordance with the strategy required
19 by section 7043(e)(3) of the Department of State,
20 Foreign Operations, and Related Programs Appro-
21 priations Act, 2014 (division K of Public Law 113–
22 76), following consultation with the Committees on
23 Appropriations.

24 (4) AUTHORITY AND NOTIFICATION REQUIRE-
25 MENT.—

1 (A) AUTHORITY.—The uses of funds made
2 available by this Act for the promotion of de-
3 mocracy in the PRC, except for funds made
4 available under subsection (f), shall be the re-
5 sponsibility of the Assistant Secretary for De-
6 mocracy, Human Rights, and Labor, Depart-
7 ment of State.

8 (B) NOTIFICATION.—Funds appropriated
9 by this Act that are made available for trilateral
10 programs conducted with the PRC shall be sub-
11 ject to the regular notification procedures of the
12 Committees on Appropriations.

13 (e) PHILIPPINES.—Funds appropriated by this Act
14 under the heading “International Narcotics Control and
15 Law Enforcement” may be made available for counter-
16 narcotics assistance for the Philippine National Police only
17 if the Secretary of State determines and reports to the
18 Committees on Appropriations that the Government of the
19 Philippines has adopted and is implementing a counter-
20 narcotics strategy that is consistent with international
21 human rights standards, including investigating and pros-
22 ecuting individuals who are credibly alleged to have or-
23 dered, committed, or covered up extrajudicial killings and
24 other gross violations of human rights in the conduct of
25 counternarcotics operations: *Provided*, That the limitation

1 of this paragraph shall not apply to funds made available
2 for drug demand reduction or maritime programs, or to
3 support for the development of such counternarcotics
4 strategy following consultation with the appropriate con-
5 gressional committees.

6 (f) TIBET.—

7 (1) FINANCING OF PROJECTS IN TIBET.—The
8 Secretary of the Treasury should instruct the United
9 States executive director of each international finan-
10 cial institution to use the voice and vote of the
11 United States to support financing of projects in
12 Tibet if such projects do not provide incentives for
13 the migration and settlement of non-Tibetans into
14 Tibet or facilitate the transfer of ownership of Ti-
15 betan land and natural resources to non-Tibetans,
16 are based on a thorough needs-assessment, foster
17 self-sufficiency of the Tibetan people and respect Ti-
18 betan culture and traditions, and are subject to ef-
19 fective monitoring.

20 (2) PROGRAMS FOR TIBETAN COMMUNITIES.—

21 (A) TIBET AUTONOMOUS REGION.—Not-
22 withstanding any other provision of law, of the
23 funds appropriated by this Act under the head-
24 ing “Economic Support Fund”, not less than
25 \$8,000,000 shall be made available to non-

1 governmental organizations to support activities
2 which preserve cultural traditions and promote
3 sustainable development, education, and envi-
4 ronmental conservation in Tibetan communities
5 in the Tibet Autonomous Region and in other
6 Tibetan communities in China.

7 (B) INDIA AND NEPAL.—Of the funds ap-
8 propriated by this Act under the heading “Eco-
9 nomic Support Fund”, not less than
10 \$6,000,000 shall be made available for pro-
11 grams to promote and preserve Tibetan culture,
12 development, and the resilience of Tibetan com-
13 munities in India and Nepal, and to assist in
14 the education and development of the next gen-
15 eration of Tibetan leaders from such commu-
16 nities: *Provided*, That such funds are in addi-
17 tion to amounts made available in subpara-
18 graph (A) for programs inside Tibet.

19 (C) TIBETAN GOVERNANCE.—Of the funds
20 appropriated by this Act under the heading
21 “Economic Support Fund”, not less than
22 \$3,000,000 shall be made available for pro-
23 grams to strengthen the capacity of Tibetan in-
24 stitutions and governance.

25 (g) VIETNAM.—

1 (1) DIOXIN REMEDIATION.—Notwithstanding
2 any other provision of law, of the funds appropriated
3 by this Act under the heading “Economic Support
4 Fund”, not less than \$20,000,000 shall be made
5 available for activities related to the remediation of
6 dioxin contaminated sites in Vietnam and may be
7 made available for assistance for the Government of
8 Vietnam, including the military, for such purposes.

9 (2) HEALTH AND DISABILITY PROGRAMS.—Of
10 the funds appropriated by this Act under the head-
11 ing “Development Assistance”, not less than
12 \$10,000,000 shall be made available for health and
13 disability programs in areas sprayed with Agent Or-
14 ange and otherwise contaminated with dioxin, to as-
15 sist individuals with severe upper or lower body mo-
16 bility impairment or cognitive or developmental dis-
17 abilities.

18 SOUTH AND CENTRAL ASIA

19 SEC. 7044. (a) AFGHANISTAN.—

20 (1) ASSISTANCE AND CONDITIONS.—

21 (A) FUNDING AND LIMITATIONS.—Funds
22 appropriated by this Act under the headings
23 “Economic Support Fund” and “International
24 Narcotics Control and Law Enforcement” may
25 be made available for assistance for Afghani-

1 stan: *Provided*, That such funds may not be ob-
2 ligated for any project or activity that—

3 (i) includes the participation of any
4 Afghan individual or organization, includ-
5 ing government entity, if the Secretary of
6 State has credible information that such
7 individual, organization, or entity is in-
8 volved in corrupt practices, illicit narcotics
9 production or trafficking, or a violation of
10 human rights;

11 (ii) cannot be sustained, as appro-
12 priate, by the Government of Afghanistan
13 or another Afghan entity;

14 (iii) is not regularly accessible for the
15 purposes of conducting effective oversight
16 in accordance with applicable Federal stat-
17 utes and regulations;

18 (iv) initiates any new, major infra-
19 structure development; or

20 (v) is conducted in areas where
21 project and resource disbursement moni-
22 toring cannot be performed, unless the
23 Secretary of State, in consultation with the
24 Administrator of the United States Agency
25 for International Development, certifies to

1 the Committees on Appropriations that to
2 do so is in the national security interest of
3 the United States, and submits a report to
4 such Committees describing such interest,
5 including how such project or activity does
6 not legitimize the Taliban or other extrem-
7 ist organizations.

8 (B) CERTIFICATION AND REPORT.—Prior
9 to the initial obligation of funds made available
10 by this Act under the headings “Economic Sup-
11 port Fund” and “International Narcotics Con-
12 trol and Law Enforcement” for assistance for
13 the central Government of Afghanistan, the
14 Secretary of State shall certify and report to
15 the Committees on Appropriations, after con-
16 sultation with the Government of Afghanistan,
17 that—

18 (i) goals and benchmarks for the spe-
19 cific uses of such funds have been estab-
20 lished by the Governments of the United
21 States and Afghanistan;

22 (ii) conditions are in place that in-
23 crease the transparency and accountability
24 of the Government of Afghanistan for
25 funds obligated under the New Develop-

1 ment Partnership or other incentive-based
2 programs;

3 (iii) the Government of Afghanistan is
4 implementing laws and policies to govern
5 democratically and protect the rights of in-
6 dividuals, civil society, and the media;

7 (iv) the Government of Afghanistan is
8 taking consistent steps to protect and ad-
9 vance the rights of women and girls in Af-
10 ghanistan;

11 (v) the Government of Afghanistan is
12 effectively implementing a whole-of-govern-
13 ment, anti-corruption strategy that has
14 been endorsed by the High Council on
15 Rule of Law and Anti-Corruption, as
16 agreed to at the Brussels Conference on
17 Afghanistan in October 2016, and is pros-
18 ecuting individuals alleged to be involved in
19 corrupt or illegal activities in Afghanistan;

20 (vi) monitoring and oversight frame-
21 works for programs implemented with such
22 funds are in accordance with all applicable
23 audit policies of the Department of State
24 and USAID, including in areas under the

1 control of the Taliban or other extremist
2 organizations;

3 (vii) the necessary policies and proce-
4 dures are in place to ensure Government of
5 Afghanistan compliance with section 7013
6 of this Act, “Prohibition on Taxation of
7 United States Assistance”; and

8 (viii) the Government of Afghanistan
9 is publicly reporting its national budget,
10 including revenues and expenditures.

11 (C) WAIVER.—The Secretary of State may
12 waive the certification requirement of subpara-
13 graph (B) if the Secretary determines that to
14 do so is important to the national security in-
15 terest of the United States and the Secretary
16 submits a report to the Committees on Appro-
17 priations, in classified form if necessary, on the
18 justification for the waiver and the reasons why
19 any of the requirements of subparagraph (B)
20 cannot be met.

21 (D) PROGRAMS.—Funds appropriated by
22 this Act that are made available for assistance
23 for Afghanistan shall be made available—

24 (i) for programs that protect and
25 strengthen the rights of women and girls

1 and promote the political and economic
2 empowerment of women, including their
3 meaningful inclusion in political processes:
4 *Provided*, That such assistance to promote
5 economic empowerment of women shall be
6 made available as grants to Afghan organi-
7 zations, to the maximum extent prac-
8 ticable;

9 (ii) for programs in South and Cen-
10 tral Asia to expand linkages between Af-
11 ghanistan and countries in the region; and

12 (iii) to assist the Government of Af-
13 ghanistan to develop transparent budg-
14 etary processes, including executing a con-
15 sistently applied system of legitimate rev-
16 enue generation and expenditure.

17 (E) TAXATION.—None of the funds appro-
18 priated by this Act for assistance for Afghani-
19 stan may be made available for direct govern-
20 ment-to-government assistance unless the Sec-
21 retary of State certifies and reports to the Com-
22 mittees on Appropriations that—

23 (i) the United States Government and
24 the Government of Afghanistan have in
25 place the agreements necessary to ensure

1 compliance with the principles set forth in
2 section 7013 of this Act; and

3 (ii) United States companies and or-
4 ganizations that are implementing United
5 States assistance programs in Afghanistan
6 in a manner consistent with United States
7 laws and regulations are not subjected by
8 the Government of Afghanistan to taxes or
9 other fees in contravention of the agree-
10 ments referenced in clause (i), and are not
11 subjected to retaliation by the Government
12 of Afghanistan for the nonpayment of such
13 taxes or fees imposed in the past: *Pro-*
14 *vided*, That not later than 90 days after
15 enactment of this Act, the Secretary of
16 State shall submit to the Committees on
17 Appropriations an assessment of the dollar
18 value of improper taxes or fees levied by
19 such government against such companies
20 and organizations in fiscal year 2017.

21 (2) GOALS AND BENCHMARKS.—Not later than
22 90 days after enactment of this Act, the Secretary
23 of State shall submit to the appropriate congres-
24 sional committees a report describing the goals and
25 benchmarks required in paragraph (1)(B)(i): *Pro-*

1 *vided*, That not later than 6 months after the sub-
2 mission of such report and every 6 months there-
3 after until September 30, 2019, the Secretary of
4 State shall submit a report to such committees on
5 the status of achieving such goals and benchmarks:
6 *Provided further*, That the Secretary of State should
7 suspend assistance for the Government of Afghani-
8 stan if any report required by this paragraph indi-
9 cates that such government is failing to make meas-
10 urable progress in meeting such goals and bench-
11 marks.

12 (3) AUTHORITIES.—

13 (A) Funds appropriated by this Act under
14 title III through VI that are made available for
15 assistance for Afghanistan may be made avail-
16 able—

17 (i) notwithstanding section 7012 of
18 this Act or any similar provision of law
19 and section 660 of the Foreign Assistance
20 Act of 1961;

21 (ii) for reconciliation programs and
22 disarmament, demobilization, and re-
23 integration activities for former combat-
24 ants who have renounced violence against
25 the Government of Afghanistan, in accord-

1 ance with section 7046(a)(2)(B)(ii) of the
2 Department of State, Foreign Operations,
3 and Related Programs Appropriations Act,
4 2012 (division I of Public Law 112–74);
5 and

6 (iii) for an endowment to empower
7 women and girls.

8 (B) Section 7046(a)(2)(A) of the Depart-
9 ment of State, Foreign Operations, and Related
10 Programs Appropriations Act, 2012 (division I
11 of Public Law 112–74) shall apply to funds ap-
12 propriated by this Act for assistance for Af-
13 ghanistan.

14 (4) BASING RIGHTS AGREEMENT.—None of the
15 funds made available by this Act may be used by the
16 United States Government to enter into a perma-
17 nent basing rights agreement between the United
18 States and Afghanistan.

19 (b) NEPAL.—

20 (1) ASSISTANCE.—Not less than \$121,480,000
21 of the funds appropriated by this Act under the
22 headings “Global Health Programs”, “Economic
23 Support Fund”, “International Narcotics Control
24 and Law Enforcement”, and “Nonproliferation,
25 Anti-terrorism, Demining and Related Programs”

1 shall be made available for assistance for Nepal, in-
2 cluding for earthquake recovery and reconstruction
3 programs.

4 (2) FOREIGN MILITARY FINANCING PRO-
5 GRAM.—Funds appropriated by this Act under the
6 heading “Foreign Military Financing Program”
7 shall only be made available for humanitarian and
8 disaster relief and reconstruction activities in Nepal,
9 and in support of international peacekeeping oper-
10 ations: *Provided*, That such funds may only be made
11 available for any additional uses if the Secretary of
12 State certifies and reports to the Committees on Ap-
13 propriations that the Government of Nepal is inves-
14 tigating and prosecuting violations of human rights
15 and the laws of war, and the Nepal Army is cooper-
16 ating fully with civilian judicial authorities in such
17 cases.

18 (c) PAKISTAN.—

19 (1) INTERNATIONAL SECURITY ASSISTANCE.—

20 (A) LIMITATION.—Funds appropriated by
21 this Act under the heading “Foreign Military
22 Financing Program” for assistance for Paki-
23 stan may be made available only to support
24 counterterrorism and counterinsurgency capa-
25 bilities in Pakistan.

1 (B) CONSULTATION.—Not later than 30
2 days after enactment of this Act, and prior to
3 the submission of the report required by section
4 653(a) of the Foreign Assistance Act of 1961,
5 the Secretary of State shall consult with the
6 Committees on Appropriations on the amount
7 of funds appropriated by this Act under the
8 heading “Foreign Military Financing Program”
9 that is anticipated to be subject to the January
10 2018 policy decision of the United States to
11 suspend security assistance for Pakistan: *Pro-*
12 *vided*, That the Secretary shall promptly inform
13 the appropriate congressional committees in
14 writing of any changes to such policy, the jus-
15 tification for such changes, and the progress
16 made by the Government of Pakistan in meet-
17 ing the counterterrorism objectives described
18 under this section in the explanatory statement
19 described in section 4 (in the matter preceding
20 division A of this consolidated Act).

21 (C) REPROGRAMMING.—Funds appro-
22 priated by this Act and prior Acts making ap-
23 propriations for the Department of State, for-
24 eign operations, and related programs under
25 the heading “Foreign Military Financing Pro-

1 gram” for assistance for Pakistan that are
2 withheld from obligation or expenditure by the
3 Department of State may be reprogrammed by
4 the Secretary of State, except that no such
5 funds may be reprogrammed that are required
6 to complete payment on existing and previously
7 approved contracts: *Provided*, That such re-
8 programming shall be subject to the regular no-
9 tification procedures of the Committees on Ap-
10 propriations.

11 (2) BILATERAL ECONOMIC ASSISTANCE RE-
12 PORT.—Prior to the obligation of funds made avail-
13 able by this Act under the heading “Economic Sup-
14 port Fund” for assistance for the central Govern-
15 ment of Pakistan, the Secretary of State shall sub-
16 mit a report to the appropriate congressional com-
17 mittees detailing—

18 (A) the amount of financing and other
19 support, if any, provided by the Government of
20 Pakistan to schools supported by, affiliated
21 with, or run by the Taliban or any domestic or
22 foreign terrorist organization in Pakistan;

23 (B) the extent of cooperation by such gov-
24 ernment in issuing visas in a timely manner for
25 United States visitors, including officials and

1 representatives of nongovernmental organiza-
2 tions, engaged in assistance and security pro-
3 grams in Pakistan; and

4 (C) the extent to which such government is
5 providing humanitarian organizations access to
6 detainees, internally displaced persons, and
7 other Pakistani civilians affected by conflict in
8 Pakistan and the region.

9 (3) AUTHORITY AND USES OF FUNDS.—

10 (A) Funds appropriated by this Act for as-
11 sistance for Pakistan may be made available
12 notwithstanding any other provision of law, ex-
13 cept for section 620M of the Foreign Assistance
14 Act of 1961.

15 (B) Funds appropriated by this Act for as-
16 sistance for Pakistan that are made available
17 for infrastructure projects shall be implemented
18 in a manner consistent with section 507(6) of
19 the Trade Act of 1974 (19 U.S.C. 2467(6)).

20 (C) The authorities and directives of sec-
21 tion 7044(d)(4) of the Department of State,
22 Foreign Operations, and Related Programs Ap-
23 propriations Act, 2015 (division J of Public
24 Law 113–235) regarding scholarships for
25 women shall apply to funds appropriated by

1 this Act for assistance for Pakistan, following
2 consultation with the Committees on Appropria-
3 tions.

4 (D) Funds appropriated by this Act under
5 the headings “Economic Support Fund” and
6 “Nonproliferation, Anti-terrorism, Demining
7 and Related Programs” that are made available
8 for assistance for Pakistan shall be made avail-
9 able to interdict precursor materials from Paki-
10 stan to Afghanistan that are used to manufac-
11 ture improvised explosive devices and for agri-
12 culture extension programs that encourage al-
13 ternative fertilizer use among Pakistani farmers
14 to decrease the dual use of fertilizer in the
15 manufacturing of improvised explosive devices.

16 (E) Funds appropriated by this Act for as-
17 sistance for Pakistan shall be made available
18 for border security programs, following con-
19 sultation with the Committees on Appropria-
20 tions.

21 (F) Funds appropriated by title III of this
22 Act shall be made available for programs to
23 promote democracy in Pakistan.

24 (4) WITHHOLDING.—Of the funds appropriated
25 under titles III and IV of this Act that are made

1 available for assistance for Pakistan, \$33,000,000
2 shall be withheld from obligation until the Secretary
3 of State reports to the Committees on Appropria-
4 tions that Dr. Shakil Afridi has been released from
5 prison and cleared of all charges relating to the as-
6 sistance provided to the United States in locating
7 Osama bin Laden.

8 (5) OVERSIGHT.—The Secretary of State shall
9 take all practicable steps to ensure that mechanisms
10 are in place for monitoring, oversight, and control of
11 funds made available by this subsection for assist-
12 ance for Pakistan: *Provided*, That the Secretary
13 shall inform the Committees on Appropriations of
14 such steps in a timely manner.

15 (d) SRI LANKA.—

16 (1) BILATERAL ECONOMIC ASSISTANCE.—Of
17 the funds appropriated under title III of this Act,
18 not less than \$35,000,000 shall be made available
19 for assistance for Sri Lanka for economic develop-
20 ment and democracy programs, particularly in areas
21 recovering from ethnic and religious conflict: *Pro-*
22 *vided*, That such funds shall be made available for
23 programs to assist in the identification and resolu-
24 tion of cases of missing persons.

1 (2) CERTIFICATION.—Funds appropriated by
2 this Act for assistance for the central Government of
3 Sri Lanka may be made available only if the Sec-
4 retary of State certifies and reports to the Commit-
5 tees on Appropriations that the Government of Sri
6 Lanka is—

7 (A) repealing laws that do not comply with
8 international standards for arrest and detention
9 by security forces, and ensuring that any suc-
10 cessor legislation meets such standards;

11 (B) increasing accountability and trans-
12 parency in governance;

13 (C) investigating allegations of arbitrary
14 arrest and torture, and supporting a credible
15 justice mechanism in compliance with United
16 Nations Human Rights Council Resolution (A/
17 HCR/30/L.29) of October 2015;

18 (D) returning military occupied private
19 lands in former conflict zones to their rightful
20 owners or compensating those whose land was
21 confiscated without due process, which includes
22 legal steps and surveys to determine proper title
23 to disputed lands, and which is in addition to
24 steps taken during the previous calendar year;

1 (E) establishing a functioning office of
2 missing persons and assisting its investigations
3 of cases of missing persons from Sri Lanka’s
4 internal armed conflicts, and publishing lists of
5 all persons who surrendered to such Govern-
6 ment after the end of the civil war in May
7 2009; and

8 (F) substantially reducing the presence of
9 the armed forces in former conflict zones and
10 implementing a plan for restructuring and re-
11 ducing the size of the armed forces to adopt a
12 peacetime role that contributes to post-conflict
13 reconciliation and regional security.

14 (3) INTERNATIONAL SECURITY ASSISTANCE.—
15 Funds appropriated under title IV of this Act that
16 are available for assistance for Sri Lanka shall be
17 subject to the following conditions—

18 (A) not to exceed \$500,000 under the
19 heading “Foreign Military Financing Program”
20 may only be made available for programs to
21 support humanitarian and disaster response
22 preparedness and maritime security; and

23 (B) funds under the heading “Peace-
24 keeping Operations” may only be made avail-
25 able for training and equipment related to

1 international peacekeeping operations, and only
2 if the Government of Sri Lanka is taking effective
3 steps to bring to justice Sri Lankan peace-
4 keeping troops who have engaged in sexual ex-
5 ploitation and abuse.

6 (e) REGIONAL PROGRAMS.—

7 (1) CROSS BORDER PROGRAMS.—Funds appro-
8 priated by this Act under the heading “Economic
9 Support Fund” for assistance for Afghanistan and
10 Pakistan may be provided, notwithstanding any
11 other provision of law that restricts assistance to
12 foreign countries, for cross border stabilization and
13 development programs between Afghanistan and
14 Pakistan, or between either country and the Central
15 Asian countries.

16 (2) SECURITY AND JUSTICE PROGRAMS.—
17 Funds appropriated by this Act that are made avail-
18 able for assistance for countries in South and Cen-
19 tral Asia shall be made available to accelerate the re-
20 cruitment and enhance the retention and profes-
21 sionalism of women in the judiciary, police, and
22 other security forces.

23 LATIN AMERICA AND THE CARIBBEAN

24 SEC. 7045. (a) CENTRAL AMERICA.—

1 (1) FUNDING.—Subject to the requirements of
2 this subsection, of the funds appropriated under ti-
3 tles III and IV of this Act, up to \$615,000,000 may
4 be made available for assistance for countries in
5 Central America to implement the United States
6 Strategy for Engagement in Central America (the
7 Strategy): *Provided*, That such funds shall be made
8 available to the maximum extent practicable on a
9 cost-matching basis.

10 (2) PRE-OBLIGATION REQUIREMENTS.—Prior
11 to the obligation of funds made available pursuant
12 to paragraph (1), the Secretary of State shall submit
13 to the Committees on Appropriations an updated
14 multi-year spend plan as described under this sub-
15 section in the explanatory statement described in
16 section 4 (in the matter preceding division A of this
17 consolidated Act).

18 (3) ASSISTANCE FOR THE CENTRAL GOVERN-
19 MENTS OF EL SALVADOR, GUATEMALA, AND HON-
20 DURAS.—Of the funds made available pursuant to
21 paragraph (1) that are available for assistance for
22 each of the central governments of El Salvador,
23 Guatemala, and Honduras, except for funds made
24 available for the International Commission against
25 Impunity in Guatemala or the Mission to Support

1 the Fight against Corruption and Impunity in Hon-
2 duras, the following amounts shall be withheld from
3 obligation and may only be made available as fol-
4 lows:

5 (A) 25 percent may only be obligated after
6 the Secretary of State certifies and reports to
7 the appropriate congressional committees that
8 such government is—

9 (i) informing its citizens of the dan-
10 gers of the journey to the southwest border
11 of the United States;

12 (ii) combating human smuggling and
13 trafficking;

14 (iii) improving border security, includ-
15 ing preventing illegal migration, human
16 smuggling and trafficking, and trafficking
17 of illicit drugs and other contraband; and

18 (iv) cooperating with United States
19 Government agencies and other govern-
20 ments in the region to facilitate the return,
21 repatriation, and reintegration of illegal
22 migrants arriving at the southwest border
23 of the United States who do not qualify for
24 asylum, consistent with international law.

1 (B) An additional 50 percent may only be
2 obligated after the Secretary of State certifies
3 and reports to the appropriate congressional
4 committees that such government is—

5 (i) working cooperatively with an au-
6 tonomous, publicly accountable entity to
7 provide oversight of the Plan of the Alli-
8 ance for Prosperity in the Northern Tri-
9 angle in Central America (the Plan);

10 (ii) combating corruption, including
11 investigating and prosecuting current and
12 former government officials credibly al-
13 leged to be corrupt;

14 (iii) implementing reforms, policies,
15 and programs to improve transparency and
16 strengthen public institutions, including in-
17 creasing the capacity and independence of
18 the judiciary and the Office of the Attor-
19 ney General;

20 (iv) implementing a policy to ensure
21 that local communities, civil society organi-
22 zations (including indigenous and other
23 marginalized groups), and local govern-
24 ments are consulted in the design, and
25 participate in the implementation and eval-

1 uation of, activities of the Plan that affect
2 such communities, organizations, and gov-
3 ernments;

4 (v) countering the activities of crimi-
5 nal gangs, drug traffickers, and organized
6 crime;

7 (vi) investigating and prosecuting in
8 the civilian justice system government per-
9 sonnel, including military and police per-
10 sonnel, who are credibly alleged to have
11 violated human rights, and ensuring that
12 such personnel are cooperating in such
13 cases;

14 (vii) cooperating with commissions
15 against corruption and impunity and with
16 regional human rights entities;

17 (viii) supporting programs to reduce
18 poverty, expand education and vocational
19 training for at-risk youth, create jobs, and
20 promote equitable economic growth, par-
21 ticularly in areas contributing to large
22 numbers of migrants;

23 (ix) implementing a plan that includes
24 goals, benchmarks, and timelines to create
25 a professional, accountable civilian police

1 force and end the role of the military in in-
2 ternal policing, and make such plan avail-
3 able to the Department of State;

4 (x) protecting the right of political op-
5 position parties, journalists, trade union-
6 ists, human rights defenders, and other
7 civil society activists to operate without in-
8 terference;

9 (xi) increasing government revenues,
10 including by implementing tax reforms and
11 strengthening customs agencies; and

12 (xii) resolving commercial disputes, in-
13 cluding the confiscation of real property,
14 between United States entities and such
15 government.

16 (4) DETERMINATIONS AND IMPACT ON ASSIST-
17 ANCE.—

18 (A) INSUFFICIENT PROGRESS.—The Sec-
19 retary of State shall periodically review the
20 progress of each of the central governments of
21 El Salvador, Guatemala, and Honduras in
22 meeting the requirements of paragraphs (3)(A)
23 and (3)(B): *Provided*, That if the Secretary de-
24 termines and reports to the appropriate con-
25 gressional committees that sufficient progress

1 has not been made by such government in
2 meeting such requirements, the Secretary shall
3 suspend, in whole or in part, assistance for such
4 government for programs supporting such re-
5 quirement, and shall notify the appropriate con-
6 gressional committees in writing of such action:
7 *Provided further*, That the Secretary may re-
8 sume such assistance if the Secretary deter-
9 mines and reports to such committees that cor-
10 rective measures have been taken by such gov-
11 ernment.

12 (B) EXTRAORDINARY PROGRESS.—The
13 Secretary of State may, notwithstanding section
14 7019 of this Act, increase assistance for El Sal-
15 vador, Guatemala, or Honduras if the Secretary
16 determines and reports to the appropriate con-
17 gressional committees that the central govern-
18 ment of such country has made extraordinary
19 progress in meeting the requirements of para-
20 graphs (3)(A) and (3)(B): *Provided*, That such
21 increase shall be provided in the amounts des-
22 ignated as Award for Extraordinary Progress in
23 the table under this section in the explanatory
24 statement described in section 4 (in the matter
25 preceding division A of this consolidated Act):

1 *Provided further,* That such determination may
2 be made for not more than one country and fol-
3 lowing the submission of the reports for such
4 country submitted pursuant to paragraphs
5 (3)(A) and (3)(B).

6 (C) CHANGE IN NATIONAL GOVERN-
7 MENT.—Not later than 90 days following a
8 change of national government in El Salvador,
9 Guatemala, or Honduras, the Secretary of State
10 shall determine whether or not such government
11 is meeting the requirements of paragraphs
12 (3)(A) and (3)(B) and submit a report to the
13 appropriate congressional committees detailing
14 the reasons for such determination: *Provided,*
15 That if the Secretary determines that such gov-
16 ernment is not meeting such requirements, then
17 the Secretary shall suspend, in whole or in part,
18 assistance for such central government until
19 such time as such determination and report can
20 be made.

21 (D) REPROGRAMMING.—

22 (i) Assistance suspended pursuant to
23 subparagraphs (A) or (C) may be repro-
24 grammed if the Secretary of State deter-

1 mines that corrective measures have not
2 been taken.

3 (ii) If the Secretary is unable to make
4 a determination pursuant to subparagraph
5 (B) within 180 days after enactment of
6 this Act, amounts designated under such
7 subparagraph may be reprogrammed.

8 (iii) Any reprogramming made pursu-
9 ant to clauses (i) or (ii) shall only be made
10 available for assistance for other countries
11 in Latin America and the Caribbean and
12 shall be subject to the regular notification
13 procedures of the Committees on Appro-
14 priations.

15 (5) CONSULTATION.—The Secretary of State
16 shall consult with the Committees on Appropriations
17 not less than 14 days prior to submitting any certifi-
18 cation made pursuant to subsection (a)(3) and any
19 suspension or reprogramming made pursuant to sub-
20 section (a)(4).

21 (6) LIMITATION.—None of the funds made
22 available by this subsection for assistance for coun-
23 tries in Central America may be made available for
24 direct government-to-government assistance or for
25 major infrastructure projects.

1 (b) COLOMBIA.—

2 (1) ASSISTANCE.—Of the funds appropriated by
3 this Act under titles III and IV, not less than
4 \$391,253,000 shall be made available for assistance
5 for Colombia, including to support the efforts of the
6 Government of Colombia to—

7 (A) conduct a unified campaign against
8 narcotics trafficking, organizations designated
9 as foreign terrorist organizations pursuant to
10 section 219 of the Immigration and Nationality
11 Act (8 U.S.C. 1189), and other criminal or ille-
12 gal armed groups: *Provided*, That aircraft sup-
13 ported by funds made available by this Act and
14 prior Acts making appropriations for the De-
15 partment of State, foreign operations, and re-
16 lated programs may be used to transport per-
17 sonnel and supplies involved in drug eradication
18 and interdiction, including security for such ac-
19 tivities, and to provide transport in support of
20 alternative development programs and inves-
21 tigations by civilian judicial authorities;

22 (B) enhance security and stability in Co-
23 lombia and the region;

1 (C) strengthen and expand governance, the
2 rule of law, and access to justice throughout
3 Colombia;

4 (D) promote economic and social develop-
5 ment, including by improving access to areas
6 impacted by conflict through demining pro-
7 grams; and

8 (E) implement a peace agreement between
9 the Government of Colombia and illegal armed
10 groups, in accordance with constitutional and
11 legal requirements in Colombia:

12 *Provided*, That such funds shall be subject to prior
13 consultation with, and the regular notification proce-
14 dures of, the Committees on Appropriations.

15 (2) LIMITATION.—None of the funds appro-
16 priated by this Act or prior Acts making appropria-
17 tions for the Department of State, foreign oper-
18 ations, and related programs that are made available
19 for assistance for Colombia may be made available
20 for payment of reparations to conflict victims or
21 compensation to demobilized combatants associated
22 with a peace agreement between the Government of
23 Colombia and illegal armed groups.

24 (3) PRE-OBLIGATION REQUIREMENTS.—Prior
25 to the initial obligation of funds made available pur-

1 suant to paragraph (1), the Secretary of State, in
2 consultation with the USAID Administrator, shall
3 submit to the Committees on Appropriations an up-
4 dated multi-year spend plan as described under this
5 subsection in the explanatory statement described in
6 section 4 (in the matter preceding division A of this
7 consolidated Act).

8 (4) APPORTIONMENT AND TRANSFER.—Funds
9 made available by this Act under the heading “Eco-
10 nomic Support Fund” for assistance for Colombia
11 shall be apportioned directly to USAID, except that
12 not less than \$7,000,000 of such funds shall be
13 transferred to, and merged with, funds appropriated
14 by this Act under the heading “Migration and Ref-
15 ugee Assistance” for assistance for Colombian refu-
16 gees in neighboring countries.

17 (5) COUNTERNARCOTICS.—Of the funds made
18 available by this Act under the headings “Economic
19 Support Fund” and “International Narcotics Con-
20 trol and Law Enforcement” for counternarcotics as-
21 sistance for Colombia, 25 percent may be obligated
22 only after the Secretary of State certifies and re-
23 ports to the Committees on Appropriations that the
24 Government of Colombia has reduced overall illicit
25 drug cultivation, production, and trafficking.

1 (6) HUMAN RIGHTS.—Of the funds made avail-
2 able by this Act under the heading “Foreign Mili-
3 tary Financing Program” for assistance for Colom-
4 bia, 20 percent may be obligated only in accordance
5 with the conditions set forth under section 7045 in
6 Senate Report 115–152.

7 (7) EXCEPTIONS.—The limitations of para-
8 graphs (5) and (6) shall not apply to funds made
9 available for aviation instruction and maintenance,
10 and maritime and riverine security programs.

11 (c) HAITI.—

12 (1) CERTIFICATION.—Funds appropriated by
13 this Act under the headings “Development Assist-
14 ance” and “Economic Support Fund” that are made
15 available for assistance for Haiti may not be made
16 available for assistance for the central Government
17 of Haiti unless the Secretary of State certifies and
18 reports to the Committees on Appropriations that
19 such government is taking effective steps, which are
20 in addition to steps taken since the certification and
21 report submitted during the prior year, if applicable,
22 to—

23 (A) strengthen the rule of law in Haiti, in-
24 cluding by—

1 (i) selecting judges in a transparent
2 manner based on merit;

3 (ii) reducing pre-trial detention;

4 (iii) respecting the independence of
5 the judiciary; and

6 (iv) improving governance by imple-
7 menting reforms to increase transparency
8 and accountability, including through the
9 penal and criminal codes;

10 (B) combat corruption, including by imple-
11 menting the anti-corruption law enacted in
12 2014 and prosecuting corrupt officials;

13 (C) increase government revenues, includ-
14 ing by implementing tax reforms, and increas-
15 ing expenditures on public services; and

16 (D) resolve commercial disputes between
17 United States entities and the Government of
18 Haiti.

19 (2) HAITIAN COAST GUARD.—The Government
20 of Haiti shall be eligible to purchase defense articles
21 and services under the Arms Export Control Act (22
22 U.S.C. 2751 et seq.) for the Coast Guard.

23 (d) VENEZUELA.—Of the funds appropriated by this
24 Act under the heading “Economic Support Fund”, not
25 less than \$15,000,000 shall be made available for pro-

1 grams to promote democracy and the rule of law in Ven-
2 ezuela.

3 EUROPE AND EURASIA

4 SEC. 7046. (a) ASSISTANCE.—

5 (1) GEORGIA.—Of the funds appropriated by
6 this Act under titles III and IV, not less than
7 \$105,325,000 shall be made available for assistance
8 for Georgia.

9 (2) UKRAINE.—Of the funds appropriated by
10 this Act under titles III and IV, not less than
11 \$420,700,000 shall be made available for assistance
12 for Ukraine.

13 (b) LIMITATION.—None of the funds appropriated by
14 this Act may be made available for assistance for a govern-
15 ment of an Independent State of the former Soviet Union
16 if such government directs any action in violation of the
17 territorial integrity or national sovereignty of any other
18 Independent State of the former Soviet Union, such as
19 those violations included in the Helsinki Final Act: *Pro-*
20 *vided*, That except as otherwise provided in section
21 7070(a) of this Act, funds may be made available without
22 regard to the restriction in this subsection if the President
23 determines that to do so is in the national security interest
24 of the United States: *Provided further*, That prior to exe-
25 cuting the authority contained in the previous proviso, the

1 Secretary of State shall consult with the Committees on
2 Appropriations on how such assistance supports the na-
3 tional security interest of the United States.

4 (c) SECTION 907 OF THE FREEDOM SUPPORT
5 ACT.—Section 907 of the FREEDOM Support Act (22
6 U.S.C. 5812 note) shall not apply to—

7 (1) activities to support democracy or assist-
8 ance under title V of the FREEDOM Support Act
9 (22 U.S.C. 5851 et seq.) and section 1424 of the
10 Defense Against Weapons of Mass Destruction Act
11 of 1996 (50 U.S.C. 2333) or non-proliferation as-
12 sistance;

13 (2) any assistance provided by the Trade and
14 Development Agency under section 661 of the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2421);

16 (3) any activity carried out by a member of the
17 United States and Foreign Commercial Service while
18 acting within his or her official capacity;

19 (4) any insurance, reinsurance, guarantee, or
20 other assistance provided by the Overseas Private
21 Investment Corporation under title IV of chapter 2
22 of part I of the Foreign Assistance Act of 1961 (22
23 U.S.C. 2191 et seq.);

24 (5) any financing provided under the Export-
25 Import Bank Act of 1945 (Public Law 79–173); or

1 (6) humanitarian assistance.

2 (d) TURKEY.—None of the funds made available by
3 this Act may be used to facilitate or support the sale of
4 defense articles or defense services to the Turkish Presi-
5 dential Protection Directorate (TPPD) under chapter 2
6 of the Arms Export Control Act (22 U.S.C. 2761 et seq.),
7 unless the Secretary of State determines and reports to
8 the appropriate congressional committees that members of
9 the TPPD named in the July 17, 2017 indictment by the
10 Superior Court of the District of Columbia have returned
11 to the United States to stand trial in connection with the
12 offenses contained in such indictment or have otherwise
13 been brought to justice: *Provided*, That the limitation in
14 this paragraph shall not apply to the use of funds made
15 available by this Act for border security purposes, for
16 North Atlantic Treaty Organization or coalition oper-
17 ations, or to enhance the protection of United States offi-
18 cials and facilities in Turkey.

19 WAR CRIMES TRIBUNALS

20 SEC. 7047. If the President determines that doing so
21 will contribute to a just resolution of charges regarding
22 genocide or other violations of international humanitarian
23 law, the President may direct a drawdown pursuant to sec-
24 tion 552(c) of the Foreign Assistance Act of 1961 of up
25 to \$30,000,000 of commodities and services for the United

1 Nations War Crimes Tribunal established with regard to
2 the former Yugoslavia by the United Nations Security
3 Council or such other tribunals or commissions as the
4 Council may establish or authorize to deal with such viola-
5 tions, without regard to the ceiling limitation contained
6 in paragraph (2) thereof: *Provided*, That the determina-
7 tion required under this section shall be in lieu of any de-
8 terminations otherwise required under section 552(c): *Pro-*
9 *vided further*, That funds made available pursuant to this
10 section shall be made available subject to the regular noti-
11 fication procedures of the Committees on Appropriations.

12

UNITED NATIONS

13 SEC. 7048. (a) TRANSPARENCY AND ACCOUNT-
14 ABILITY.—

15 (1) RESTRICTIONS.—Of the funds appropriated
16 under title I and under the heading “International
17 Organizations and Programs” in title V of this Act
18 that are available for contributions to the United
19 Nations (including the Department of Peacekeeping
20 Operations), any United Nations agency, or the Or-
21 ganization of American States, 15 percent may not
22 be obligated for such organization, department, or
23 agency until the Secretary of State determines and
24 reports to the Committees on Appropriations that
25 the organization, department, or agency is—

1 (A) posting on a publicly available Web
2 site, consistent with privacy regulations and due
3 process, regular financial and programmatic au-
4 dits of such organization, department, or agen-
5 cy, and providing the United States Govern-
6 ment with necessary access to such financial
7 and performance audits;

8 (B) effectively implementing and enforcing
9 policies and procedures which reflect best prac-
10 tices for the protection of whistleblowers from
11 retaliation, including best practices for—

12 (i) protection against retaliation for
13 internal and lawful public disclosures;

14 (ii) legal burdens of proof;

15 (iii) statutes of limitation for report-
16 ing retaliation;

17 (iv) access to independent adjudicative
18 bodies, including external arbitration; and

19 (v) results that eliminate the effects of
20 proven retaliation; and

21 (C) effectively implementing and enforcing
22 policies and procedures on the appropriate use
23 of travel funds, including restrictions on first
24 class and business class travel.

1 (2) WAIVER.—The restrictions imposed by or
2 pursuant to paragraph (1) may be waived on a case-
3 by-case basis if the Secretary of State determines
4 and reports to the Committees on Appropriations
5 that such waiver is necessary to avert or respond to
6 a humanitarian crisis.

7 (b) RESTRICTIONS ON UNITED NATIONS DELEGA-
8 TIONS AND ORGANIZATIONS.—

9 (1) RESTRICTIONS ON UNITED STATES DELEGA-
10 TIONS.—None of the funds made available by this
11 Act may be used to pay expenses for any United
12 States delegation to any specialized agency, body, or
13 commission of the United Nations if such agency,
14 body, or commission is chaired or presided over by
15 a country, the government of which the Secretary of
16 State has determined, for purposes of section 6(j)(1)
17 of the Export Administration Act of 1979 as contin-
18 ued in effect pursuant to the International Emer-
19 gency Economic Powers Act (50 U.S.C. App.
20 2405(j)(1)), supports international terrorism.

21 (2) RESTRICTIONS ON CONTRIBUTIONS.—None
22 of the funds made available by this Act may be used
23 by the Secretary of State as a contribution to any
24 organization, agency, commission, or program within
25 the United Nations system if such organization,

1 agency, commission, or program is chaired or pre-
2 sided over by a country the government of which the
3 Secretary of State has determined, for purposes of
4 section 620A of the Foreign Assistance Act of 1961,
5 section 40 of the Arms Export Control Act, section
6 6(j)(1) of the Export Administration Act of 1979, or
7 any other provision of law, is a government that has
8 repeatedly provided support for acts of international
9 terrorism.

10 (3) WAIVER.—The Secretary of State may
11 waive the restriction in this subsection if the Sec-
12 retary determines and reports to the Committees on
13 Appropriations that to do so is important to the na-
14 tional interest of the United States, including a de-
15 scription of the national interest served.

16 (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—
17 None of the funds appropriated by this Act may be made
18 available in support of the United Nations Human Rights
19 Council unless the Secretary of State determines and re-
20 ports to the Committees on Appropriations that partici-
21 pation in the Council is important to the national interest
22 of the United States and that such Council is taking sig-
23 nificant steps to remove Israel as a permanent agenda
24 item and ensure integrity in the election of members to
25 such Council: *Provided*, That such report shall include a

1 description of the national interest served and the steps
2 taken to remove Israel as a permanent agenda item and
3 ensure integrity in the election of members to such Coun-
4 cil: *Provided further*, That the Secretary of State shall re-
5 port to the Committees on Appropriations not later than
6 September 30, 2018, on the resolutions considered in the
7 United Nations Human Rights Council during the pre-
8 vious 12 months, and on steps taken to remove Israel as
9 a permanent agenda item and ensure integrity in the elec-
10 tion of members to such Council.

11 (d) UNITED NATIONS RELIEF AND WORKS AGEN-
12 CY.—Prior to the initial obligation of funds for the United
13 Nations Relief and Works Agency (UNRWA), and not
14 later than 45 days after enactment of this Act, the Sec-
15 retary of State shall submit a report in writing to the
16 Committees on Appropriations on whether UNRWA is—

17 (1) utilizing Operations Support Officers in the
18 West Bank, Gaza, and other fields of operation to
19 inspect UNRWA installations and reporting any in-
20 appropriate use;

21 (2) acting promptly to address any staff or ben-
22 efiary violation of its own policies (including the
23 policies on neutrality and impartiality of employees)
24 and the legal requirements under section 301(c) of
25 the Foreign Assistance Act of 1961;

1 (3) implementing procedures to maintain the
2 neutrality of its facilities, including implementing a
3 no-weapons policy, and conducting regular inspec-
4 tions of its installations, to ensure they are only
5 used for humanitarian or other appropriate pur-
6 poses;

7 (4) taking necessary and appropriate measures
8 to ensure it is operating in compliance with the con-
9 ditions of section 301(c) of the Foreign Assistance
10 Act of 1961 and continuing regular reporting to the
11 Department of State on actions it has taken to en-
12 sure conformance with such conditions;

13 (5) taking steps to ensure the content of all
14 educational materials currently taught in UNRWA-
15 administered schools and summer camps is con-
16 sistent with the values of human rights, dignity, and
17 tolerance and does not induce incitement;

18 (6) not engaging in operations with financial in-
19 stitutions or related entities in violation of relevant
20 United States law, and is taking steps to improve
21 the financial transparency of the organization; and

22 (7) in compliance with the United Nations
23 Board of Auditors' biennial audit requirements and
24 is implementing in a timely fashion the Board's rec-
25 ommendations.

1 (e) PROHIBITION OF PAYMENTS TO UNITED NA-
2 TIONS MEMBERS.—None of the funds appropriated or
3 made available pursuant to titles III through VI of this
4 Act for carrying out the Foreign Assistance Act of 1961,
5 may be used to pay in whole or in part any assessments,
6 arrearages, or dues of any member of the United Nations
7 or, from funds appropriated by this Act to carry out chap-
8 ter 1 of part I of the Foreign Assistance Act of 1961,
9 the costs for participation of another country’s delegation
10 at international conferences held under the auspices of
11 multilateral or international organizations.

12 (f) CAPITAL PROJECTS.—None of the funds made
13 available by this Act may be used for the design, renova-
14 tion, or construction of the United Nations Headquarters
15 in New York: *Provided*, That any operating plan sub-
16 mitted pursuant to this Act for funds made available
17 under the heading “Contributions to International Organi-
18 zations” shall include information on capital projects, as
19 described under such heading in House Report 115–253.

20 (g) REPORT.—Not later than 45 days after enact-
21 ment of this Act, the Secretary of State shall submit a
22 report to the Committees on Appropriations detailing the
23 amount of funds available for obligation or expenditure in
24 fiscal year 2018 for contributions to any organization, de-
25 partment, agency, or program within the United Nations

1 system or any international program that are withheld
2 from obligation or expenditure due to any provision of law:
3 *Provided*, That the Secretary of State shall update such
4 report each time additional funds are withheld by oper-
5 ation of any provision of law: *Provided further*, That the
6 reprogramming of any withheld funds identified in such
7 report, including updates thereof, shall be subject to prior
8 consultation with, and the regular notification procedures
9 of, the Committees on Appropriations.

10 (h) SEXUAL EXPLOITATION AND ABUSE IN PEACE-
11 KEEPING OPERATIONS.—

12 (1) IN GENERAL.—Funds appropriated by this
13 Act shall be made available to implement section
14 301 of the Department of State Authorities Act,
15 Fiscal Year 2017 (Public Law 114–323).

16 (2) WITHHOLDING OF FUNDS.—The Secretary
17 of State should withhold assistance to any unit of
18 the security forces of a foreign country if the Sec-
19 retary has credible information that such unit has
20 engaged in sexual exploitation or abuse, including
21 while serving in a United Nations peacekeeping op-
22 eration, until the Secretary determines that the gov-
23 ernment of such country is taking effective steps to
24 bring the responsible members of such unit to justice
25 and to prevent future incidents: *Provided*, That the

1 Secretary shall promptly notify the government of
2 each country subject to any withholding of assist-
3 ance pursuant to this paragraph, and shall notify
4 the appropriate congressional committees of such
5 withholding not later than 10 days after a deter-
6 mination to withhold such assistance is made: *Pro-*
7 *vided further*, That the Secretary shall, to the max-
8 imum extent practicable, assist such government in
9 bringing the responsible members of such unit to
10 justice.

11 (3) TRANSFER OF FUNDS.—Of the funds ap-
12 propriated by this Act under the heading “Economic
13 Support Fund”, not less than \$1,000,000 shall be
14 transferred to, and merged with, funds appropriated
15 under the heading “International Organizations and
16 Programs” for the United Nations Office of the Spe-
17 cial Coordinator on Improving the UN Response to
18 Sexual Exploitation and Abuse: *Provided*, That such
19 transfer authority shall be exercised not later than
20 60 days after enactment of this Act.

21 (i) ADDITIONAL AVAILABILITY.—Funds appropriated
22 under titles I and V of this Act which are returned or
23 not made available due to the implementation of sub-
24 section (a) or the second proviso under the heading “Con-
25 tributions for International Peacekeeping Activities” of

1 such title shall remain available for obligation until Sep-
2 tember 30, 2019.

3 (j) NATIONAL SECURITY INTEREST WITH-
4 HOLDING.—

5 (1) WITHHOLDING.—The Secretary of State
6 shall withhold 5 percent of the funds appropriated
7 by this Act under the heading “Contributions to
8 International Organizations” for a specialized agen-
9 cy or other entity of the United Nations if the Sec-
10 retary, in consultation with the United States Am-
11 bassador to the United Nations, determines and re-
12 ports to the Committees on Appropriations that such
13 agency or entity has taken an official action that is
14 against the national security interest of the United
15 States or an ally of the United States, including
16 Israel.

17 (2) RELEASE OF FUNDS.—The Secretary of
18 State, in consultation with the United States Am-
19 bassador to the United Nations, may release funds
20 withheld pursuant to paragraph (1) if the Secretary
21 determines and reports to the Committees on Appro-
22 priations that such agency or entity is taking steps
23 to address the action that resulted in the with-
24 holding of such funds.

1 (3) REPROGRAMMING.—Should the Secretary of
2 State be unable to make a determination pursuant
3 to paragraph (2) regarding the release of withheld
4 funds, such funds may be reprogrammed for other
5 purposes under the heading “Contributions to Inter-
6 national Organizations”.

7 (4) WAIVER.—The Secretary of State, following
8 consultation with the Committees on Appropriations,
9 may waive the requirements of this subsection if the
10 Secretary determines that to do so in the national
11 interest.

12 COMMUNITY-BASED POLICE ASSISTANCE

13 SEC. 7049. Funds made available by titles III and
14 IV of this Act to carry out the provisions of chapter 1
15 of part I and chapters 4 and 6 of part II of the Foreign
16 Assistance Act of 1961, may be used, notwithstanding sec-
17 tion 660 of that Act, to enhance the effectiveness and ac-
18 countability of civilian police authority through training
19 and technical assistance in human rights, the rule of law,
20 anti-corruption, strategic planning, and through assist-
21 ance to foster civilian police roles that support democratic
22 governance, including assistance for programs to prevent
23 conflict, respond to disasters, address gender-based vio-
24 lence, and foster improved police relations with the com-
25 munities they serve.

1 purposes of this section the term “international con-
2 ference” shall mean a conference attended by representa-
3 tives of the United States Government and of foreign gov-
4 ernments, international organizations, or nongovern-
5 mental organizations.

6 AIRCRAFT TRANSFER, COORDINATION, AND USE

7 SEC. 7052. (a) TRANSFER AUTHORITY.—Notwith-
8 standing any other provision of law or regulation, aircraft
9 procured with funds appropriated by this Act and prior
10 Acts making appropriations for the Department of State,
11 foreign operations, and related programs under the head-
12 ings “Diplomatic and Consular Programs”, “International
13 Narcotics Control and Law Enforcement”, “Andean
14 Counterdrug Initiative”, and “Andean Counterdrug Pro-
15 grams” may be used for any other program and in any
16 region.

17 (b) PROPERTY DISPOSAL.—The authority provided
18 in subsection (a) shall apply only after the Secretary of
19 State determines and reports to the Committees on Appro-
20 priations that the equipment is no longer required to meet
21 programmatic purposes in the designated country or re-
22 gion: *Provided*, That any such transfer shall be subject
23 to prior consultation with, and the regular notification
24 procedures of, the Committees on Appropriations.

25 (c) AIRCRAFT COORDINATION.—

1 (1) AUTHORITY.—The uses of aircraft pur-
2 chased or leased by the Department of State and the
3 United States Agency for International Development
4 with funds made available in this Act or prior Acts
5 making appropriations for the Department of State,
6 foreign operations, and related programs shall be co-
7 ordinated under the authority of the appropriate
8 Chief of Mission: *Provided*, That such aircraft may
9 be used to transport, on a reimbursable or non-reim-
10 bursable basis, Federal and non-Federal personnel
11 supporting Department of State and USAID pro-
12 grams and activities: *Provided further*, That official
13 travel for other agencies for other purposes may be
14 supported on a reimbursable basis, or without reim-
15 bursement when traveling on a space available basis:
16 *Provided further*, That funds received by the Depart-
17 ment of State in connection with the use of aircraft
18 owned, leased, or chartered by the Department of
19 State may be credited to the Working Capital Fund
20 of the Department and shall be available for ex-
21 penses related to the purchase, lease, maintenance,
22 chartering, or operation of such aircraft.

23 (2) SCOPE.—The requirement and authorities
24 of this subsection shall only apply to aircraft, the

1 primary purpose of which is the transportation of
2 personnel.

3 (d) AIRCRAFT OPERATIONS AND MAINTENANCE.—

4 To the maximum extent practicable, the costs of oper-
5 ations and maintenance, including fuel, of aircraft funded
6 by this Act shall be borne by the recipient country.

7 PARKING FINES AND REAL PROPERTY TAXES OWED BY

8 FOREIGN GOVERNMENTS

9 SEC. 7053. The terms and conditions of section 7055
10 of the Department of State, Foreign Operations, and Re-
11 lated Programs Appropriations Act, 2011 (division F of
12 Public Law 111–117) shall apply to this Act: *Provided*,
13 That the date “September 30, 2009” in subsection
14 (f)(2)(B) of such section shall be deemed to be “Sep-
15 tember 30, 2017”.

16 LANDMINES AND CLUSTER MUNITIONS

17 SEC. 7054. (a) LANDMINES.—Notwithstanding any
18 other provision of law, demining equipment available to
19 the United States Agency for International Development
20 and the Department of State and used in support of the
21 clearance of landmines and unexploded ordnance for hu-
22 manitarian purposes may be disposed of on a grant basis
23 in foreign countries, subject to such terms and conditions
24 as the Secretary of State may prescribe.

1 (b) CLUSTER MUNITIONS.—No military assistance
2 shall be furnished for cluster munitions, no defense export
3 license for cluster munitions may be issued, and no cluster
4 munitions or cluster munitions technology shall be sold or
5 transferred, unless—

6 (1) the submunitions of the cluster munitions,
7 after arming, do not result in more than 1 percent
8 unexploded ordnance across the range of intended
9 operational environments, and the agreement appli-
10 cable to the assistance, transfer, or sale of such clus-
11 ter munitions or cluster munitions technology speci-
12 fies that the cluster munitions will only be used
13 against clearly defined military targets and will not
14 be used where civilians are known to be present or
15 in areas normally inhabited by civilians; or

16 (2) such assistance, license, sale, or transfer is
17 for the purpose of demilitarizing or permanently dis-
18 posing of such cluster munitions.

19 PROHIBITION ON PUBLICITY OR PROPAGANDA

20 SEC. 7055. No part of any appropriation contained
21 in this Act shall be used for publicity or propaganda pur-
22 poses within the United States not authorized before the
23 date of the enactment of this Act by Congress: *Provided,*
24 That not to exceed \$25,000 may be made available to
25 carry out the provisions of section 316 of the International

1 Security and Development Cooperation Act of 1980 (Pub-
2 lic Law 96–533; 22 U.S.C. 2151a note).

3 CONTINUOUS SUPERVISION AND GENERAL DIRECTION OF
4 ECONOMIC AND MILITARY ASSISTANCE

5 SEC. 7056. (a) Under the direction of the President,
6 the Secretary of State shall be responsible for the contin-
7 uous supervision and general direction of economic assist-
8 ance, law enforcement and justice sector assistance, mili-
9 tary assistance, and military education and training pro-
10 grams, including but not limited to determining whether
11 there shall be a military assistance (including civic action)
12 or a military education and training program for a country
13 and the value thereof, to the end that such programs are
14 effectively integrated both at home and abroad and the
15 foreign policy of the United States is best served thereby.

16 (b) Consistent with section 481(b) of the Foreign As-
17 sistance Act of 1961, the Secretary of State shall be re-
18 sponsible for coordinating all assistance provided by the
19 United States Government to support international efforts
20 to combat illicit narcotics production or trafficking: *Pro-*
21 *vided*, That the provision of assistance by the Department
22 of Defense which is comparable to assistance that may be
23 made available by this Act under the heading “Inter-
24 national Narcotics Control and Law Enforcement” shall
25 be provided in a manner consistent with the requirements

1 of section 333(b) of title 10, United States Code, as added
2 by section 1241 of the National Defense Authorization Act
3 for Fiscal Year 2017 (Public Law 114–328).

4 UNITED STATES AGENCY FOR INTERNATIONAL
5 DEVELOPMENT MANAGEMENT

6 SEC. 7057. (a) AUTHORITY.—Up to \$93,000,000 of
7 the funds made available in title III of this Act pursuant
8 to or to carry out the provisions of part I of the Foreign
9 Assistance Act of 1961, including funds appropriated
10 under the heading “Assistance for Europe, Eurasia and
11 Central Asia”, may be used by the United States Agency
12 for International Development to hire and employ individ-
13 uals in the United States and overseas on a limited ap-
14 pointment basis pursuant to the authority of sections 308
15 and 309 of the Foreign Service Act of 1980 (22 U.S.C.
16 3948 and 3949).

17 (b) RESTRICTIONS.—

18 (1) The number of individuals hired in any fis-
19 cal year pursuant to the authority contained in sub-
20 section (a) may not exceed 175.

21 (2) The authority to hire individuals contained
22 in subsection (a) shall expire on September 30,
23 2019.

24 (c) CONDITIONS.—The authority of subsection (a)
25 should only be used to the extent that an equivalent num-

1 ber of positions that are filled by personal services contrac-
2 tors or other non-direct hire employees of USAID, who
3 are compensated with funds appropriated to carry out part
4 I of the Foreign Assistance Act of 1961, including funds
5 appropriated under the heading “Assistance for Europe,
6 Eurasia and Central Asia”, are eliminated.

7 (d) PROGRAM ACCOUNT CHARGED.—The account
8 charged for the cost of an individual hired and employed
9 under the authority of this section shall be the account
10 to which the responsibilities of such individual primarily
11 relate: *Provided*, That funds made available to carry out
12 this section may be transferred to, and merged with, funds
13 appropriated by this Act in title II under the heading “Op-
14 erating Expenses”.

15 (e) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
16 viduals hired and employed by USAID, with funds made
17 available in this Act or prior Acts making appropriations
18 for the Department of State, foreign operations, and re-
19 lated programs, pursuant to the authority of section 309
20 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may
21 be extended for a period of up to 4 years notwithstanding
22 the limitation set forth in such section.

23 (f) DISASTER SURGE CAPACITY.—Funds appro-
24 priated under title III of this Act to carry out part I of
25 the Foreign Assistance Act of 1961, including funds ap-

1 appropriated under the heading “Assistance for Europe,
2 Eurasia and Central Asia”, may be used, in addition to
3 funds otherwise available for such purposes, for the cost
4 (including the support costs) of individuals detailed to or
5 employed by USAID whose primary responsibility is to
6 carry out programs in response to natural disasters, or
7 man-made disasters subject to the regular notification
8 procedures of the Committees on Appropriations.

9 (g) PERSONAL SERVICES CONTRACTORS.—Funds ap-
10 propriated by this Act to carry out chapter 1 of part I,
11 chapter 4 of part II, and section 667 of the Foreign As-
12 sistance Act of 1961, and title II of the Food for Peace
13 Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be
14 used by USAID to employ up to 40 personal services con-
15 tractors in the United States, notwithstanding any other
16 provision of law, for the purpose of providing direct, in-
17 terim support for new or expanded overseas programs and
18 activities managed by the agency until permanent direct
19 hire personnel are hired and trained: *Provided*, That not
20 more than 15 of such contractors shall be assigned to any
21 bureau or office: *Provided further*, That such funds appro-
22 priated to carry out title II of the Food for Peace Act
23 (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made
24 available only for personal services contractors assigned
25 to the Office of Food for Peace.

1 (h) SMALL BUSINESS.—In entering into multiple
2 award indefinite-quantity contracts with funds appro-
3 priated by this Act, USAID may provide an exception to
4 the fair opportunity process for placing task orders under
5 such contracts when the order is placed with any category
6 of small or small disadvantaged business.

7 (i) SENIOR FOREIGN SERVICE LIMITED APPOINT-
8 MENTS.—Individuals hired pursuant to the authority pro-
9 vided by section 7059(o) of the Department of State, For-
10 eign Operations, and Related Programs Appropriations
11 Act, 2011 (division F of Public Law 111–117) may be
12 assigned to or support programs in Afghanistan or Paki-
13 stan with funds made available in this Act and prior Acts
14 making appropriations for the Department of State, for-
15 eign operations, and related programs.

16 GLOBAL HEALTH ACTIVITIES

17 SEC. 7058. (a) IN GENERAL.—Funds appropriated
18 by titles III and IV of this Act that are made available
19 for bilateral assistance for child survival activities or dis-
20 ease programs including activities relating to research on,
21 and the prevention, treatment and control of, HIV/AIDS
22 may be made available notwithstanding any other provi-
23 sion of law except for provisions under the heading “Glob-
24 al Health Programs” and the United States Leadership
25 Against HIV/AIDS, Tuberculosis, and Malaria Act of

1 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
2 ed: *Provided*, That of the funds appropriated under title
3 III of this Act, not less than \$575,000,000 should be made
4 available for family planning/reproductive health, includ-
5 ing in areas where population growth threatens biodiver-
6 sity or endangered species.

7 (b) GLOBAL FUND.—Of the funds appropriated by
8 this Act that are available for a contribution to the Global
9 Fund to Fight AIDS, Tuberculosis and Malaria (Global
10 Fund), 10 percent should be withheld from obligation until
11 the Secretary of State determines and reports to the Com-
12 mittees on Appropriations that the Global Fund is—

13 (1) maintaining and implementing a policy of
14 transparency, including the authority of the Global
15 Fund Office of the Inspector General (OIG) to pub-
16 lish OIG reports on a public Web site;

17 (2) providing sufficient resources to maintain
18 an independent OIG that—

19 (A) reports directly to the Board of the
20 Global Fund;

21 (B) maintains a mandate to conduct thor-
22 ough investigations and programmatic audits,
23 free from undue interference; and

24 (C) compiles regular, publicly published
25 audits and investigations of financial, pro-

1 grammatic, and reporting aspects of the Global
2 Fund, its grantees, recipients, sub-recipients,
3 and Local Fund Agents;

4 (3) effectively implementing and enforcing poli-
5 cies and procedures which reflect best practices for
6 the protection of whistleblowers from retaliation, in-
7 cluding best practices for—

8 (A) protection against retaliation for inter-
9 nal and lawful public disclosures;

10 (B) legal burdens of proof;

11 (C) statutes of limitation for reporting re-
12 taliation;

13 (D) access to independent adjudicative
14 bodies, including external arbitration; and

15 (E) results that eliminate the effects of
16 proven retaliation; and

17 (4) implementing the recommendations con-
18 tained in the Consolidated Transformation Plan ap-
19 proved by the Board of the Global Fund on Novem-
20 ber 21, 2011:

21 *Provided*, That such withholding shall not be in addition
22 to funds that are withheld from the Global Fund in fiscal
23 year 2018 pursuant to the application of any other provi-
24 sion contained in this or any other Act.

1 (c) CONTAGIOUS INFECTIOUS DISEASE OUT-
2 BREAKS.—

3 (1) EXTRAORDINARY MEASURES.—If the Sec-
4 retary of State determines and reports to the Com-
5 mittees on Appropriations that an international in-
6 fectious disease outbreak is sustained, severe, and is
7 spreading internationally, or that it is in the na-
8 tional interest to respond to a Public Health Emer-
9 gency of International Concern, funds appropriated
10 by this Act under the headings “Global Health Pro-
11 grams”, “Development Assistance”, “International
12 Disaster Assistance”, “Complex Crises Fund”,
13 “Economic Support Fund”, “Democracy Fund”,
14 “Assistance for Europe, Eurasia and Central Asia”,
15 “Migration and Refugee Assistance”, and “Millen-
16 nium Challenge Corporation” may be made available
17 to combat such infectious disease or public health
18 emergency, and may be transferred to, and merged
19 with, funds appropriated under such headings for
20 the purposes of this paragraph.

21 (2) CONSULTATION AND NOTIFICATION.—
22 Funds made available by this subsection shall be
23 subject to prior consultation with the appropriate
24 congressional committees, and the regular notifica-

1 tion procedures of the Committees on Appropria-
2 tions.

3 (3) GLOBAL HEALTH SECURITY.—Not later
4 than 180 days after enactment of this Act, a global
5 health security strategy shall be submitted to the ap-
6 propriate congressional committees in the manner
7 described under this section in the explanatory state-
8 ment described in section 4 (in the matter preceding
9 division A of this consolidated Act).

10 (d) REPURPOSED FUNDS.—(1) Of the unobligated
11 balances available under the heading “Bilateral Economic
12 Assistance” in title IX of the Department of State, For-
13 eign Operations, and Related Programs Appropriations
14 Act, 2015 (division J of Public Law 113–235)—

15 (A) \$35,000,000 shall be made available for the
16 Emergency Reserve Fund established pursuant to
17 section 7058(c)(1) of the Department of State, For-
18 eign Operations, and Related Programs Appropria-
19 tions Act, 2017 (division J of Public Law 115–31):
20 *Provided*, That such funds may only be made avail-
21 able if the USAID Administrator determines and re-
22 ports to the Committees on Appropriations that it is
23 in the national interest to respond to an emerging
24 health threat that poses severe threats to human
25 health;

1 (B) \$100,000,000 shall be for programs to ac-
2 celerate the capabilities of targeted countries to pre-
3 vent, detect, and respond to infectious disease out-
4 breaks; and

5 (C) \$10,000,000 shall be made available for
6 support of a multi-partner trust fund or other multi-
7 lateral efforts to assist communities in Haiti affected
8 by cholera resulting from the United Nations Sta-
9 bilization Mission in Haiti: *Provided*, That prior to
10 the obligation of such funds, the Secretary of State
11 shall ensure that mechanisms are in place for moni-
12 toring, oversight, and control of such funds: *Pro-*
13 *vided further*, That such funds shall be subject to
14 prior consultation with, and the regular notification
15 procedures of, the Committees on Appropriations.

16 (2) Funds made available pursuant to this subsection
17 are in addition to funds otherwise made available for such
18 purposes.

19 (3) Funds made available pursuant to this subsection
20 under the headings “Global Health Programs” and
21 “International Disaster Assistance” may be transferred
22 to, and merged with, funds made available under such
23 headings: *Provided*, That such transfer authority is in ad-
24 dition to any other transfer authority provided by law.

1 (1)(A) Of the funds appropriated by titles III
2 and IV of this Act, not less than \$150,000,000 shall
3 be made available to implement a multi-year strat-
4 egy to prevent and respond to gender-based violence
5 in countries where it is common in conflict and non-
6 conflict settings.

7 (B) Funds appropriated by titles III and IV of
8 this Act that are available to train foreign police, ju-
9 dicial, and military personnel, including for inter-
10 national peacekeeping operations, shall address,
11 where appropriate, prevention and response to gen-
12 der-based violence and trafficking in persons, and
13 shall promote the integration of women into the po-
14 lice and other security forces.

15 (2) Department of State and United States
16 Agency for International Development gender pro-
17 grams shall incorporate coordinated efforts to com-
18 bat a variety of forms of gender-based violence, in-
19 cluding child marriage, rape, female genital cutting
20 and mutilation, and domestic violence, among other
21 forms of gender-based violence in conflict and non-
22 conflict settings.

23 (d) WOMEN, PEACE, AND SECURITY.—Funds appro-
24 priated by this Act under the headings “Development As-
25 sistance”, “Economic Support Fund”, “Assistance for Eu-

1 rope, Eurasia and Central Asia”, and “International Nar-
2 cotics Control and Law Enforcement” should be made
3 available to support a multi-year strategy to expand, and
4 improve coordination of, United States Government ef-
5 forts to empower women as equal partners in conflict pre-
6 vention, peace building, transitional processes, and recon-
7 struction efforts in countries affected by conflict or in po-
8 litical transition, and to ensure the equitable provision of
9 relief and recovery assistance to women and girls.

10 (e) WOMEN AND GIRLS AT RISK FROM EXTRE-
11 MISM.—

12 (1) ASSISTANCE.—Of the funds appropriated by
13 this Act under the heading “Economic Support
14 Fund”, not less than \$15,000,000 shall be made
15 available to support women and girls who are at risk
16 from extremism and conflict, and for activities to—

17 (A) empower women and girls to counter
18 extremism;

19 (B) address the needs of women and girls
20 adversely impacted by extremism and conflict;

21 (C) document crimes committed by extrem-
22 ists against women and girls, and support in-
23 vestigations and prosecutions of such crimes, as
24 appropriate;

1 (A) Of the funds appropriated under title
2 III of this Act, not less than \$800,000,000
3 shall be made available for assistance for basic
4 education, and such funds may be made avail-
5 able notwithstanding any other provision of law
6 that restricts assistance to foreign countries:
7 *Provided*, That such funds should be used to
8 implement the objectives of basic education pro-
9 grams for each Country Development Coopera-
10 tion Strategy or similar strategy regarding
11 basic education established by the United
12 States Agency for International Development:
13 *Provided further*, That such funds may also be
14 used for secondary education activities: *Pro-*
15 *vided further*, That the USAID Administrator,
16 following consultation with the Committees on
17 Appropriations, may reprogram such funds be-
18 tween countries.

19 (B) Not later than 30 days after enact-
20 ment of this Act, the USAID Administrator
21 shall report to the Committees on Appropria-
22 tions on the status of cumulative unobligated
23 balances and obligated, but unexpended, bal-
24 ances in each country where USAID provides
25 basic education assistance and such report shall

1 also include details on the types of contracts
2 and grants provided and the goals and objec-
3 tives of such assistance: *Provided*, That the
4 USAID Administrator shall update such report
5 on a quarterly basis until September 30, 2019:
6 *Provided further*, That if the USAID Adminis-
7 trator determines that any unobligated balances
8 of funds specifically designated for assistance
9 for basic education in prior Acts making appro-
10 priations for the Department of State, foreign
11 operations, and related programs are in excess
12 of the absorptive capacity of recipient countries,
13 such funds may be made available for other
14 programs authorized under chapter 1 of part I
15 of the Foreign Assistance Act of 1961, notwith-
16 standing such funding designation: *Provided*
17 *further*, That the authority of the previous pro-
18 viso shall be subject to prior consultation with,
19 and the regular notification procedures of, the
20 Committees on Appropriations.

21 (C) Of the funds appropriated under title
22 III of this Act for assistance for basic education
23 programs, not less than \$87,500,000 shall be
24 made available for a contribution to multilateral
25 partnerships that support education.

1 (2) HIGHER EDUCATION.—Of the funds appro-
2 priated by title III of this Act, not less than
3 \$235,000,000 shall be made available for assistance
4 for higher education: *Provided*, That such funds may
5 be made available notwithstanding any other provi-
6 sion of law that restricts assistance to foreign coun-
7 tries, and shall be subject to the regular notification
8 procedures of the Committees on Appropriations:
9 *Provided further*, That of such amount, not less than
10 \$35,000,000 shall be made available for human and
11 institutional capacity building partnerships between
12 higher education institutions in the United States
13 and developing countries, of which not less than
14 \$15,000,000 shall be for new partnerships which
15 should be competed and awarded not later than one
16 year after enactment of this Act: *Provided further*,
17 That not later than 45 days after enactment of this
18 Act, the USAID Administrator shall consult with
19 the Committees on Appropriations on the proposed
20 uses of funds for such partnerships.

21 (b) DEVELOPMENT PROGRAMS.—Of the funds appro-
22 priated by this Act under the heading “Development As-
23 sistance”, not less than \$28,000,000 shall be made avail-
24 able for the American Schools and Hospitals Abroad pro-

1 gram, and not less than \$12,000,000 shall be made avail-
2 able for cooperative development programs of USAID.

3 (c) ENVIRONMENT PROGRAMS.—

4 (1) AUTHORITY AND NOTIFICATION.—

5 (A) Funds appropriated by this Act to
6 carry out the provisions of sections 103 through
7 106, and chapter 4 of part II, of the Foreign
8 Assistance Act of 1961 may be used, notwith-
9 standing any other provision of law, except for
10 the provisions of this subsection, to support en-
11 vironment programs.

12 (B) Funds made available pursuant to this
13 subsection shall be subject to the regular notifi-
14 cation procedures of the Committees on Appro-
15 priations.

16 (C) None of the funds in this Act are ap-
17 propriated or otherwise made available for a
18 contribution, grant, or any other payment for
19 the Green Climate Fund.

20 (2) CONSERVATION PROGRAMS AND LIMITA-
21 TIONS.—

22 (A) Of the funds appropriated under title
23 III of this Act, not less than \$269,000,000
24 shall be made available for biodiversity con-
25 servation programs.

1 (B) Not less than \$90,664,000 of the
2 funds appropriated under titles III and IV of
3 this Act shall be made available to combat the
4 transnational threat of wildlife poaching and
5 trafficking.

6 (C) None of the funds appropriated under
7 title IV of this Act may be made available for
8 training or other assistance for any military
9 unit or personnel that the Secretary of State
10 determines has been credibly alleged to have
11 participated in wildlife poaching or trafficking,
12 unless the Secretary reports to the appropriate
13 congressional committees that to do so is in the
14 national security interest of the United States.

15 (D) Funds appropriated by this Act for
16 biodiversity programs shall not be used to sup-
17 port the expansion of industrial scale logging or
18 any other industrial scale extractive activity
19 into areas that were primary/intact tropical for-
20 ests as of December 30, 2013, and the Sec-
21 retary of the Treasury shall instruct the United
22 States executive directors of each international
23 financial institutions (IFI) to vote against any
24 financing of any such activity.

1 (3) LARGE DAMS.—The Secretary of the Treas-
2 ury shall instruct the United States executive direc-
3 tor of each IFI that it is the policy of the United
4 States to vote in relation to any loan, grant, strat-
5 egy, or policy of such institution to support the con-
6 struction of any large dam consistent with the cri-
7 teria set forth in Senate Report 114–79, while also
8 considering whether the project involves important
9 foreign policy objectives.

10 (4) SUSTAINABLE LANDSCAPES.—Of the funds
11 appropriated under title III of this Act, not less than
12 \$123,500,000 shall be made available for sustainable
13 landscapes programs.

14 (d) FOOD SECURITY AND AGRICULTURAL DEVELOP-
15 MENT.—Of the funds appropriated by title III of this Act,
16 not less than \$1,000,600,000 shall be made available for
17 food security and agricultural development programs to
18 carry out the purposes of the Global Food Security Act
19 of 2016 (Public Law 114–195), of which not less than
20 \$315,960,000 shall be made available for the Bureau for
21 Food Security, USAID, including not less than
22 \$55,000,000 for the Feed the Future Innovation Labs:
23 *Provided*, That funds may be made available for a con-
24 tribution as authorized by section 3202 of the Food, Con-
25 servation, and Energy Act of 2008 (Public Law 110–246),

1 as amended by section 3206 of the Agricultural Act of
2 2014 (Public Law 113–79).

3 (e) MICROENTERPRISE AND MICROFINANCE.—Of the
4 funds appropriated by this Act, not less than
5 \$265,000,000 shall be made available for microenterprise
6 and microfinance development programs for the poor, es-
7 pecially women.

8 (f) PROGRAMS TO COMBAT TRAFFICKING IN PER-
9 SONS.—Of the funds appropriated by this Act under the
10 headings “Development Assistance”, “Economic Support
11 Fund”, “Assistance for Europe, Eurasia and Central
12 Asia”, and “International Narcotics Control and Law En-
13 forcement”, not less than \$65,000,000 shall be made
14 available for activities to combat trafficking in persons
15 internationally, of which not less than \$40,000,000 shall
16 be from funds made available under the heading “Inter-
17 national Narcotics Control and Law Enforcement”: *Pro-*
18 *vided*, That funds appropriated by this Act that are made
19 available for programs to end modern slavery shall be in
20 addition to funds made available by this subsection to
21 combat trafficking in persons.

22 (g) RECONCILIATION PROGRAMS.—Of the funds ap-
23 propriated by this Act under the headings “Economic
24 Support Fund” and “Development Assistance”, not less
25 than \$30,000,000 shall be made available to support peo-

1 ple-to-people reconciliation programs which bring together
2 individuals of different ethnic, religious, and political
3 backgrounds from areas of civil strife and war: *Provided*,
4 That the USAID Administrator shall consult with the
5 Committees on Appropriations, prior to the initial obliga-
6 tion of funds, on the uses of such funds, and such funds
7 shall be subject to the regular notification procedures of
8 the Committees on Appropriations: *Provided further*, That
9 to the maximum extent practicable, such funds shall be
10 matched by sources other than the United States Govern-
11 ment: *Provided further*, That such funds shall be adminis-
12 tered by the Office of Conflict Management and Mitiga-
13 tion, USAID.

14 (h) WATER AND SANITATION.—Of the funds appro-
15 priated by this Act, not less than \$400,000,000 shall be
16 made available for water supply and sanitation projects
17 pursuant to the Senator Paul Simon Water for the Poor
18 Act of 2005 (Public Law 109–121), of which not less than
19 \$145,000,000 shall be for programs in sub-Saharan Afri-
20 ca, and of which not less than \$15,000,000 shall be made
21 available to support initiatives by local communities in de-
22 veloping countries to build and maintain safe latrines.

23 OVERSEAS PRIVATE INVESTMENT CORPORATION

24 SEC. 7061. (a) TRANSFER OF FUNDS.—Whenever
25 the President determines that it is in furtherance of the

1 purposes of the Foreign Assistance Act of 1961, up to a
2 total of \$20,000,000 of the funds appropriated under title
3 III of this Act may be transferred to, and merged with,
4 funds appropriated by this Act for the Overseas Private
5 Investment Corporation Program Account, to be subject
6 to the terms and conditions of that account: *Provided*,
7 That such funds shall not be available for administrative
8 expenses of the Overseas Private Investment Corporation:
9 *Provided further*, That designated funding levels in this
10 Act shall not be transferred pursuant to this section: *Pro-*
11 *vided further*, That the exercise of such authority shall be
12 subject to the regular notification procedures of the Com-
13 mittees on Appropriations.

14 (b) AUTHORITY.—Notwithstanding section 235(a)(2)
15 of the Foreign Assistance Act of 1961, the authority of
16 subsections (a) through (c) of section 234 of such Act
17 shall remain in effect until September 30, 2018.

18 ARMS TRADE TREATY

19 SEC. 7062. None of the funds appropriated by this
20 Act may be obligated or expended to implement the Arms
21 Trade Treaty until the Senate approves a resolution of
22 ratification for the Treaty.

23 INSPECTORS GENERAL

24 SEC. 7063. (a) PROHIBITION ON USE OF FUNDS.—
25 None of the funds appropriated by this Act may be used

1 to deny an Inspector General funded under this Act timely
2 access to any records, documents, or other materials avail-
3 able to the department or agency of the United States
4 Government over which such Inspector General has re-
5 sponsibilities under the Inspector General Act of 1978 (5
6 U.S.C. App.), or to prevent or impede the access of such
7 Inspector General to such records, documents, or other
8 materials, under any provision of law, except a provision
9 of law that expressly refers to such Inspector General and
10 expressly limits the right of access of such Inspector Gen-
11 eral.

12 (b) **TIMELY ACCESS.**—A department or agency of the
13 United States Government covered by this section shall
14 provide its Inspector General access to all records, docu-
15 ments, and other materials in a timely manner.

16 (c) **COMPLIANCE.**—Each Inspector General covered
17 by this section shall ensure compliance with statutory limi-
18 tations on disclosure relevant to the information provided
19 by the department or agency over which that Inspector
20 General has responsibilities under the Inspector General
21 Act of 1978 (5 U.S.C. App.).

22 (d) **REPORT.**—Each Inspector General covered by
23 this section shall report to the Committees on Appropria-
24 tions within 5 calendar days of any failure by any depart-
25 ment or agency of the United States Government to pro-

1 vide its Inspector General access to all requested records,
2 documents, and other materials.

3 REPORTING REQUIREMENTS CONCERNING INDIVIDUALS

4 DETAINED AT NAVAL STATION, GUANTÁNAMO BAY, CUBA

5 SEC. 7064. Not later than 5 days after the conclusion
6 of an agreement with a country, including a state with
7 a compact of free association with the United States, to
8 receive by transfer or release individuals detained at
9 United States Naval Station, Guantánamo Bay, Cuba, the
10 Secretary of State shall notify the Committees on Appro-
11 priations in writing of the terms of the agreement, includ-
12 ing whether funds appropriated by this Act or prior Acts
13 making appropriations for the Department of State, for-
14 eign operations, and related programs will be made avail-
15 able for assistance for such country pursuant to such
16 agreement.

17 MULTI-YEAR PLEDGES

18 SEC. 7065. None of the funds appropriated by this
19 Act may be used to make any pledge for future year fund-
20 ing for any multilateral or bilateral program funded in ti-
21 tles III through VI of this Act unless such pledge was—

22 (1) previously justified, including the projected
23 future year costs, in a congressional budget justifica-
24 tion;

1 Assistance”) for the central government of a country
2 which has notified the Department of State of its refusal
3 to extradite to the United States any individual indicted
4 for a criminal offense for which the maximum penalty is
5 life imprisonment without the possibility of parole or for
6 killing a law enforcement officer, as specified in a United
7 States extradition request.

8 (b) CLARIFICATION.—Subsection (a) shall only apply
9 to the central government of a country with which the
10 United States maintains diplomatic relations and with
11 which the United States has an extradition treaty and the
12 government of that country is in violation of the terms
13 and conditions of the treaty.

14 (c) WAIVER.—The Secretary of State may waive the
15 restriction in subsection (a) on a case-by-case basis if the
16 Secretary certifies to the Committees on Appropriations
17 that such waiver is important to the national interest of
18 the United States.

19 COMMERCIAL LEASING OF DEFENSE ARTICLES

20 SEC. 7068. Notwithstanding any other provision of
21 law, and subject to the regular notification procedures of
22 the Committees on Appropriations, the authority of sec-
23 tion 23(a) of the Arms Export Control Act may be used
24 to provide financing to Israel, Egypt, and the North Atlan-
25 tic Treaty Organization (NATO), and major non-NATO

1 allies for the procurement by leasing (including leasing
2 with an option to purchase) of defense articles from
3 United States commercial suppliers, not including Major
4 Defense Equipment (other than helicopters and other
5 types of aircraft having possible civilian application), if the
6 President determines that there are compelling foreign
7 policy or national security reasons for those defense arti-
8 cles being provided by commercial lease rather than by
9 government-to-government sale under such Act.

10 JOINT STRATEGIC PLAN, BUDGET, AND TRANSITIONS

11 SEC. 7069. (a) JOINT STRATEGIC PLAN AND BUDG-
12 ET.—Not later than 180 days after enactment of this Act,
13 the Secretary of State and the Administrator of the
14 United States Agency for International Development shall
15 jointly submit to the Committees on Appropriations a five
16 year budget estimate that details by each fiscal year the
17 funds necessary to implement, by agency, each of the four
18 goals identified in the “Joint Strategic Plan for the De-
19 partment of State and the United States Agency for Inter-
20 national Development, FY 2018–2022” (Joint Strategic
21 Plan), required by section 306 of title 5, United States
22 Code, and published on February 12, 2018: *Provided*,
23 That the Secretary and the Administrator shall inform the
24 appropriate congressional committees not later than Sep-

1 tember 30, 2018 of any changes to the Joint Strategic
2 Plan.

3 (b) STRATEGIC TRANSITIONS.—

4 (1) The USAID Administrator shall regularly
5 consult with the appropriate congressional commit-
6 tees and development stakeholders on efforts to
7 transition nations from assistance recipients to en-
8 during diplomatic, economic, and security partners:
9 *Provided*, That such consultations shall include the
10 guiding principles and metrics being developed to
11 support such efforts, and any other matters related
12 to the implementation plan required in paragraph
13 (2).

14 (2) Not later than 180 days after enactment of
15 this Act, the USAID Administrator shall submit to
16 the appropriate congressional committees an imple-
17 mentation plan on country transitions from assist-
18 ance that includes—

19 (A) the conditions and related benchmarks
20 under which countries may transition from as-
21 sistance provided by this Act and subsequent
22 Acts making appropriations for the Department
23 of State, foreign operations, and related pro-
24 grams;

1 (B) the actions required by USAID to fa-
2 cilitate or support country efforts toward such
3 transition, including consultation with civil soci-
4 ety, other donors, multilateral organizations,
5 and implementing partners;

6 (C) a description of the costs and number
7 of personnel associated with strategic transi-
8 tions, including investments to increase public
9 and private domestic resource mobilization; and

10 (D) the plans to ensure post-transition de-
11 velopment progress.

12 COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

13 SEC. 7070. (a) LIMITATION.—None of the funds ap-
14 propriated by this Act may be made available for assist-
15 ance for the central Government of the Russian Federa-
16 tion.

17 (b) ANNEXATION OF CRIMEA.—

18 (1) None of the funds appropriated by this Act
19 may be made available for assistance for the central
20 government of a country that the Secretary of State
21 determines and reports to the Committees on Appro-
22 priations has taken affirmative steps intended to
23 support or be supportive of the Russian Federation
24 annexation of Crimea or other territory in Ukraine:
25 *Provided*, That except as otherwise provided in sub-

1 section (a), the Secretary may waive the restriction
2 on assistance required by this paragraph if the Sec-
3 retary determines and reports to such Committees
4 that to do so is in the national interest of the United
5 States, and includes a justification for such interest.

6 (2) None of the funds appropriated by this Act
7 may be made available for—

8 (A) the implementation of any action or
9 policy that recognizes the sovereignty of the
10 Russian Federation over Crimea or other terri-
11 tory in Ukraine;

12 (B) the facilitation, financing, or guarantee
13 of United States Government investments in
14 Crimea or other territory in Ukraine under the
15 control of Russian-backed separatists, if such
16 activity includes the participation of Russian
17 Government officials, or other Russian owned
18 or controlled financial entities; or

19 (C) assistance for Crimea or other terri-
20 tory in Ukraine under the control of Russian-
21 backed separatists, if such assistance includes
22 the participation of Russian Government offi-
23 cials, or other Russian owned or controlled fi-
24 nancial entities.

1 (3) The Secretary of the Treasury shall instruct
2 the United States executive directors of each inter-
3 national financial institution to vote against any as-
4 sistance by such institution (including any loan,
5 credit, or guarantee) for any program that violates
6 the sovereignty or territorial integrity of Ukraine.

7 (4) The requirements and limitations of this
8 subsection shall cease to be in effect if the Secretary
9 of State determines and reports to the Committees
10 on Appropriations that the Government of Ukraine
11 has reestablished sovereignty over Crimea and other
12 territory in Ukraine under the control of Russian-
13 backed separatists.

14 (c) OCCUPATION OF THE GEORGIAN TERRITORIES OF
15 ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

16 (1) None of the funds appropriated by this Act
17 may be made available for assistance for the central
18 government of a country that the Secretary of State
19 determines and reports to the Committees on Appro-
20 priations has recognized the independence of, or has
21 established diplomatic relations with, the Russian oc-
22 cupied Georgian territories of Abkhazia and
23 Tskhinvali Region/South Ossetia: *Provided*, That the
24 Secretary shall publish on the Department of State
25 Web site a list of any such central governments in

1 a timely manner: *Provided further*, That the Sec-
2 retary may waive the restriction on assistance re-
3 quired by this paragraph if the Secretary determines
4 and reports to the Committees on Appropriations
5 that to do so is in the national interest of the United
6 States, and includes a justification for such interest.

7 (2) None of the funds appropriated by this Act
8 may be made available to support the Russian occu-
9 pation of the Georgian territories of Abkhazia and
10 Tskhinvali Region/South Ossetia.

11 (3) The Secretary of the Treasury shall instruct
12 the United States executive directors of each inter-
13 national financial institution to vote against any as-
14 sistance by such institution (including any loan,
15 credit, or guarantee) for any program that violates
16 the sovereignty and territorial integrity of Georgia.

17 (d) ASSISTANCE TO COUNTER INFLUENCE AND AG-
18 GRESSION.—

19 (1) Of the funds appropriated by this Act under
20 the headings “Assistance for Europe, Eurasia and
21 Central Asia”, “International Narcotics Control and
22 Law Enforcement”, “International Military Edu-
23 cation and Training”, and “Foreign Military Fi-
24 nancing Program”, not less than \$250,000,000 shall
25 be made available to carry out the purposes of the

1 Countering Russian Influence Fund, as authorized
2 by section 254 of the Countering Russian Influence
3 in Europe and Eurasia Act of 2017 (Public Law
4 115–44; 22 U.S.C. 9543), and programs to enhance
5 the capacity of law enforcement and security forces
6 in countries in Europe and Eurasia and strengthen
7 security cooperation between such countries and the
8 United States and the North Atlantic Treaty Orga-
9 nization, as appropriate.

10 (2) Funds appropriated by this Act and made
11 available for assistance for the Eastern Partnership
12 countries shall be made available to advance the im-
13 plementation of Association Agreements and trade
14 agreements with the European Union, and to reduce
15 their vulnerability to external economic and political
16 pressure from the Russian Federation.

17 (e) DEMOCRACY PROGRAMS.—Funds appropriated by
18 this Act shall be made available to support democracy pro-
19 grams in the Russian Federation, including to promote
20 Internet freedom, and shall also be made available to sup-
21 port the democracy and rule of law strategy required by
22 section 7071(d) of the Department of State, Foreign Op-
23 erations, and Related Programs Appropriations Act, 2014
24 (division K of Public Law 113–76).

1 INTERNATIONAL MONETARY FUND

2 SEC. 7071. (a) EXTENSIONS.—The terms and condi-
3 tions of sections 7086(b) (1) and (2) and 7090(a) of the
4 Department of State, Foreign Operations, and Related
5 Programs Appropriations Act, 2010 (division F of Public
6 Law 111–117) shall apply to this Act.

7 (b) REPAYMENT.—The Secretary of the Treasury
8 shall instruct the United States Executive Director of the
9 International Monetary Fund (IMF) to seek to ensure
10 that any loan will be repaid to the IMF before other pri-
11 vate creditors.

12 SPECIAL DEFENSE ACQUISITION FUND

13 SEC. 7072. Not to exceed \$900,000,000 may be obli-
14 gated pursuant to section 51(c)(2) of the Arms Export
15 Control Act for the purposes of the Special Defense Acqui-
16 sition Fund (the Fund), to remain available for obligation
17 until September 30, 2020: *Provided*, That the provision
18 of defense articles and defense services to foreign coun-
19 tries or international organizations from the Fund shall
20 be subject to the concurrence of the Secretary of State.

21 STABILITY AND DEVELOPMENT IN REGIONS IMPACTED BY

22 EXTREMISM AND CONFLICT

23 SEC. 7073. (a) COUNTERING FOREIGN FIGHTERS
24 AND EXTREMIST ORGANIZATIONS.—Funds appropriated
25 under titles III and IV of this Act shall be made available

1 for programs and activities to counter and defeat violent
2 extremism and foreign fighters abroad, consistent with the
3 strategy required by section 7073(a)(1) of the Department
4 of State, Foreign Operations, and Related Programs Ap-
5 propriations Act, 2017 (division J of Public Law 115–31):
6 *Provided*, That the Secretary of State shall ensure such
7 programs are coordinated with and complement the efforts
8 of other United States Government agencies and inter-
9 national partners, and that information gained through
10 the conduct of such programs is shared in a timely manner
11 with relevant departments and agencies of the United
12 States Government, other international partners, and the
13 appropriate congressional committees, as appropriate.

14 (b) COUNTRIES IMPACTED BY SIGNIFICANT REF-
15 UGEE POPULATIONS OR INTERNALLY DISPLACED PER-
16 SONS.—

17 (1) USES OF FUNDS.—Funds appropriated by
18 this Act under the headings “Development Assist-
19 ance” and “Economic Support Fund” shall be made
20 available for programs in countries affected by sig-
21 nificant populations of internally displaced persons
22 or refugees to—

23 (A) expand and improve host government
24 social services and basic infrastructure to ac-

1 commodate the needs of such populations and
2 persons;

3 (B) alleviate the social and economic
4 strains placed on host communities, including
5 through programs to promote livelihoods, voca-
6 tional training, and formal and informal edu-
7 cation;

8 (C) improve coordination of such assist-
9 ance in a more effective and sustainable man-
10 ner; and

11 (D) leverage increased assistance from do-
12 nors other than the United States Government
13 for central governments and local communities
14 in such countries:

15 *Provided*, That the Secretary of State shall periodi-
16 cally inform the appropriate congressional commit-
17 tees of the amounts and specific uses of funds made
18 available for the purposes of this subsection.

19 (2) CONCESSIONAL FINANCE FACILITY.—Funds
20 appropriated under title III of this Act under the
21 heading “Economic Support Fund” may be made
22 available for the Concessional Finance Facility of
23 the World Bank to provide financing to support ref-
24 ugees and host communities: *Provided*, That such
25 funds shall be in addition to funds made available

1 for bilateral assistance in the report required by sec-
2 tion 653(a) of the Foreign Assistance Act of 1961,
3 and may only be made available subject to prior con-
4 sultation with the Committees on Appropriations.

5 (c) FRAGILE STATES AND EXTREMISM.—Funds ap-
6 propriated by this Act shall be made available for the pur-
7 poses of section 7080 of the Department of State, Foreign
8 Operations, and Related Programs Appropriations Act,
9 2017 (division J of Public Law 115–31), subject to the
10 regular notification procedures of the Committees on Ap-
11 propriations.

12 ENTERPRISE FUNDS

13 SEC. 7074. (a) NOTIFICATION.—None of the funds
14 made available under titles III through VI of this Act may
15 be made available for Enterprise Funds unless the appro-
16 priate congressional committees are notified at least 15
17 days in advance.

18 (b) DISTRIBUTION OF ASSETS PLAN.—Prior to the
19 distribution of any assets resulting from any liquidation,
20 dissolution, or winding up of an Enterprise Fund, in whole
21 or in part, the President shall submit to the appropriate
22 congressional committees a plan for the distribution of the
23 assets of the Enterprise Fund.

24 (c) TRANSITION OR OPERATING PLAN.—Prior to a
25 transition to and operation of any private equity fund or

1 other parallel investment fund under an existing Enter-
2 prise Fund, the President shall submit such transition or
3 operating plan to the appropriate congressional commit-
4 tees.

5 USE OF FUNDS IN CONTRAVENTION OF THIS ACT

6 SEC. 7075. If the President makes a determination
7 not to comply with any provision of this Act on constitu-
8 tional grounds, the head of the relevant Federal agency
9 shall notify the Committees on Appropriations in writing
10 within 5 days of such determination, the basis for such
11 determination and any resulting changes to program and
12 policy.

13 BUDGET DOCUMENTS

14 SEC. 7076. (a) OPERATING AND REORGANIZATION
15 PLANS.—Not later than 45 days after the date of enact-
16 ment of this Act, each department, agency, or organization
17 funded in titles I, II, and VI of this Act, and the Depart-
18 ment of the Treasury and Independent Agencies funded
19 in title III of this Act, including the Inter-American Foun-
20 dation and the United States African Development Foun-
21 dation, shall submit to the Committees on Appropriations
22 an operating plan for funds appropriated to such depart-
23 ment, agency, or organization in such titles of this Act,
24 or funds otherwise available for obligation in fiscal year
25 2018, that provides details of the uses of such funds at

1 the program, project, and activity level: *Provided*, That
2 such plans shall include, as applicable, a comparison be-
3 tween the congressional budget justification funding levels,
4 the most recent congressional directives or approved fund-
5 ing levels, and the funding levels proposed by the depart-
6 ment or agency; and a clear, concise, and informative de-
7 scription/justification: *Provided further*, That if such de-
8 partment, agency, or organization receives an additional
9 amount under the same heading in title VIII of this Act,
10 operating plans required by this subsection shall include
11 consolidated information on all such funds: *Provided fur-*
12 *ther*, That operating plans that include changes in levels
13 of funding for programs, projects, and activities specified
14 in the congressional budget justification, in this Act, or
15 amounts specifically designated in the respective tables in-
16 cluded in the explanatory statement described in section
17 4 (in the matter preceding division A of this consolidated
18 Act), as applicable, shall be subject to the notification and
19 reprogramming requirements of section 7015 of this Act.

20 (b) SPEND PLANS.—

21 (1) Prior to the initial obligation of funds, the
22 Secretary of State or Administrator of the United
23 States Agency for International Development, as ap-
24 propriate, shall submit to the Committees on Appro-

1 priations a spend plan for funds made available by
2 this Act, for—

3 (A) assistance for Afghanistan, Iraq, Leb-
4 anon, Pakistan, and the West Bank and Gaza;

5 (B) assistance made available pursuant to
6 section 7070(d) of this Act to counter Russian
7 influence and aggression, except that such plan
8 shall be on a country-by-country basis;

9 (C) Power Africa and the regional security
10 initiatives listed under this section in Senate
11 Report 115–152: *Provided*, That the spend plan
12 for such initiatives shall include the amount of
13 assistance planned for each country by account,
14 to the maximum extent practicable; and

15 (D) democracy programs, programs to sup-
16 port section 7073(a) of this Act, and sectors
17 enumerated in subsections (a), (c), (d), (e), (f),
18 and (h) of section 7060 of this Act.

19 (2) Not later than 45 days after enactment of
20 this Act, the Secretary of the Treasury shall submit
21 to the Committees on Appropriations a detailed
22 spend plan for funds made available by this Act
23 under the heading “Department of the Treasury,
24 International Affairs Technical Assistance” in title
25 III.

1 (3) Notwithstanding paragraph (1), up to 10
2 percent of the funds contained in a spend plan re-
3 quired by this subsection may be obligated prior to
4 the submission of such spend plan if the Secretary
5 of State or the USAID Administrator, as appro-
6 priate, determines that the obligation of such funds
7 is necessary to avoid significant programmatic dis-
8 ruption: *Provided*, That not less than seven days
9 prior to such obligation, the Secretary or Adminis-
10 trator, as appropriate, shall consult with the Com-
11 mittees on Appropriations on the justification for
12 such obligation and the proposed uses of such funds.

13 (c) SPENDING REPORT.—Not later than 45 days
14 after enactment of this Act, the USAID Administrator
15 shall submit to the Committees on Appropriations a de-
16 tailed report on spending of funds made available during
17 fiscal year 2017 under the heading “Development Credit
18 Authority”.

19 (d) CLARIFICATION.—The spend plans referenced in
20 subsection (b) shall not be considered as meeting the noti-
21 fication requirements in this Act or under section 634A
22 of the Foreign Assistance Act of 1961.

23 (e) CONGRESSIONAL BUDGET JUSTIFICATION.—

24 (1) The congressional budget justification for
25 Department of State operations and foreign oper-

1 ations shall be provided to the Committees on Ap-
2 propriations concurrent with the date of submission
3 of the President’s budget for fiscal year 2019: *Pro-*
4 *vided*, That the appendices for such justification
5 shall be provided to the Committees on Appropria-
6 tions not later than 10 calendar days thereafter.

7 (2) The Secretary of State and the USAID Ad-
8 ministrator shall include in the congressional budget
9 justification a detailed justification for multi-year
10 availability for any funds requested under the head-
11 ings “Diplomatic and Consular Programs” and “Op-
12 erating Expenses”.

13 REPORTS AND RECORDS MANAGEMENT

14 SEC. 7077. (a) PUBLIC POSTING OF REPORTS.—

15 (1) REQUIREMENT.—Any agency receiving
16 funds made available by this Act shall, subject to
17 paragraphs (2) and (3), post on the publicly avail-
18 able Web site of such agency any report required by
19 this Act to be submitted to the Committees on Ap-
20 propriations, upon a determination by the head of
21 such agency that to do so is in the national interest.

22 (2) EXCEPTIONS.—Paragraph (1) shall not
23 apply to a report if—

1 (A) the public posting of such report would
2 compromise national security, including the
3 conduct of diplomacy; or

4 (B) the report contains proprietary, privi-
5 leged, or sensitive information.

6 (3) TIMING AND INTENTION.—The head of the
7 agency posting such report shall, unless otherwise
8 provided for in this Act, do so only after such report
9 has been made available to the Committees on Ap-
10 propriations for not less than 45 days: *Provided*,
11 That any report required by this Act to be submitted
12 to the Committees on Appropriations shall include
13 information from the submitting agency on whether
14 such report will be publicly posted.

15 (b) REQUESTS FOR DOCUMENTS.—None of the funds
16 appropriated or made available pursuant to titles III
17 through VI of this Act shall be available to a nongovern-
18 mental organization, including any contractor, which fails
19 to provide upon timely request any document, file, or
20 record necessary to the auditing requirements of the De-
21 partment of State and the United States Agency for Inter-
22 national Development.

23 (c) RECORDS MANAGEMENT.—

24 (1) LIMITATION.—None of the funds appro-
25 priated by this Act under the headings “Diplomatic

1 and Consular Programs” and “Capital Investment
2 Fund” in title I, and “Operating Expenses” and
3 “Capital Investment Fund” in title II that are made
4 available to the Department of State and USAID
5 may be made available to support the use or estab-
6 lishment of email accounts or email servers created
7 outside the .gov domain or not fitted for automated
8 records management as part of a Federal govern-
9 ment records management program in contravention
10 of the Presidential and Federal Records Act Amend-
11 ments of 2014 (Public Law 113–187).

12 (2) DIRECTIVES.—The Secretary of State and
13 USAID Administrator shall—

14 (A) update the policies, directives, and
15 oversight necessary to comply with Federal
16 statutes, regulations, and presidential executive
17 orders and memoranda concerning the preserva-
18 tion of all records made or received in the con-
19 duct of official business, including record
20 emails, instant messaging, and other online
21 tools;

22 (B) use funds appropriated by this Act
23 under the headings “Diplomatic and Consular
24 Programs” and “Capital Investment Fund” in
25 title I, and “Operating Expenses” and “Capital

1 Investment Fund” in title II, as appropriate, to
2 improve Federal records management pursuant
3 to the Federal Records Act (44 U.S.C. Chap-
4 ters 21, 29, 31, and 33) and other applicable
5 Federal records management statutes, regula-
6 tions, or policies for the Department of State
7 and USAID;

8 (C) direct departing employees that all
9 Federal records generated by such employees,
10 including senior officials, belong to the Federal
11 Government; and

12 (D) significantly improve the response time
13 for identifying and retrieving Federal records,
14 including requests made pursuant to section
15 552 of title 5, United States Code (commonly
16 known as the “Freedom of Information Act”).

17 (3) REPORT.—Not later than 45 days after en-
18 actment of this Act, the Secretary of State and
19 USAID Administrator shall each submit a report to
20 the Committees on Appropriations and to the Na-
21 tional Archives and Records Administration detail-
22 ing, as appropriate and where applicable—

23 (A) any updates or modifications made to
24 the policy of each agency regarding the use or
25 the establishment of email accounts or email

1 servers created outside the .gov domain or not
2 fitted for automated records management as
3 part of a Federal government records manage-
4 ment program since the submission to the Com-
5 mittees on Appropriations of the report re-
6 quired by section 7077(c)(3) of the Department
7 of State, Foreign Operations, and Related Pro-
8 grams Appropriations Act, 2017 (division J of
9 Public Law 115–31);

10 (B) the extent to which each agency is in
11 compliance with applicable Federal records
12 management statutes, regulations, and policies,
13 including meeting Directive goal 1.2 of the
14 Managing Government Records Directive (M-
15 12–18) by December 31, 2017; and

16 (C) any steps taken since the submission
17 of the report referenced in subparagraph (A)
18 to—

19 (i) comply with paragraph (1)(B) of
20 this subsection;

21 (ii) ensure that all employees at every
22 level have been instructed in procedures
23 and processes to ensure that the docu-
24 mentation of their official duties is cap-
25 tured, preserved, managed, protected, and

1 accessible in official Government systems
2 of the Department of State and USAID;

3 (iii) implement recommendation 1
4 made by the Office of Inspector General
5 (OIG), Department of State, in the Janu-
6 ary 2016 Evaluation of the Department of
7 State’s FOIA Process for Requests Involv-
8 ing the Office of the Secretary (ESP-16-
9 01);

10 (iv) reduce the backlog of Freedom of
11 Information Act (FOIA) and Congressional
12 oversight requests, and measurably im-
13 prove the response time for answering such
14 requests; and

15 (v) strengthen cyber security meas-
16 ures to mitigate vulnerabilities, including
17 those resulting from the use of personal
18 email accounts or servers outside the .gov
19 domain, improve the process to identify
20 and remove inactive user accounts, update
21 and enforce guidance related to the control
22 of national security information, and im-
23 plement the recommendations of the cor-
24 responding reports of the OIG as detailed
25 under this section in House Report 115–

1 253 and contained in other relevant re-
2 ports issued by the OIG.

3 (4) OPERATING PLANS.—The operating plans
4 required by section 7076(a) of this Act for funds ap-
5 propriated under the headings listed in paragraph
6 (1) shall include funds planned for—

7 (A) implementing the recommendations of
8 the OIG reports referenced in clauses (iii) and
9 (v); and

10 (B) measurably reducing the FOIA and
11 Congressional oversight requests backlog.

12 GLOBAL INTERNET FREEDOM

13 SEC. 7078. (a) FUNDING.—Of the funds available for
14 obligation during fiscal year 2018 under the headings
15 “International Broadcasting Operations”, “Economic
16 Support Fund”, “Democracy Fund”, and “Assistance for
17 Europe, Eurasia and Central Asia”, not less than
18 \$55,500,000 shall be made available for programs to pro-
19 mote Internet freedom globally: *Provided*, That such pro-
20 grams shall be prioritized for countries whose governments
21 restrict freedom of expression on the Internet, and that
22 are important to the national interest of the United
23 States: *Provided further*, That funds made available pursu-
24 ant to this section shall be matched, to the maximum ex-

1 tent practicable, by sources other than the United States
2 Government, including from the private sector.

3 (b) REQUIREMENTS.—

4 (1) Funds appropriated by this Act under the
5 headings “Economic Support Fund”, “Democracy
6 Fund”, and “Assistance for Europe, Eurasia and
7 Central Asia” that are made available pursuant to
8 subsection (a) shall be—

9 (A) coordinated with other democracy pro-
10 grams funded by this Act under such headings,
11 and shall be incorporated into country assist-
12 ance and democracy promotion strategies, as
13 appropriate;

14 (B) for programs to implement the May
15 2011, International Strategy for Cyberspace;
16 the Department of State International Cyber-
17 space Policy Strategy required by section 402
18 of the Cybersecurity Act of 2015 (division N of
19 Public Law 114–113); and the comprehensive
20 strategy to promote Internet freedom and ac-
21 cess to information in Iran, as required by sec-
22 tion 414 of the Iran Threat Reduction and
23 Syria Human Rights Act of 2012 (22 U.S.C.
24 8754);

1 (C) made available for programs that sup-
2 port the efforts of civil society to counter the
3 development of repressive Internet-related laws
4 and regulations, including countering threats to
5 Internet freedom at international organizations;
6 to combat violence against bloggers and other
7 users; and to enhance digital security training
8 and capacity building for democracy activists;

9 (D) made available for research of key
10 threats to Internet freedom; the continued de-
11 velopment of technologies that provide or en-
12 hance access to the Internet, including cir-
13 cumvention tools that bypass Internet blocking,
14 filtering, and other censorship techniques used
15 by authoritarian governments; and maintenance
16 of the technological advantage of the United
17 States Government over such censorship tech-
18 niques: *Provided*, That the Secretary of State,
19 in consultation with the Chief Executive Officer
20 (CEO) of the Broadcasting Board of Governors
21 (BBG), shall coordinate any such research and
22 development programs with other relevant
23 United States Government departments and
24 agencies in order to share information, tech-

1 nologies, and best practices, and to assess the
2 effectiveness of such technologies; and

3 (E) made available only after the Assistant
4 Secretary for Democracy, Human Rights, and
5 Labor, Department of State, concurs that such
6 funds are allocated consistent with—

7 (i) the strategies referenced in sub-
8 paragraph (B) of this paragraph;

9 (ii) best practices regarding security
10 for, and oversight of, Internet freedom pro-
11 grams; and

12 (iii) sufficient resources and support
13 for the development and maintenance of
14 anti-censorship technology and tools.

15 (2) Funds appropriated by this Act under the
16 heading “International Broadcasting Operations”
17 that are made available pursuant to subsection (a)
18 shall be—

19 (A) made available only for tools and tech-
20 niques to securely develop and distribute BBG
21 digital content; facilitate audience access to
22 such content on Web sites that are censored;
23 coordinate the distribution of BBG digital con-
24 tent to targeted regional audiences; and to pro-

1 mote and distribute such tools and techniques,
2 including digital security techniques;

3 (B) coordinated with programs funded by
4 this Act under the heading “International
5 Broadcasting Operations”, and shall be incor-
6 porated into country broadcasting strategies, as
7 appropriate;

8 (C) coordinated by the BBG CEO to pro-
9 vide Internet circumvention tools and tech-
10 niques for audiences in countries that are stra-
11 tegic priorities for the BBG and in a manner
12 consistent with the BBG Internet freedom
13 strategy; and

14 (D) made available for the research and
15 development of new tools or techniques author-
16 ized in paragraph (A) only after the BBG CEO,
17 in consultation with the Secretary of State and
18 other relevant United States Government de-
19 partments and agencies, evaluates the risks and
20 benefits of such new tools or techniques, and
21 establishes safeguards to minimize the use of
22 such new tools or techniques for illicit purposes.

23 (c) COORDINATION AND SPEND PLANS.—After con-
24 sultation among the relevant agency heads to coordinate
25 and de-conflict planned activities, but not later than 90

1 days after enactment of this Act, the Secretary of State
2 and the BBG CEO shall submit to the Committees on Ap-
3 propriations spend plans for funds made available by this
4 Act for programs to promote Internet freedom globally,
5 which shall include a description of safeguards established
6 by relevant agencies to ensure that such programs are not
7 used for illicit purposes: *Provided*, That the Department
8 of State spend plan shall include funding for all such pro-
9 grams for all relevant Department of State and USAID
10 offices and bureaus.

11 IMPACT ON JOBS IN THE UNITED STATES

12 SEC. 7079. None of the funds appropriated or other-
13 wise made available under titles III through VI of this
14 Act may be obligated or expended to provide—

15 (1) any financial incentive to a business enter-
16 prise currently located in the United States for the
17 purpose of inducing such an enterprise to relocate
18 outside the United States if such incentive or in-
19 ducement is likely to reduce the number of employ-
20 ees of such business enterprise in the United States
21 because United States production is being replaced
22 by such enterprise outside the United States;

23 (2) assistance for any program, project, or ac-
24 tivity that contributes to the violation of internation-
25 ally recognized workers' rights, as defined in section

1 507(4) of the Trade Act of 1974, of workers in the
2 recipient country, including any designated zone or
3 area in that country: *Provided*, That the application
4 of section 507(4)(D) and (E) of such Act should be
5 commensurate with the level of development of the
6 recipient country and sector, and shall not preclude
7 assistance for the informal sector in such country,
8 micro and small-scale enterprise, and smallholder
9 agriculture;

10 (3) any assistance to an entity outside the
11 United States if such assistance is for the purpose
12 of directly relocating or transferring jobs from the
13 United States to other countries and adversely im-
14 pacts the labor force in the United States; or

15 (4) for the enforcement of any rule, regulation,
16 policy, or guidelines implemented pursuant to—

17 (A) the third proviso of subsection 7079(b)
18 of the Department of State, Foreign Oper-
19 ations, and Related Programs Appropriations
20 Act, 2010 (division F of Public Law 111–117);

21 (B) the modification proposed by the Over-
22 seas Private Investment Corporation in Novem-
23 ber 2013 to the Corporation’s Environmental
24 and Social Policy Statement relating to coal; or

1 (C) the Supplemental Guidelines for High
2 Carbon Intensity Projects approved by the Ex-
3 port-Import Bank of the United States on De-
4 cember 12, 2013,

5 when enforcement of such rule, regulation, policy, or
6 guidelines would prohibit, or have the effect of pro-
7 hibiting, any coal-fired or other power-generation
8 project the purpose of which is to: (i) provide afford-
9 able electricity in International Development Asso-
10 ciation (IDA)-eligible countries and IDA-blend coun-
11 tries; and (ii) increase exports of goods and services
12 from the United States or prevent the loss of jobs
13 from the United States.

14 UNITED STATES CITIZENS AND NATIONALS UNLAWFULLY
15 OR WRONGFULLY DETAINED ABROAD

16 SEC. 7080. (a) REVIEW.—The Special Presidential
17 Envoy for Hostage Affairs, in consultation with the Assist-
18 ant Secretary for Consular Affairs, Department of State,
19 shall review the practices of United States consular offi-
20 cers regarding assistance for citizens and nationals of the
21 United States who are detained in countries where the De-
22 partment of State’s Country Reports on Human Rights
23 Practices indicate that arbitrary arrest or the denial of
24 due process is common, or the judicial system is not inde-
25 pendent or is susceptible to corruption, to—

1 (1) assess whether consular officers routinely
2 seek to determine if—

3 (A) the detained individual has presented
4 credible information of factual innocence to
5 United States officials;

6 (B) credible information exists that the in-
7 dividual is detained solely or substantially be-
8 cause he or she is a citizen or national of the
9 United States;

10 (C) credible information exists that the in-
11 dividual is being detained as a result of exer-
12 cising his or her right to freedom of expression,
13 association, assembly, or religion;

14 (D) credible information exists that the in-
15 dividual has been detained arbitrarily and de-
16 nied due process or a fair trial;

17 (E) independent nongovernmental organi-
18 zations or journalists have raised concerns
19 about the innocence or the conditions of con-
20 finement of the detained individual;

21 (F) the detained individual has presented
22 credible information that his or her detention is
23 a pretext; and

24 (G) the individual is detained in inhumane
25 conditions; and

1 (2) identify what, if any, diplomatic or other ac-
2 tions are taken by the Department on behalf of a de-
3 tained individual if the consular officer determines
4 that the answer to any of the questions specified in
5 paragraph (1) is affirmative.

6 (b) RECOMMENDATIONS, GUIDANCE, AND REPORT.—
7 Not later than 180 days after enactment of this Act and
8 after completion of the review required under subsection
9 (a), the Special Presidential Envoy for Hostage Affairs,
10 after consultation with the Assistant Secretary for Con-
11 sular Affairs, Department of State, shall—

12 (1) provide recommendations to the Secretary
13 of State for modifying the guidance concerning the
14 arrest and detention of United States citizens
15 abroad in the Foreign Affairs Manual and Foreign
16 Affairs Handbook to better assist the Department of
17 State in identifying cases where such detention is
18 unlawful or wrongful and to enhance diplomatic en-
19 gagements with foreign governments and other ac-
20 tions on behalf of such citizens and nationals; and

21 (2) submit a report to the appropriate congress-
22 sional committees detailing the findings of the re-
23 view required pursuant to subsection (a) and the
24 recommendations provided pursuant to paragraph
25 (1) of this subsection.

1 REORGANIZATION AND REDESIGN

2 SEC. 7081. (a) OVERSIGHT.—

3 (1) PRIOR CONSULTATION.—Funds appro-
4 priated by this Act and prior Acts making appro-
5 priations for the Department of State, foreign oper-
6 ations, and related programs may not be used to im-
7 plement a reorganization, redesign, or other plan de-
8 scribed in paragraph (2) by the Department of
9 State, the United States Agency for International
10 Development, or any other Federal department,
11 agency, or organization funded by this Act without
12 prior consultation by the head of such department,
13 agency, or organization with the appropriate con-
14 gressional committees.

15 (2) DESCRIPTION OF ACTIVITIES.—Pursuant to
16 paragraph (1), a reorganization, redesign, or other
17 plan shall include any action to—

18 (A) expand, eliminate, consolidate, or
19 downsize covered departments, agencies, or or-
20 ganizations, including bureaus and offices with-
21 in or between such departments, agencies, or
22 organizations, including the transfer to other
23 agencies of the authorities and responsibilities
24 of such bureaus and offices;

1 (B) expand, eliminate, consolidate, or
2 downsize the United States official presence
3 overseas including at bilateral, regional, and
4 multilateral diplomatic facilities and other plat-
5 forms; and

6 (C) expand or reduce the size of the Civil
7 Service, Foreign Service, eligible family mem-
8 ber, and locally employed staff workforce of the
9 Department of State and USAID from the on-
10 board levels as of December 31, 2017: *Provided*,
11 That not less than 30 days after enactment of
12 this Act, the Secretary of State and the USAID
13 Administrator shall submit to the appropriate
14 congressional committees such on-board levels.

15 (3) NOTIFICATION.—Funds made available by
16 this Act and prior Acts making appropriations for
17 the Department of State, foreign operations, and re-
18 lated programs that are made available for the ac-
19 tivities described in paragraph (2) shall be subject to
20 the regular notification procedures of the Commit-
21 tees on Appropriations: *Provided*, That any such no-
22 tification submitted to such Committees shall include
23 a detailed justification for any proposed action, in-
24 cluding the information specified under this section
25 in the explanatory statement described in section 4

1 (in the matter preceding division A of this consoli-
2 dated Act).

3 (4) OPERATING PLANS.—Operating plans sub-
4 mitted pursuant to section 7076(a) of this Act shall
5 detail, as applicable, amounts for the bureaus, of-
6 fices, and organizations detailed under this section
7 in the explanatory statement described in section 4
8 (in the matter preceding division A of this consoli-
9 dated Act).

10 (b) ADDITIONAL REQUIREMENTS.—

11 (1) PERSONNEL.—

12 (A) Not later than 90 days after enact-
13 ment of this Act, the Secretary of State and the
14 USAID Administrator shall each submit a re-
15 port to the appropriate congressional commit-
16 tees detailing the personnel requirements nec-
17 essary to implement the December 2017 “Na-
18 tional Security Strategy of the United States”
19 and the February 2018 “Joint Strategic Plan
20 for the Department of State and the United
21 States Agency for International Development,
22 FY 2018–2022”.

23 (B) Not later than 30 days after enact-
24 ment of this Act, the Secretary of State and the
25 USAID Administrator shall each submit to the

1 appropriate congressional committees an anal-
2 ysis and justification for the reduction of De-
3 partment of State and USAID personnel during
4 calendar year 2017, to include an explanation
5 of how such reductions support the missions of
6 each agency.

7 (C) Not later than 60 days after enact-
8 ment of this Act and every 60 days thereafter
9 until September 30, 2019, the Secretary of
10 State, in the case of the Department of State,
11 and the USAID Administrator, in the case of
12 USAID, shall report to the appropriate congres-
13 sional committees on the on-board personnel
14 levels, hiring, and attrition of the Civil Service,
15 Foreign Service, eligible family member, and lo-
16 cally employed staff workforce of the Depart-
17 ment of State and USAID, as appropriate, on
18 an operating unit-by-operating unit basis.

19 (2) ADMINISTRATION OF FUNDS.—Funds ap-
20 propriated by this Act—

21 (A) under the heading “Migration and
22 Refugee Assistance” shall be administered by
23 the Assistant Secretary for Population, Refu-
24 gees, and Migration, Department of State; and

1 (B) that are made available for the Office
2 of Global Women’s Issues shall be administered
3 by the United States Ambassador-at-Large for
4 Global Women’s Issues.

5 (3) INFORMATION TECHNOLOGY PLATFORM.—

6 (A) None of the funds appropriated in title
7 I of this Act under the heading “Administration
8 of Foreign Affairs” may be made available for
9 a new major information technology investment
10 without the concurrence of the Chief Informa-
11 tion Officer, Department of State.

12 (B) In complying with the requirements of
13 this paragraph, the Chief Information Officer,
14 Department of State, shall consider whether a
15 new major information technology investment—

16 (i) is consistent with the Department
17 Information Technology Strategic Plan;

18 (ii) maintains consolidated control
19 over enterprise IT functions or improves
20 operational maintenance;

21 (iii) improves Department of State re-
22 siliency to a cyber-attack;

23 (iv) reduces Department of State IT
24 costs over the long-term; and

1 (v) is in accordance with the Federal
2 Acquisition Regulation (FAR), including
3 FAR Part 6 regarding competition require-
4 ments.

5 (C) Not later than 45 days after enact-
6 ment of this Act, the Secretary of State shall
7 submit a report to the appropriate congress-
8 sional committees detailing the conclusions and
9 recommendations from the Information Tech-
10 nology (IT) Platform Planning workstream of
11 the Department of State redesign initiative.

12 (4) REGIONAL DEVELOPMENT MISSION FOR
13 ASIA.—Funds appropriated by this Act and made
14 available for the Regional Development Mission for
15 Asia, USAID, in the table included under title II of
16 the explanatory statement described in section 4 (in
17 the matter preceding division A of this consolidated
18 Act) shall be subject to section 7019 of this Act.

19 UNITED NATIONS POPULATION FUND

20 SEC. 7082. (a) CONTRIBUTION.—Of the funds made
21 available under the heading “International Organizations
22 and Programs” in this Act for fiscal year 2018,
23 \$32,500,000 shall be made available for the United Na-
24 tions Population Fund (UNFPA).

1 (b) AVAILABILITY OF FUNDS.—Funds appropriated
2 by this Act for UNFPA, that are not made available for
3 UNFPA because of the operation of any provision of law,
4 shall be transferred to the “Global Health Programs” ac-
5 count and shall be made available for family planning, ma-
6 ternal, and reproductive health activities, subject to the
7 regular notification procedures of the Committees on Ap-
8 propriations.

9 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
10 None of the funds made available by this Act may be used
11 by UNFPA for a country program in the People’s Repub-
12 lic of China.

13 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
14 Funds made available by this Act for UNFPA may not
15 be made available unless—

16 (1) UNFPA maintains funds made available by
17 this Act in an account separate from other accounts
18 of UNFPA and does not commingle such funds with
19 other sums; and

20 (2) UNFPA does not fund abortions.

21 (e) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-
22 LAR WITHHOLDING OF FUNDS.—

23 (1) Not later than 4 months after the date of
24 enactment of this Act, the Secretary of State shall
25 submit a report to the Committees on Appropria-

1 tions indicating the amount of funds that UNFPA
2 is budgeting for the year in which the report is sub-
3 mitted for a country program in the People’s Repub-
4 lic of China.

5 (2) If a report under paragraph (1) indicates
6 that UNFPA plans to spend funds for a country
7 program in the People’s Republic of China in the
8 year covered by the report, then the amount of such
9 funds UNFPA plans to spend in the People’s Re-
10 public of China shall be deducted from the funds
11 made available to UNFPA after March 1 for obliga-
12 tion for the remainder of the fiscal year in which the
13 report is submitted.

14 MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

15 SEC. 7083. (a) The Asian Development Bank Act (22
16 U.S.C. 285 et seq.) is amended by adding at the end the
17 following new section:

18 **“SEC. 36. ELEVENTH REPLENISHMENT.**

19 “(a) The United States Governor of the Bank is au-
20 thorized to contribute, on behalf of the United States,
21 \$189,580,000 to the eleventh replenishment of the re-
22 sources of the Fund, subject to obtaining the necessary
23 appropriations.

24 “(b) In order to pay for the United States contribu-
25 tion provided for in subsection (a), there are authorized

1 to be appropriated, without fiscal year limitation,
2 \$189,580,000 for payment by the Secretary of the Treas-
3 ury.”.

4 (b) The International Development Association Act
5 (22 U.S.C. 284 et seq.) is amended by adding at the end
6 the following new section:

7 **“SEC. 30. EIGHTEENTH REPLENISHMENT.**

8 “(a) The United States Governor of the International
9 Development Association is authorized to contribute on
10 behalf of the United States \$3,291,030,000 to the eight-
11 eenth replenishment of the resources of the Association,
12 subject to obtaining the necessary appropriations.

13 “(b) In order to pay for the United States contribu-
14 tion provided for in subsection (a), there are authorized
15 to be appropriated, without fiscal year limitation,
16 \$3,291,030,000 for payment by the Secretary of the
17 Treasury.”.

18 (c) The African Development Fund Act (22 U.S.C.
19 290g et seq.) is amended by adding at the end the fol-
20 lowing new section:

21 **“SEC. 225. FOURTEENTH REPLENISHMENT.**

22 “(a) The United States Governor of the Fund is au-
23 thorized to contribute on behalf of the United States
24 \$513,900,000 to the fourteenth replenishment of the re-

1 sources of the Fund, subject to obtaining the necessary
2 appropriations.

3 “(b) In order to pay for the United States contribu-
4 tion provided for in subsection (a), there are authorized
5 to be appropriated, without fiscal year limitation,
6 \$513,900,000 for payment by the Secretary of the Treas-
7 ury.”.

8 RESCISSIONS

9 (INCLUDING RESCISSION OF FUNDS)

10 SEC. 7084. (a) Of the unobligated balances available
11 to the President under the heading “Development Assist-
12 ance”, as identified by Treasury Appropriation Fund
13 Symbol 72 X 1021, \$23,766,000 are rescinded.

14 (b) Of the unobligated balances available under the
15 heading “Export and Investment Assistance, Export-Im-
16 port Bank of the United States” for carryover under the
17 heading “Receipts Collected” in the Department of State,
18 Foreign Operations, and Related Programs Appropria-
19 tions Act, 2015 (division J of Public Law 113–235),
20 \$10,000,000 are rescinded.

1554

1 TITLE VIII
2 OVERSEAS CONTINGENCY OPERATIONS/GLOBAL
3 WAR ON TERRORISM
4 DEPARTMENT OF STATE
5 ADMINISTRATION OF FOREIGN AFFAIRS
6 DIPLOMATIC AND CONSULAR PROGRAMS
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Diplomatic and Con-
9 sular Programs”, \$2,975,971,000, to remain available
10 until September 30, 2019, of which \$2,376,122,000 is for
11 Worldwide Security Protection and shall remain available
12 until expended: *Provided*, That the Secretary of State may
13 transfer up to \$5,000,000 of the total funds made avail-
14 able under this heading to any other appropriation of any
15 department or agency of the United States, upon the con-
16 currence of the head of such department or agency, to sup-
17 port operations in and assistance for Afghanistan and to
18 carry out the provisions of the Foreign Assistance Act of
19 1961: *Provided further*, That any such transfer shall be
20 subject to the regular notification procedures of the Com-
21 mittees on Appropriations: *Provided further*, That such
22 amount is designated by the Congress for Overseas Con-
23 tingency Operations/Global War on Terrorism pursuant to
24 section 251(b)(2)(A)(ii) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 OFFICE OF INSPECTOR GENERAL

2 For an additional amount for “Office of Inspector
3 General”, \$68,100,000, to remain available until Sep-
4 tember 30, 2019, of which \$54,900,000 shall be for the
5 Special Inspector General for Afghanistan Reconstruction
6 (SIGAR) for reconstruction oversight: *Provided*, That
7 printing and reproduction costs of SIGAR shall not exceed
8 amounts for such costs during fiscal year 2017: *Provided*
9 *further*, That notwithstanding any other provision of law,
10 any employee of SIGAR who completes at least 12 months
11 of continuous service after the date of enactment of this
12 Act or who is employed on the date on which SIGAR ter-
13 minates, whichever occurs first, shall acquire competitive
14 status for appointment to any position in the competitive
15 service for which the employee possesses the required
16 qualifications: *Provided further*, That such amount is des-
17 ignated by the Congress for Overseas Contingency Oper-
18 ations/Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

22 For an additional amount for “Embassy Security,
23 Construction, and Maintenance”, \$71,778,000, to remain
24 available until expended, for Worldwide Security Up-
25 grades, acquisition, and construction as authorized: *Pro-*

1 *vided*, That such amount is designated by the Congress
2 for Overseas Contingency Operations/Global War on Ter-
3 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985.

5 INTERNATIONAL ORGANIZATIONS

6 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

7 For an additional amount for “Contributions to
8 International Organizations”, \$96,240,000: *Provided*,
9 That such amount is designated by the Congress for Over-
10 seas Contingency Operations/Global War on Terrorism
11 pursuant to section 251(b)(2)(A)(ii) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985.

13 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

14 ACTIVITIES

15 For an additional amount for “Contributions for
16 International Peacekeeping Activities”, \$967,456,000, to
17 remain available until September 30, 2019: *Provided*,
18 That such amount is designated by the Congress for Over-
19 seas Contingency Operations/Global War on Terrorism
20 pursuant to section 251(b)(2)(A)(ii) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985.

1 UNITED STATES AGENCY FOR INTERNATIONAL
2 DEVELOPMENT

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 OPERATING EXPENSES

5 For an additional amount for “Operating Expenses”,
6 \$158,067,000, to remain available until September 30,
7 2019: *Provided*, That such amount is designated by the
8 Congress for Overseas Contingency Operations/Global
9 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
10 the Balanced Budget and Emergency Deficit Control Act
11 of 1985.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for “Office of Inspector
14 General”, \$2,500,000, to remain available until September
15 30, 2019: *Provided*, That such amount is designated by
16 the Congress for Overseas Contingency Operations/Global
17 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
18 the Balanced Budget and Emergency Deficit Control Act
19 of 1985.

20 BILATERAL ECONOMIC ASSISTANCE

21 FUNDS APPROPRIATED TO THE PRESIDENT

22 INTERNATIONAL DISASTER ASSISTANCE

23 For an additional amount for “International Disaster
24 Assistance”, \$1,588,778,000, to remain available until ex-
25 pended: *Provided*, That such amount is designated by the

1 Congress for Overseas Contingency Operations/Global
2 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
3 the Balanced Budget and Emergency Deficit Control Act
4 of 1985.

5
6 TRANSITION INITIATIVES

6 For an additional amount for “Transition Initia-
7 tives”, \$62,043,000, to remain available until expended:
8 *Provided*, That such amount is designated by the Congress
9 for Overseas Contingency Operations/Global War on Ter-
10 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12
13 COMPLEX CRISES FUND

13 For an additional amount for “Complex Crises
14 Fund”, \$20,000,000, to remain available until expended:
15 *Provided*, That such amount is designated by the Congress
16 for Overseas Contingency Operations/Global War on Ter-
17 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19
20 ECONOMIC SUPPORT FUND

20 For an additional amount for “Economic Support
21 Fund”, \$2,152,122,000, to remain available until Sep-
22 tember 30, 2019: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

1 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 DEPARTMENT OF STATE
4 MIGRATION AND REFUGEE ASSISTANCE

5 For an additional amount for “Migration and Ref-
6 ugee Assistance” to respond to refugee crises, including
7 in Africa, the Near East, South and Central Asia, and
8 Europe and Eurasia, \$2,431,198,000, to remain available
9 until expended, except that such funds shall not be made
10 available for the resettlement costs of refugees in the
11 United States: *Provided*, That such amount is designated
12 by the Congress for Overseas Contingency Operations/
13 Global War on Terrorism pursuant to section
14 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 INTERNATIONAL SECURITY ASSISTANCE

17 DEPARTMENT OF STATE
18 INTERNATIONAL NARCOTICS CONTROL AND LAW

19 ENFORCEMENT
20 For an additional amount for “International Nar-
21 cotics Control and Law Enforcement”, \$417,951,000, to
22 remain available until September 30, 2019: *Provided*,
23 That such amount is designated by the Congress for Over-
24 seas Contingency Operations/Global War on Terrorism

1 pursuant to section 251(b)(2)(A)(ii) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985.

3 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
4 RELATED PROGRAMS

5 For an additional amount for “Nonproliferation,
6 Anti-terrorism, Demining and Related Programs”,
7 \$220,583,000, to remain available until September 30,
8 2019: *Provided*, That such amount is designated by the
9 Congress for Overseas Contingency Operations/Global
10 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985.

13 PEACEKEEPING OPERATIONS

14 For an additional amount for “Peacekeeping Oper-
15 ations”, \$325,213,000, to remain available until Sep-
16 tember 30, 2019: *Provided*, That such amount is des-
17 ignated by the Congress for Overseas Contingency Oper-
18 ations/Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985: *Provided further*, That funds
21 available for obligation under this heading in this Act may
22 be used to pay assessed expenses of international peace-
23 keeping activities in Somalia, subject to the regular notifi-
24 cation procedures of the Committees on Appropriations.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 FOREIGN MILITARY FINANCING PROGRAM

3 For an additional amount for “Foreign Military Fi-
4 nancing Program”, \$460,000,000, to remain available
5 until September 30, 2019: *Provided*, That such amount
6 is designated by the Congress for Overseas Contingency
7 Operations/Global War on Terrorism pursuant to section
8 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 GENERAL PROVISIONS

11 ADDITIONAL APPROPRIATIONS

12 SEC. 8001. Notwithstanding any other provision of
13 law, funds appropriated in this title are in addition to
14 amounts appropriated or otherwise made available in this
15 Act for fiscal year 2018.

16 EXTENSION OF AUTHORITIES AND CONDITIONS

17 SEC. 8002. Unless otherwise provided for in this Act,
18 the additional amounts appropriated by this title to appro-
19 priations accounts in this Act shall be available under the
20 authorities and conditions applicable to such appropria-
21 tions accounts.

22 COUNTERTERRORISM PARTNERSHIPS FUND

23 SEC. 8003. Funds appropriated by this Act under the
24 heading “Nonproliferation, Anti-terrorism, Demining and
25 Related Programs” shall be made available for the

1 Counterterrorism Partnerships Fund for programs in
2 areas liberated from, under the influence of, or adversely
3 affected by, the Islamic State of Iraq and Syria or other
4 terrorist organizations: *Provided*, That such areas shall in-
5 clude the Kurdistan Region of Iraq: *Provided further*, That
6 prior to the obligation of funds made available pursuant
7 to this section, the Secretary of State shall take all prac-
8 ticable steps to ensure that mechanisms are in place for
9 monitoring, oversight, and control of such funds: *Provided*
10 *further*, That section 7015(j) of this Act regarding notifi-
11 cation of assistance diverted or destroyed shall apply to
12 funds made available for the Counterterrorism Partner-
13 ships Fund: *Provided further*, That funds made available
14 pursuant to this section shall be subject to prior consulta-
15 tion with the appropriate congressional committees, and
16 the regular notification procedures of the Committees on
17 Appropriations.

18 TRANSFER OF FUNDS

19 SEC. 8004. (a) TRANSFER OF FUNDS BETWEEN AC-
20 COUNTS.—

21 (1) Funds appropriated by this title in this Act
22 under the headings “Transition Initiatives”, “Com-
23 plex Crises Fund”, “Economic Support Fund”, and
24 “Assistance for Europe, Eurasia and Central Asia”

1 may be transferred to, and merged with, funds ap-
2 propriated by this title under such headings.

3 (2) Funds appropriated by this title in this Act
4 under the headings “International Narcotics Control
5 and Law Enforcement”, “Nonproliferation, Anti-ter-
6 rorism, Demining and Related Programs”, “Peace-
7 keeping Operations”, and “Foreign Military Financ-
8 ing Program” may be transferred to, and merged
9 with, funds appropriated by this title under such
10 headings.

11 (b) GLOBAL SECURITY CONTINGENCY FUND.—Not-
12 withstanding any other provision of this section, not to
13 exceed \$7,500,000 from funds appropriated under the
14 headings “International Narcotics Control and Law En-
15 forcement”, “Peacekeeping Operations”, and “Foreign
16 Military Financing Program” by this title in this Act may
17 be transferred to, and merged with, funds previously made
18 available under the heading “Global Security Contingency
19 Fund”.

20 (c) LIMITATION.—The transfer authority provided in
21 subsection (a) may only be exercised to address contin-
22 gencies.

23 (d) NOTIFICATION.—The transfer authority provided
24 by this section shall be subject to prior consultation with,
25 and the regular notification procedures of, the Committees

1 on Appropriations: *Provided*, That such transfer authority
2 is in addition to any transfer authority otherwise available
3 under any other provision of law, including section 610
4 of the Foreign Assistance Act of 1961 which may be exer-
5 cised by the Secretary of State for the purposes of this
6 title.

7 This division may be cited as the “Department of
8 State, Foreign Operations, and Related Programs Appro-
9 priations Act, 2018”.

1 **DIVISION L—TRANSPORTATION, HOUSING**
2 **AND URBAN DEVELOPMENT, AND RE-**
3 **LATED AGENCIES APPROPRIATIONS**
4 **ACT, 2018**

5 TITLE I

6 DEPARTMENT OF TRANSPORTATION

7 OFFICE OF THE SECRETARY

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of the Secretary,
10 \$112,813,000, of which not to exceed \$3,001,000 shall be
11 available for the immediate Office of the Secretary; not
12 to exceed \$1,040,000 shall be available for the immediate
13 Office of the Deputy Secretary; not to exceed \$20,555,000
14 shall be available for the Office of the General Counsel;
15 not to exceed \$10,331,000 shall be available for the Office
16 of the Under Secretary of Transportation for Policy; not
17 to exceed \$14,019,000 shall be available for the Office of
18 the Assistant Secretary for Budget and Programs; not to
19 exceed \$2,546,000 shall be available for the Office of the
20 Assistant Secretary for Governmental Affairs; not to ex-
21 ceed \$29,356,000 shall be available for the Office of the
22 Assistant Secretary for Administration; not to exceed
23 \$2,142,000 shall be available for the Office of Public Af-
24 fairs; not to exceed \$1,760,000 shall be available for the
25 Office of the Executive Secretariat; not to exceed

1 \$11,318,000 shall be available for the Office of Intel-
2 ligence, Security, and Emergency Response; and not to ex-
3 ceed \$16,745,000 shall be available for the Office of the
4 Chief Information Officer: *Provided*, That the Secretary
5 of Transportation is authorized to transfer funds appro-
6 priated for any office of the Office of the Secretary to any
7 other office of the Office of the Secretary: *Provided fur-*
8 *ther*, That no appropriation for any office shall be in-
9 creased or decreased by more than 7 percent by all such
10 transfers: *Provided further*, That notice of any change in
11 funding greater than 7 percent shall be submitted for ap-
12 proval to the House and Senate Committees on Appropria-
13 tions: *Provided further*, That not to exceed \$60,000 shall
14 be for allocation within the Department for official recep-
15 tion and representation expenses as the Secretary may de-
16 termine: *Provided further*, That notwithstanding any other
17 provision of law, excluding fees authorized in Public Law
18 107–71, there may be credited to this appropriation up
19 to \$2,500,000 in funds received in user fees: *Provided fur-*
20 *ther*, That none of the funds provided in this Act shall
21 be available for the position of Assistant Secretary for
22 Public Affairs.

23 RESEARCH AND TECHNOLOGY

24 For necessary expenses related to the Office of the
25 Assistant Secretary for Research and Technology,

1 \$23,465,109, of which \$2,618,000 shall remain available
2 until September 30, 2020, and of which \$15,000,000, to
3 remain available until expended, is for new competitive
4 grants under 49 U.S.C. 5505 to a national center for con-
5 gestion research and a national center for infrastructure
6 research: *Provided*, That such amounts are in addition to
7 amounts previously provided for such program: *Provided*
8 *further*, That such amounts for additional national centers
9 are provided notwithstanding 49 U.S.C. 5505(c)(2)(A):
10 *Provided further*, That there may be credited to this ap-
11 propriation, to be available until expended, funds received
12 from States, counties, municipalities, other public authori-
13 ties, and private sources for expenses incurred for train-
14 ing: *Provided further*, That any reference in law, regula-
15 tion, judicial proceedings, or elsewhere to the Research
16 and Innovative Technology Administration shall continue
17 to be deemed to be a reference to the Office of the Assist-
18 ant Secretary for Research and Technology of the Depart-
19 ment of Transportation.

20 NATIONAL INFRASTRUCTURE INVESTMENTS

21 For capital investments in surface transportation in-
22 frastructure, \$1,500,000,000, to remain available through
23 September 30, 2020: *Provided*, That the Secretary of
24 Transportation shall distribute funds provided under this
25 heading as discretionary grants to be awarded to a State,

1 local government, transit agency, or a collaboration among
2 such entities on a competitive basis for projects that will
3 have a significant local or regional impact: *Provided fur-*
4 *ther*, That projects eligible for funding provided under this
5 heading shall include, but not be limited to, highway or
6 bridge projects eligible under title 23, United States Code;
7 public transportation projects eligible under chapter 53 of
8 title 49, United States Code; passenger and freight rail
9 transportation projects; and port infrastructure invest-
10 ments (including inland port infrastructure and land ports
11 of entry): *Provided further*, That of the amount made
12 available under this heading, the Secretary may use an
13 amount not to exceed \$15,000,000 for the planning, prep-
14 aration or design of projects eligible for funding under this
15 heading: *Provided further*, That grants awarded under the
16 previous proviso shall not be subject to a minimum grant
17 size: *Provided further*, That the Secretary may use up to
18 20 percent of the funds made available under this heading
19 for the purpose of paying the subsidy and administrative
20 costs of projects eligible for Federal credit assistance
21 under chapter 6 of title 23, United States Code, if the
22 Secretary finds that such use of the funds would advance
23 the purposes of this paragraph: *Provided further*, That in
24 distributing funds provided under this heading, the Sec-
25 retary shall take such measures so as to ensure an equi-

1 table geographic distribution of funds, an appropriate bal-
2 ance in addressing the needs of urban and rural areas,
3 and the investment in a variety of transportation modes:
4 *Provided further*, That a grant funded under this heading
5 shall be not less than \$5,000,000 and not greater than
6 \$25,000,000: *Provided further*, That not more than 10
7 percent of the funds made available under this heading
8 may be awarded to projects in a single State: *Provided*
9 *further*, That the Federal share of the costs for which an
10 expenditure is made under this heading shall be, at the
11 option of the recipient, up to 80 percent: *Provided further*,
12 That the Secretary shall give priority to projects that re-
13 quire a contribution of Federal funds in order to complete
14 an overall financing package: *Provided further*, That not
15 less than 30 percent of the funds provided under this
16 heading shall be for projects located in rural areas: *Pro-*
17 *vided further*, That for projects located in rural areas, the
18 minimum grant size shall be \$1,000,000 and the Secretary
19 may increase the Federal share of costs above 80 percent:
20 *Provided further*, That projects conducted using funds pro-
21 vided under this heading must comply with the require-
22 ments of subchapter IV of chapter 31 of title 40, United
23 States Code: *Provided further*, That the Secretary shall
24 conduct a new competition to select the grants and credit
25 assistance awarded under this heading: *Provided further*,

1 That the Secretary may retain up to \$25,000,000 of the
2 funds provided under this heading, and may transfer por-
3 tions of those funds to the Administrators of the Federal
4 Highway Administration, the Federal Transit Administra-
5 tion, the Federal Railroad Administration, and the Mari-
6 time Administration to fund the award and oversight of
7 grants and credit assistance made under the National In-
8 frastructure Investments program: *Provided further*, That
9 none of the funds provided in the previous proviso may
10 be used to hire additional personnel: *Provided further*,
11 That the Secretary shall not use the Federal share as a
12 selection criteria in awarding projects: *Provided further*,
13 That the Secretary shall issue the Notice of Funding Op-
14 portunity under the previous proviso no later than 60 days
15 after enactment of this Act: *Provided further*, That the
16 Notice of Funding Opportunity shall require application
17 submissions 90 days after the publishing of such Notice:
18 *Provided further*, That of the applications submitted under
19 the previous two provisos, the Secretary shall make grants
20 no later than 270 days after enactment of this Act in such
21 amounts that the Secretary determines.

22 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
23 FINANCE BUREAU

24 For necessary expenses for the administration of the
25 National Surface Transportation and Innovative Finance

1 Bureau (the Bureau) within the Office of the Secretary
2 of Transportation, \$3,000,000, to remain available until
3 expended: *Provided*, That the Secretary of Transportation
4 shall use such amount for the necessary expenses to fulfill
5 the responsibilities of the Bureau, as detailed in section
6 9001 of the Fixing America's Surface Transportation
7 (FAST) Act (Public Law 114–94) (49 U.S.C. 116): *Pro-*
8 *vided further*, That the Secretary is required to receive the
9 advance approval of the House and Senate Committees on
10 Appropriations prior to exercising the authorities of 49
11 U.S.C. 116(h): *Provided further*, That the program be
12 available to other Federal agencies, States, municipalities
13 and project sponsors seeking Federal transportation ex-
14 pertise in obtaining financing.

15 FINANCIAL MANAGEMENT CAPITAL

16 For necessary expenses for upgrading and enhancing
17 the Department of Transportation's financial systems and
18 re-engineering business processes, \$6,000,000, to remain
19 available through September 30, 2020.

20 CYBER SECURITY INITIATIVES

21 For necessary expenses for cyber security initiatives,
22 including necessary upgrades to wide area network and
23 information technology infrastructure, improvement of
24 network perimeter controls and identity management,
25 testing and assessment of information technology against

1 business, security, and other requirements, implementa-
2 tion of Federal cyber security initiatives and information
3 infrastructure enhancements, and implementation of en-
4 hanced security controls on network devices, \$15,000,000,
5 to remain available through September 30, 2019.

6 OFFICE OF CIVIL RIGHTS

7 For necessary expenses of the Office of Civil Rights,
8 \$9,500,000.

9 TRANSPORTATION PLANNING, RESEARCH, AND
10 DEVELOPMENT

11 For necessary expenses for conducting transportation
12 planning, research, systems development, development ac-
13 tivities, and making grants, to remain available until ex-
14 pended, \$14,000,000: *Provided*, That of such amount,
15 \$1,500,000 shall be for necessary expenses of the Inter-
16 agency Infrastructure Permitting Improvement Center
17 (IIPIC): *Provided further*, That there may be transferred
18 to this appropriation, to remain available until expended,
19 amounts transferred from other Federal agencies for ex-
20 penses incurred under this heading for IIPIC activities not
21 related to transportation infrastructure: *Provided further*,
22 That the tools and analysis developed by the IIPIC shall
23 be available to other Federal agencies for the permitting
24 and review of major infrastructure projects not related to
25 transportation only to the extent that other Federal agen-

1 cies provide funding to the Department as provided for
2 under the previous proviso.

3 WORKING CAPITAL FUND

4 For necessary expenses for operating costs and cap-
5 ital outlays of the Working Capital Fund, not to exceed
6 \$202,245,000, shall be paid from appropriations made
7 available to the Department of Transportation: *Provided*,
8 That such services shall be provided on a competitive basis
9 to entities within the Department of Transportation: *Pro-*
10 *vided further*, That the above limitation on operating ex-
11 penses shall not apply to non-DOT entities: *Provided fur-*
12 *ther*, That no funds appropriated in this Act to an agency
13 of the Department shall be transferred to the Working
14 Capital Fund without majority approval of the Working
15 Capital Fund Steering Committee and approval of the
16 Secretary: *Provided further*, That no assessments may be
17 levied against any program, budget activity, subactivity or
18 project funded by this Act unless notice of such assess-
19 ments and the basis therefor are presented to the House
20 and Senate Committees on Appropriations and are ap-
21 proved by such Committees.

22 MINORITY BUSINESS RESOURCE CENTER PROGRAM

23 For necessary expenses of the Minority Business Re-
24 source Center, the provision of financial education out-
25 reach activities to eligible transportation-related small

1 businesses, the monitoring of existing loans in the guaran-
2 teed loan program, and the modification of such loans of
3 the Minority Business Resource Center, \$500,301, as au-
4 thorized by 49 U.S.C. 332; *Provided*, That notwith-
5 standing that section, these funds may be for business op-
6 portunities related to any mode of transportation.

7 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
8 OUTREACH

9 For necessary expenses for small and disadvantaged
10 business utilization and outreach activities, \$4,646,000, to
11 remain available until September 30, 2019: *Provided*,
12 That notwithstanding 49 U.S.C. 332, these funds may be
13 used for business opportunities related to any mode of
14 transportation.

15 PAYMENTS TO AIR CARRIERS

16 (AIRPORT AND AIRWAY TRUST FUND)

17 In addition to funds made available from any other
18 source to carry out the essential air service program under
19 49 U.S.C. 41731 through 41742, \$155,000,000, to be de-
20 rived from the Airport and Airway Trust Fund, to remain
21 available until expended: *Provided*, That in determining
22 between or among carriers competing to provide service
23 to a community, the Secretary may consider the relative
24 subsidy requirements of the carriers: *Provided further*,
25 That basic essential air service minimum requirements

1 shall not include the 15-passenger capacity requirement
2 under subsection 41732(b)(3) of title 49, United States
3 Code: *Provided further*, That none of the funds in this Act
4 or any other Act shall be used to enter into a new contract
5 with a community located less than 40 miles from the
6 nearest small hub airport before the Secretary has nego-
7 tiated with the community over a local cost share: *Pro-*
8 *vided further*, That amounts authorized to be distributed
9 for the essential air service program under subsection
10 41742(b) of title 49, United States Code, shall be made
11 available immediately from amounts otherwise provided to
12 the Administrator of the Federal Aviation Administration:
13 *Provided further*, That the Administrator may reimburse
14 such amounts from fees credited to the account estab-
15 lished under section 45303 of title 49, United States Code.

16 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
17 SECRETARY OF TRANSPORTATION

18 SEC. 101. None of the funds made available in this
19 Act to the Department of Transportation may be obligated
20 for the Office of the Secretary of Transportation to ap-
21 prove assessments or reimbursable agreements pertaining
22 to funds appropriated to the modal administrations in this
23 Act, except for activities underway on the date of enact-
24 ment of this Act, unless such assessments or agreements

1 have completed the normal reprogramming process for
2 Congressional notification.

3 SEC. 102. The Secretary shall post on the Web site
4 of the Department of Transportation a schedule of all
5 meetings of the Council on Credit and Finance, including
6 the agenda for each meeting, and require the Council on
7 Credit and Finance to record the decisions and actions
8 of each meeting.

9 SEC. 103. In addition to authority provided by section
10 327 of title 49, United States Code, the Department's
11 Working Capital Fund is hereby authorized to provide
12 partial or full payments in advance and accept subsequent
13 reimbursements from all Federal agencies from available
14 funds for transit benefit distribution services that are nec-
15 essary to carry out the Federal transit pass transportation
16 fringe benefit program under Executive Order No. 13150
17 and section 3049 of Public Law 109–59: *Provided*, That
18 the Department shall maintain a reasonable operating re-
19 serve in the Working Capital Fund, to be expended in ad-
20 vance to provide uninterrupted transit benefits to Govern-
21 ment employees: *Provided further*, That such reserve will
22 not exceed one month of benefits payable and may be used
23 only for the purpose of providing for the continuation of
24 transit benefits: *Provided further*, That the Working Cap-
25 ital Fund will be fully reimbursed by each customer agen-

1 cy from available funds for the actual cost of the transit
2 benefit.

3 FEDERAL AVIATION ADMINISTRATION
4 OPERATIONS
5 (AIRPORT AND AIRWAY TRUST FUND)

6 For necessary expenses of the Federal Aviation Ad-
7 ministration, not otherwise provided for, including oper-
8 ations and research activities related to commercial space
9 transportation, administrative expenses for research and
10 development, establishment of air navigation facilities, the
11 operation (including leasing) and maintenance of aircraft,
12 subsidizing the cost of aeronautical charts and maps sold
13 to the public, the lease or purchase of passenger motor
14 vehicles for replacement only, in addition to amounts made
15 available by Public Law 112–95, \$10,211,754,000, to re-
16 main available until September 30, 2019, of which
17 \$8,851,000,000 shall be derived from the Airport and Air-
18 way Trust Fund, of which not to exceed \$7,692,786,000
19 shall be available for air traffic organization activities; not
20 to exceed \$1,310,000,000 shall be available for aviation
21 safety activities; not to exceed \$22,587,000 shall be avail-
22 able for commercial space transportation activities; not to
23 exceed \$801,506,000 shall be available for finance and
24 management activities; not to exceed \$60,000,000 shall be
25 available for NextGen and operations planning activities;

1 not to exceed \$112,622,000 shall be available for security
2 and hazardous materials safety; and not to exceed
3 \$212,253,000 shall be available for staff offices: *Provided*,
4 That not to exceed 5 percent of any budget activity, except
5 for aviation safety budget activity, may be transferred to
6 any budget activity under this heading: *Provided further*,
7 That no transfer may increase or decrease any appropria-
8 tion by more than 5 percent: *Provided further*, That any
9 transfer in excess of 5 percent shall be treated as a re-
10 programming of funds under section 405 of this Act and
11 shall not be available for obligation or expenditure except
12 in compliance with the procedures set forth in that section:
13 *Provided further*, That not later than March 31 of each
14 fiscal year hereafter, the Administrator of the Federal
15 Aviation Administration shall transmit to Congress an an-
16 nual update to the report submitted to Congress in De-
17 cember 2004 pursuant to section 221 of Public Law 108–
18 176: *Provided further*, That the amount herein appro-
19 priated shall be reduced by \$100,000 for each day after
20 March 31 that such report has not been submitted to the
21 Congress: *Provided further*, That not later than March 31
22 of each fiscal year hereafter, the Administrator shall
23 transmit to Congress a companion report that describes
24 a comprehensive strategy for staffing, hiring, and training
25 flight standards and aircraft certification staff in a format

1 similar to the one utilized for the controller staffing plan,
2 including stated attrition estimates and numerical hiring
3 goals by fiscal year: *Provided further*, That the amount
4 herein appropriated shall be reduced by \$100,000 per day
5 for each day after March 31 that such report has not been
6 submitted to Congress: *Provided further*, That funds may
7 be used to enter into a grant agreement with a nonprofit
8 standard-setting organization to assist in the development
9 of aviation safety standards: *Provided further*, That none
10 of the funds in this Act shall be available for new appli-
11 cants for the second career training program: *Provided*
12 *further*, That none of the funds in this Act shall be avail-
13 able for the Federal Aviation Administration to finalize
14 or implement any regulation that would promulgate new
15 aviation user fees not specifically authorized by law after
16 the date of the enactment of this Act: *Provided further*,
17 That there may be credited to this appropriation, as off-
18 setting collections, funds received from States, counties,
19 municipalities, foreign authorities, other public authori-
20 ties, and private sources for expenses incurred in the pro-
21 vision of agency services, including receipts for the mainte-
22 nance and operation of air navigation facilities, and for
23 issuance, renewal or modification of certificates, including
24 airman, aircraft, and repair station certificates, or for
25 tests related thereto, or for processing major repair or al-

1 teration forms: *Provided further*, That of the funds appro-
2 priated under this heading, not less than \$165,000,000
3 shall be used to fund direct operations of the current 253
4 air traffic control towers in the contract tower program,
5 including the contract tower cost share program, and any
6 airport that is currently qualified or that will qualify for
7 the program during the fiscal year: *Provided further*, That
8 not later than 30 days after enactment of this Act, the
9 Secretary of Transportation shall transmit to Congress
10 the final disposition of the Benefit Cost Analysis for appli-
11 cations for participation in the Contract Tower Program
12 and for reevaluation of Cost-share Program participants
13 pending as of January 1, 2016, as mandated by section
14 119C of division K of the Consolidated Appropriations
15 Act, 2017 (Public Law 115–31): *Provided further*, That
16 none of the funds in this Act for aeronautical charting
17 and cartography are available for activities conducted by,
18 or coordinated through, the Working Capital Fund: *Pro-*
19 *vided further*, That none of the funds appropriated or oth-
20 erwise made available by this Act or any other Act may
21 be used to eliminate the Contract Weather Observers pro-
22 gram at any airport.

1 FACILITIES AND EQUIPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for acquisition, establishment, technical support services,
5 improvement by contract or purchase, and hire of national
6 airspace systems and experimental facilities and equip-
7 ment, as authorized under part A of subtitle VII of title
8 49, United States Code, including initial acquisition of
9 necessary sites by lease or grant; engineering and service
10 testing, including construction of test facilities and acqui-
11 sition of necessary sites by lease or grant; construction
12 and furnishing of quarters and related accommodations
13 for officers and employees of the Federal Aviation Admin-
14 istration stationed at remote localities where such accom-
15 modations are not available; and the purchase, lease, or
16 transfer of aircraft from funds available under this head-
17 ing, including aircraft for aviation regulation and certifi-
18 cation; to be derived from the Airport and Airway Trust
19 Fund, \$3,250,000,000, of which \$498,000,000 shall re-
20 main available until September 30, 2019, \$2,602,000,000
21 shall remain available until September 30, 2020, and
22 \$150,000,000 shall remain available until expended: *Pro-*
23 *vided*, That there may be credited to this appropriation
24 funds received from States, counties, municipalities, other
25 public authorities, and private sources, for expenses in-

1 curred in the establishment, improvement, and moderniza-
2 tion of national airspace systems: *Provided further*, That
3 no later than March 31, the Secretary of Transportation
4 shall transmit to the Congress an investment plan for the
5 Federal Aviation Administration which includes funding
6 for each budget line item for fiscal years 2019 through
7 2023, with total funding for each year of the plan con-
8 strained to the funding targets for those years as esti-
9 mated and approved by the Office of Management and
10 Budget.

11 RESEARCH, ENGINEERING, AND DEVELOPMENT

12 (AIRPORT AND AIRWAY TRUST FUND)

13 For necessary expenses, not otherwise provided for,
14 for research, engineering, and development, as authorized
15 under part A of subtitle VII of title 49, United States
16 Code, including construction of experimental facilities and
17 acquisition of necessary sites by lease or grant,
18 \$188,926,000, to be derived from the Airport and Airway
19 Trust Fund and to remain available until September 30,
20 2020: *Provided*, That there may be credited to this appro-
21 priation as offsetting collections, funds received from
22 States, counties, municipalities, other public authorities,
23 and private sources, which shall be available for expenses
24 incurred for research, engineering, and development.

1 GRANTS-IN-AID FOR AIRPORTS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (AIRPORT AND AIRWAY TRUST FUND)
5 (INCLUDING TRANSFER OF FUNDS)

6 For liquidation of obligations incurred for grants-in-
7 aid for airport planning and development, and noise com-
8 patibility planning and programs as authorized under sub-
9 chapter I of chapter 471 and subchapter I of chapter 475
10 of title 49, United States Code, and under other law au-
11 thorizing such obligations; for procurement, installation,
12 and commissioning of runway incursion prevention devices
13 and systems at airports of such title; for grants authorized
14 under section 41743 of title 49, United States Code; and
15 for inspection activities and administration of airport safe-
16 ty programs, including those related to airport operating
17 certificates under section 44706 of title 49, United States
18 Code, \$3,000,000,000, to be derived from the Airport and
19 Airway Trust Fund and to remain available until ex-
20 pended: *Provided*, That none of the funds under this head-
21 ing shall be available for the planning or execution of pro-
22 grams the obligations for which are in excess of
23 \$3,350,000,000 in fiscal year 2018, notwithstanding sec-
24 tion 47117(g) of title 49, United States Code: *Provided*
25 *further*, That none of the funds under this heading shall

1 be available for the replacement of baggage conveyor sys-
2 tems, reconfiguration of terminal baggage areas, or other
3 airport improvements that are necessary to install bulk ex-
4 plosive detection systems: *Provided further*, That notwith-
5 standing section 47109(a) of title 49, United States Code,
6 the Government's share of allowable project costs under
7 paragraph (2) for subgrants or paragraph (3) of that sec-
8 tion shall be 95 percent for a project at other than a large
9 or medium hub airport that is a successive phase of a
10 multi-phased construction project for which the project
11 sponsor received a grant in fiscal year 2011 for the con-
12 struction project: *Provided further*, That notwithstanding
13 any other provision of law, of funds limited under this
14 heading, not more than \$111,863,000 shall be available
15 for administration, not less than \$15,000,000 shall be
16 available for the Airport Cooperative Research Program,
17 not less than \$33,210,000 shall be available for Airport
18 Technology Research, and \$10,000,000, to remain avail-
19 able until expended, shall be available and transferred to
20 "Office of the Secretary, Salaries and Expenses" to carry
21 out the Small Community Air Service Development Pro-
22 gram: *Provided further*, That in addition to airports eligi-
23 ble under section 41743 of title 49, such program may
24 include the participation of an airport that serves a com-
25 munity or consortium that is not larger than a small hub

1 airport, according to FAA hub classifications effective at
2 the time the Office of the Secretary issues a request for
3 proposals.

4 GRANTS-IN-AID FOR AIRPORTS

5 For an additional amount for “Grants-In-Aid for Air-
6 ports”, to enable the Secretary of Transportation to make
7 grants for projects as authorized by subchapter 1 of chap-
8 ter 471 and subchapter 1 of chapter 475 of title 49,
9 United States Code, \$1,000,000,000, to remain available
10 through September 30, 2020: *Provided*, That amounts
11 made available under this heading shall be derived from
12 the general fund, and such funds shall not be subject to
13 apportionment formulas, special apportionment categories,
14 or minimum percentages under chapter 471: *Provided fur-*
15 *ther*, That the Secretary shall distribute funds provided
16 under this heading as discretionary grants to airports:
17 *Provided further*, That the Secretary shall give priority
18 consideration to projects at (a) nonprimary airports that
19 are classified as Regional, Local, or Basic airports and
20 are not located within a Metropolitan or Micropolitan Sta-
21 tistical Area as defined by the Office of Management and
22 Budget, or (b) primary airports that are classified as
23 Small or Nonhub airports: *Provided further*, That the Fed-
24 eral share payable of the costs for which a grant is made
25 under this heading to a nonprimary airport shall be 100

1 percent: *Provided further*, That the amount made available
2 under this heading shall not be subject to any limitation
3 on obligations for the Grants-in-Aid for Airports program
4 set forth in any Act: *Provided further*, That the Adminis-
5 trator of the Federal Aviation Administration may retain
6 up to 0.5 percent of the funds provided under this heading
7 to fund the award and oversight by the Administrator of
8 grants made under this heading.

9 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

10 ADMINISTRATION

11 SEC. 110. None of the funds in this Act may be used
12 to compensate in excess of 600 technical staff-years under
13 the federally funded research and development center con-
14 tract between the Federal Aviation Administration and the
15 Center for Advanced Aviation Systems Development dur-
16 ing fiscal year 2018.

17 SEC. 111. None of the funds in this Act shall be used
18 to pursue or adopt guidelines or regulations requiring air-
19 port sponsors to provide to the Federal Aviation Adminis-
20 tration without cost building construction, maintenance,
21 utilities and expenses, or space in airport sponsor-owned
22 buildings for services relating to air traffic control, air
23 navigation, or weather reporting: *Provided*, That the pro-
24 hibition of funds in this section does not apply to negotia-
25 tions between the agency and airport sponsors to achieve

1 agreement on “below-market” rates for these items or to
2 grant assurances that require airport sponsors to provide
3 land without cost to the Federal Aviation Administration
4 for air traffic control facilities.

5 SEC. 112. The Administrator of the Federal Aviation
6 Administration may reimburse amounts made available to
7 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
8 49 U.S.C. 45303 and any amount remaining in such ac-
9 count at the close of that fiscal year may be made available
10 to satisfy section 41742(a)(1) for the subsequent fiscal
11 year.

12 SEC. 113. Amounts collected under section 40113(e)
13 of title 49, United States Code, shall be credited to the
14 appropriation current at the time of collection, to be
15 merged with and available for the same purposes of such
16 appropriation.

17 SEC. 114. None of the funds in this Act shall be avail-
18 able for paying premium pay under subsection 5546(a) of
19 title 5, United States Code, to any Federal Aviation Ad-
20 ministration employee unless such employee actually per-
21 formed work during the time corresponding to such pre-
22 mium pay.

23 SEC. 115. None of the funds in this Act may be obli-
24 gated or expended for an employee of the Federal Aviation

1 Administration to purchase a store gift card or gift certifi-
2 cate through use of a Government-issued credit card.

3 SEC. 116. None of the funds in this Act may be obli-
4 gated or expended for retention bonuses for an employee
5 of the Federal Aviation Administration without the prior
6 written approval of the Assistant Secretary for Adminis-
7 tration of the Department of Transportation.

8 SEC. 117. Notwithstanding any other provision of
9 law, none of the funds made available under this Act or
10 any prior Act may be used to implement or to continue
11 to implement any limitation on the ability of any owner
12 or operator of a private aircraft to obtain, upon a request
13 to the Administrator of the Federal Aviation Administra-
14 tion, a blocking of that owner's or operator's aircraft reg-
15 istration number from any display of the Federal Aviation
16 Administration's Aircraft Situational Display to Industry
17 data that is made available to the public, except data made
18 available to a Government agency, for the noncommercial
19 flights of that owner or operator.

20 SEC. 118. None of the funds in this Act shall be avail-
21 able for salaries and expenses of more than eight political
22 and Presidential appointees in the Federal Aviation Ad-
23 ministration.

24 SEC. 119. None of the funds made available under
25 this Act may be used to increase fees pursuant to section

1 44721 of title 49, United States Code, until the Federal
2 Aviation Administration provides to the House and Senate
3 Committees on Appropriations a report that justifies all
4 fees related to aeronautical navigation products and ex-
5 plains how such fees are consistent with Executive Order
6 13642.

7 SEC. 119A. None of the funds in this Act may be
8 used to close a regional operations center of the Federal
9 Aviation Administration or reduce its services unless the
10 Administrator notifies the House and Senate Committees
11 on Appropriations not less than 90 full business days in
12 advance.

13 SEC. 119B. None of the funds appropriated or lim-
14 ited by this Act may be used to change weight restrictions
15 or prior permission rules at Teterboro airport in
16 Teterboro, New Jersey.

17 SEC. 119C. None of the funds provided under this
18 Act may be used by the Administrator of the Federal Avia-
19 tion Administration to withhold from consideration and
20 approval any application for participation in the Contract
21 Tower Program, or for reevaluation of Cost-share Pro-
22 gram participants, pending as of January 1, 2016, as long
23 as the Federal Aviation Administration has received an
24 application from the airport, and as long as the Adminis-
25 trator determines such tower is eligible using the factors

1 set forth in the Federal Aviation Administration report,
2 Establishment and Discontinuance Criteria for Airport
3 Traffic Control Towers (FAA–APO–90–7 as of August,
4 1990).

5 SEC. 119D. Notwithstanding any other provision of
6 law, none of the funds made available in this Act may be
7 obligated or expended to limit the use of an Organization
8 Designation Authorization’s (ODA) delegated functions
9 documented in its procedures manual on a type certifi-
10 cation project unless the Administrator documents a sys-
11 temic airworthiness noncompliance performance issue as
12 a result of inspection or oversight that the safety of air
13 commerce requires a limitation with regard to a specific
14 authorization or where an ODA’s capability has not been
15 previously established in terms of a new compliance meth-
16 od or design feature: *Provided*, That in such cases FAA
17 shall work with the ODA holder if requested to develop
18 the capability to execute that function safely, efficiently
19 and effectively.

20 FEDERAL HIGHWAY ADMINISTRATION
21 LIMITATION ON ADMINISTRATIVE EXPENSES
22 (HIGHWAY TRUST FUND)
23 (INCLUDING TRANSFER OF FUNDS)

24 Not to exceed \$439,443,925, together with advances
25 and reimbursements received by the Federal Highway Ad-

1 ministration, shall be obligated for necessary expenses for
2 administration and operation of the Federal Highway Ad-
3 ministration. In addition, \$3,248,000 shall be transferred
4 to the Appalachian Regional Commission in accordance
5 with section 104(a) of title 23, United States Code.

6 FEDERAL-AID HIGHWAYS

7 (LIMITATION ON OBLIGATIONS)

8 (HIGHWAY TRUST FUND)

9 Funds available for the implementation or execution
10 of Federal-aid highway and highway safety construction
11 programs authorized under titles 23 and 49, United States
12 Code, and the provisions of the Fixing America's Surface
13 Transportation Act shall not exceed total obligations of
14 \$44,234,212,000 for fiscal year 2018: *Provided*, That the
15 Secretary may collect and spend fees, as authorized by
16 title 23, United States Code, to cover the costs of services
17 of expert firms, including counsel, in the field of municipal
18 and project finance to assist in the underwriting and serv-
19 icing of Federal credit instruments and all or a portion
20 of the costs to the Federal Government of servicing such
21 credit instruments: *Provided further*, That such fees are
22 available until expended to pay for such costs: *Provided*
23 *further*, That such amounts are in addition to administra-
24 tive expenses that are also available for such purpose, and
25 are not subject to any obligation limitation or the limita-

1 tion on administrative expenses under section 608 of title
2 23, United States Code.

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (HIGHWAY TRUST FUND)

5 For the payment of obligations incurred in carrying
6 out Federal-aid highway and highway safety construction
7 programs authorized under title 23, United States Code,
8 \$44,973,212,000 derived from the Highway Trust Fund
9 (other than the Mass Transit Account), to remain avail-
10 able until expended.

11 HIGHWAY INFRASTRUCTURE PROGRAMS

12 There is hereby appropriated to the Secretary of
13 Transportation \$2,525,000,000: *Provided*, That the
14 amounts made available under this heading shall be de-
15 rived from the general fund, shall be in addition to any
16 funds provided for fiscal year 2018 in this or any other
17 Act for “Federal-aid Highways” under chapter 1 of title
18 23, United States Code, and shall not affect the distribu-
19 tion or amount of funds provided in any other Act: *Pro-*
20 *vided further*, That section 1101(b) of Public Law 114–
21 94 shall apply to funds made available under this heading:
22 *Provided further*, That of the funds made available under
23 this heading, \$1,980,000,000 shall be set aside for activi-
24 ties eligible under section 133(b)(1)(A) of title 23, United
25 States Code, \$15,800,000 shall be set aside for activities

1 eligible under the Puerto Rico Highway Program as de-
2 scribed in section 165(b)(2)(C) of such title, \$4,200,000
3 shall be set aside for activities eligible under the Terri-
4 torial Highway Program, as described in section 165(e)(6)
5 of such title, and \$300,000,000 shall be set aside for the
6 nationally significant Federal lands and tribal projects
7 program under section 1123 of the Fixing America’s Sur-
8 face Transportation (FAST) Act (Public Law 114–94):
9 *Provided further*, That the funds made available under this
10 heading for activities eligible under section 133(b)(1)(A)
11 of title 23, United States Code, shall be apportioned to
12 the States in the same ratio as the obligation limitation
13 for fiscal year 2018 is distributed among the States in
14 section 120(a)(5) of this Act: *Provided further*, That the
15 funds made available under this heading for activities eli-
16 gible under section 133(b)(1)(A) of title 23, United States
17 Code, shall be suballocated in the manner described in sec-
18 tion 133(d) of such title, except that the set-aside de-
19 scribed in section 133(h) of such title shall not apply to
20 funds made available under this heading: *Provided further*,
21 That the funds made available under this heading for ac-
22 tivities eligible under section 133(b)(1)(A) of such title
23 shall be administered as if apportioned under chapter 1
24 of such title and shall remain available through September
25 30, 2021: *Provided further*, That, except as provided in

1 the following proviso, the funds made available under this
2 heading for activities eligible under the Puerto Rico High-
3 way Program and activities eligible under the Territorial
4 Highway Program shall be administered as if allocated
5 under sections 165(b) and 165(c), respectively, of such
6 title and shall remain available through September 30,
7 2021: *Provided further*, That the funds made available
8 under this heading for activities eligible under the Puerto
9 Rico Highway Program shall not be subject to the require-
10 ments of sections 165(b)(2)(A) or 165(b)(2)(B) of such
11 title: *Provided further*, That notwithstanding section
12 1123(h) of the FAST Act, the funds made available under
13 this heading for the nationally significant Federal lands
14 and tribal projects program in section 1123 of such Act
15 shall remain available until expended: *Provided further*,
16 That of the funds made available under this heading,
17 \$225,000,000, to remain available through September 30,
18 2021, shall be set aside for a competitive highway bridge
19 program for States that have a population density of less
20 than 100 individuals per square mile: *Provided further*,
21 That the funds made available by the previous proviso
22 shall be (1) used for highway bridge replacement or reha-
23 bilitation projects on public roads that demonstrate cost
24 savings by bundling multiple highway bridge projects and
25 (2) administered as if apportioned under chapter 1 of title

1 23, United States Code: *Provided further*, That for pur-
2 pose of the previous two provisos, the Secretary shall cal-
3 culate population density figures based on the latest avail-
4 able data from the decennial census conducted under sec-
5 tion 141(a) of title 13, United States Code.

6 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

7 ADMINISTRATION

8 SEC. 120. (a) For fiscal year 2018, the Secretary of
9 Transportation shall—

10 (1) not distribute from the obligation limitation
11 for Federal-aid highways—

12 (A) amounts authorized for administrative
13 expenses and programs by section 104(a) of
14 title 23, United States Code; and

15 (B) amounts authorized for the Bureau of
16 Transportation Statistics;

17 (2) not distribute an amount from the obliga-
18 tion limitation for Federal-aid highways that is equal
19 to the unobligated balance of amounts—

20 (A) made available from the Highway
21 Trust Fund (other than the Mass Transit Ac-
22 count) for Federal-aid highway and highway
23 safety construction programs for previous fiscal
24 years the funds for which are allocated by the
25 Secretary (or apportioned by the Secretary

1 under sections 202 or 204 of title 23, United
2 States Code); and

3 (B) for which obligation limitation was
4 provided in a previous fiscal year;

5 (3) determine the proportion that—

6 (A) the obligation limitation for Federal-
7 aid highways, less the aggregate of amounts not
8 distributed under paragraphs (1) and (2) of
9 this subsection; bears to

10 (B) the total of the sums authorized to be
11 appropriated for the Federal-aid highway and
12 highway safety construction programs (other
13 than sums authorized to be appropriated for
14 provisions of law described in paragraphs (1)
15 through (11) of subsection (b) and sums au-
16 thorized to be appropriated for section 119 of
17 title 23, United States Code, equal to the
18 amount referred to in subsection (b)(12) for
19 such fiscal year), less the aggregate of the
20 amounts not distributed under paragraphs (1)
21 and (2) of this subsection;

22 (4) distribute the obligation limitation for Fed-
23 eral-aid highways, less the aggregate amounts not
24 distributed under paragraphs (1) and (2), for each
25 of the programs (other than programs to which

1 paragraph (1) applies) that are allocated by the Sec-
2 retary under the Fixing America’s Surface Trans-
3 portation Act and title 23, United States Code, or
4 apportioned by the Secretary under sections 202 or
5 204 of that title, by multiplying—

6 (A) the proportion determined under para-
7 graph (3); by

8 (B) the amounts authorized to be appro-
9 priated for each such program for such fiscal
10 year; and

11 (5) distribute the obligation limitation for Fed-
12 eral-aid highways, less the aggregate amounts not
13 distributed under paragraphs (1) and (2) and the
14 amounts distributed under paragraph (4), for Fed-
15 eral-aid highway and highway safety construction
16 programs that are apportioned by the Secretary
17 under title 23, United States Code (other than the
18 amounts apportioned for the National Highway Per-
19 formance Program in section 119 of title 23, United
20 States Code, that are exempt from the limitation
21 under subsection (b)(12) and the amounts appor-
22 tioned under sections 202 and 204 of that title) in
23 the proportion that—

24 (A) amounts authorized to be appropriated
25 for the programs that are apportioned under

1 title 23, United States Code, to each State for
2 such fiscal year; bears to

3 (B) the total of the amounts authorized to
4 be appropriated for the programs that are ap-
5 portioned under title 23, United States Code, to
6 all States for such fiscal year.

7 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
8 The obligation limitation for Federal-aid highways shall
9 not apply to obligations under or for—

10 (1) section 125 of title 23, United States Code;

11 (2) section 147 of the Surface Transportation
12 Assistance Act of 1978 (23 U.S.C. 144 note; 92
13 Stat. 2714);

14 (3) section 9 of the Federal-Aid Highway Act
15 of 1981 (95 Stat. 1701);

16 (4) subsections (b) and (j) of section 131 of the
17 Surface Transportation Assistance Act of 1982 (96
18 Stat. 2119);

19 (5) subsections (b) and (c) of section 149 of the
20 Surface Transportation and Uniform Relocation As-
21 sistance Act of 1987 (101 Stat. 198);

22 (6) sections 1103 through 1108 of the Inter-
23 modal Surface Transportation Efficiency Act of
24 1991 (105 Stat. 2027);

1 (7) section 157 of title 23, United States Code
2 (as in effect on June 8, 1998);

3 (8) section 105 of title 23, United States Code
4 (as in effect for fiscal years 1998 through 2004, but
5 only in an amount equal to \$639,000,000 for each
6 of those fiscal years);

7 (9) Federal-aid highway programs for which ob-
8 ligation authority was made available under the
9 Transportation Equity Act for the 21st Century
10 (112 Stat. 107) or subsequent Acts for multiple
11 years or to remain available until expended, but only
12 to the extent that the obligation authority has not
13 lapsed or been used;

14 (10) section 105 of title 23, United States Code
15 (as in effect for fiscal years 2005 through 2012, but
16 only in an amount equal to \$639,000,000 for each
17 of those fiscal years);

18 (11) section 1603 of SAFETEA-LU (23
19 U.S.C. 118 note; 119 Stat. 1248), to the extent that
20 funds obligated in accordance with that section were
21 not subject to a limitation on obligations at the time
22 at which the funds were initially made available for
23 obligation; and

1 (12) section 119 of title 23, United States Code
2 (but, for each of fiscal years 2013 through 2018,
3 only in an amount equal to \$639,000,000).

4 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
5 THORITY.—Notwithstanding subsection (a), the Secretary
6 shall, after August 1 of such fiscal year—

7 (1) revise a distribution of the obligation limita-
8 tion made available under subsection (a) if an
9 amount distributed cannot be obligated during that
10 fiscal year; and

11 (2) redistribute sufficient amounts to those
12 States able to obligate amounts in addition to those
13 previously distributed during that fiscal year, giving
14 priority to those States having large unobligated bal-
15 ances of funds apportioned under sections 144 (as in
16 effect on the day before the date of enactment of
17 Public Law 112–141) and 104 of title 23, United
18 States Code.

19 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
20 TRANSPORTATION RESEARCH PROGRAMS.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the obligation limitation for Federal-aid
23 highways shall apply to contract authority for trans-
24 portation research programs carried out under—

1 (A) chapter 5 of title 23, United States
2 Code; and

3 (B) title VI of the Fixing America's Sur-
4 face Transportation Act.

5 (2) EXCEPTION.—Obligation authority made
6 available under paragraph (1) shall—

7 (A) remain available for a period of 4 fis-
8 cal years; and

9 (B) be in addition to the amount of any
10 limitation imposed on obligations for Federal-
11 aid highway and highway safety construction
12 programs for future fiscal years.

13 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
14 FUNDS.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of distribution of obligation limitation
17 under subsection (a), the Secretary shall distribute
18 to the States any funds (excluding funds authorized
19 for the program under section 202 of title 23,
20 United States Code) that—

21 (A) are authorized to be appropriated for
22 such fiscal year for Federal-aid highway pro-
23 grams; and

24 (B) the Secretary determines will not be
25 allocated to the States (or will not be appor-

1 tioned to the States under section 204 of title
2 23, United States Code), and will not be avail-
3 able for obligation, for such fiscal year because
4 of the imposition of any obligation limitation for
5 such fiscal year.

6 (2) **RATIO.**—Funds shall be distributed under
7 paragraph (1) in the same proportion as the dis-
8 tribution of obligation authority under subsection
9 (a)(5).

10 (3) **AVAILABILITY.**—Funds distributed to each
11 State under paragraph (1) shall be available for any
12 purpose described in section 133(b) of title 23,
13 United States Code.

14 **SEC. 121.** Notwithstanding 31 U.S.C. 3302, funds re-
15 ceived by the Bureau of Transportation Statistics from the
16 sale of data products, for necessary expenses incurred pur-
17 suant to chapter 63 of title 49, United States Code, may
18 be credited to the Federal-aid highways account for the
19 purpose of reimbursing the Bureau for such expenses:
20 *Provided*, That such funds shall be subject to the obliga-
21 tion limitation for Federal-aid highway and highway safety
22 construction programs.

23 **SEC. 122.** Not less than 15 days prior to waiving,
24 under his or her statutory authority, any Buy America re-
25 quirement for Federal-aid highways projects, the Sec-

1 retary of Transportation shall make an informal public no-
2 tice and comment opportunity on the intent to issue such
3 waiver and the reasons therefor: *Provided*, That the Sec-
4 retary shall provide an annual report to the House and
5 Senate Committees on Appropriations on any waivers
6 granted under the Buy America requirements.

7 SEC. 123. None of the funds provided in this Act to
8 the Department of Transportation may be used to provide
9 credit assistance unless not less than 3 days before any
10 application approval to provide credit assistance under
11 sections 603 and 604 of title 23, United States Code, the
12 Secretary of Transportation provides notification in writ-
13 ing to the following committees: the House and Senate
14 Committees on Appropriations; the Committee on Envi-
15 ronment and Public Works and the Committee on Bank-
16 ing, Housing and Urban Affairs of the Senate; and the
17 Committee on Transportation and Infrastructure of the
18 House of Representatives: *Provided*, That such notifica-
19 tion shall include, but not be limited to, the name of the
20 project sponsor; a description of the project; whether cred-
21 it assistance will be provided as a direct loan, loan guar-
22 antee, or line of credit; and the amount of credit assist-
23 ance.

24 SEC. 124. None of the funds in this Act may be used
25 to make a grant for a project under section 117 of title

1 23, United States Code, unless the Secretary, at least 60
2 days before making a grant under that section, provides
3 written notification to the House and Senate Committees
4 on Appropriations of the proposed grant, including an
5 evaluation and justification for the project and the amount
6 of the proposed grant award: *Provided*, That the written
7 notification required in the previous proviso shall be made
8 no later than 180 days after enactment of this Act.

9 SEC. 125. For this fiscal year, the Federal Highway
10 Administration shall reinstate Interim Approval IA-5, re-
11 lating to the provisional use of an alternative lettering
12 style on certain highway guide signs, as it existed before
13 its termination, as announced in the Federal Register on
14 January 25, 2016 (81 Fed. Reg. 4083).

15 SEC. 126. (a) A State or territory, as defined in sec-
16 tion 165 of title 23, United States Code, may use for any
17 project eligible under section 133(b) of title 23 or section
18 165 of title 23 and located within the boundary of the
19 State or territory any earmarked amount, and any associ-
20 ated obligation limitation: *Provided*, That the Department
21 of Transportation for the State or territory for which the
22 earmarked amount was originally designated or directed
23 notifies the Secretary of Transportation of its intent to
24 use its authority under this section and submits a quar-
25 terly report to the Secretary identifying the projects to

1 which the funding would be applied. Notwithstanding the
2 original period of availability of funds to be obligated
3 under this section, such funds and associated obligation
4 limitation shall remain available for obligation for a period
5 of 3 fiscal years after the fiscal year in which the Sec-
6 retary of Transportation is notified. The Federal share of
7 the cost of a project carried out with funds made available
8 under this section shall be the same as associated with
9 the earmark.

10 (b) In this section, the term “earmarked amount”
11 means—

12 (1) congressionally directed spending, as de-
13 fined in rule XLIV of the Standing Rules of the
14 Senate, identified in a prior law, report, or joint ex-
15 planatory statement, which was authorized to be ap-
16 propriated or appropriated more than 10 fiscal years
17 prior to the current fiscal year, and administered by
18 the Federal Highway Administration; or

19 (2) a congressional earmark, as defined in rule
20 XXI of the Rules of the House of Representatives
21 identified in a prior law, report, or joint explanatory
22 statement, which was authorized to be appropriated
23 or appropriated more than 10 fiscal years prior to
24 the current fiscal year, and administered by the Fed-
25 eral Highway Administration.

1 (c) The authority under subsection (a) may be exer-
2 cised only for those projects or activities that have obli-
3 gated less than 10 percent of the amount made available
4 for obligation as of October 1 of the current fiscal year,
5 and shall be applied to projects within the same general
6 geographic area within 50 miles for which the funding was
7 designated, except that a State or territory may apply
8 such authority to unexpended balances of funds from
9 projects or activities the State or territory certifies have
10 been closed and for which payments have been made under
11 a final voucher.

12 (d) The Secretary shall submit consolidated reports
13 of the information provided by the States and territories
14 each quarter to the House and Senate Committees on Ap-
15 propriations.

16 SEC. 127. Section 127 of title 23, United States
17 Code, is amended by adding at the end the following:

18 “(u) VEHICLES IN NORTH DAKOTA.—A vehicle lim-
19 ited or prohibited under this section from operating on a
20 segment of the Interstate System in the State of North
21 Dakota may operate on such a segment if such vehicle—

22 “(1) has a gross vehicle weight of 129,000
23 pounds or less;

1 “(2) other than gross vehicle weight, complies
2 with the single axle, tandem axle, and bridge for-
3 mula limits set forth in subsection (a); and

4 “(3) is authorized to operate on such segment
5 under North Dakota State law.”.

6 SEC. 128. Section 1105(c)(89) of Public Law 102-
7 240, as amended, is amended to read as follows:

8 “(89) I-57 Corridor Extension as follows: In
9 Arkansas, the corridor shall follow United States
10 Route 67 in North Little Rock, Arkansas, from I-
11 40 to United States Route 412, then continuing gen-
12 erally northeast to the State line, and in Missouri,
13 the corridor shall continue generally north from the
14 Arkansas State line to Poplar Bluff, Missouri, and
15 then follow United States Route 60 to I-57.”.

16 SEC. 129. Section 1012(e) of Public Law 102-240
17 is amended by inserting “(1)” before “Notwithstanding”
18 and adding at the end the following:

19 “(2) Upon the request of any State Department
20 of Transportation that was authorized to enter into
21 a tolling agreement under section 120(c) of Public
22 Law 100-17 (101 STAT. 159), the Secretary is au-
23 thorized to modify the agreement entered into under
24 Public Law 100-17, as follows. The Secretary shall
25 authorize the use of excess toll revenues for any

1 other purpose for which Federal funds may be obli-
2 gated under title 23, United States Code, provided
3 the State—

4 “(A) certifies annually that the tolled facil-
5 ity is being adequately maintained; and

6 “(B) agrees to comply with the audit re-
7 quirements in section 129(a)(3)(B) of title 23,
8 United States Code.

9 “(3) For the purposes of paragraph (2), ‘excess
10 toll revenues’ means revenues in excess of amounts
11 necessary for operation and maintenance; debt serv-
12 ice; reasonable return on investment of any private
13 person or entity that may be authorized by the State
14 to operate and maintain the facility; and any cost
15 necessary for improvement, including reconstruction,
16 resurfacing, restoration, and rehabilitation.”.

17 SEC. 129A. Section 127(a)(10) of title 23, United
18 States Code, is amended to read—

19 “(10) With respect to Interstate Routes 89, 93,
20 and 95 in the State of New Hampshire—

21 “(A) State laws (including regulations)
22 concerning vehicle weight limitations that were
23 in effect on January 1, 1987, and are applica-
24 ble to State highways other than the Interstate

1 System, shall be applicable in lieu of the re-
2 quirements of this subsection; and

3 “(B) effective June 30, 2016, a combina-
4 tion of truck-tractor and dump trailer equipped
5 with 6 axles or more with a gross weight of up
6 to 99,000 pounds shall be permitted if the dis-
7 tances between the extreme axles, excluding the
8 steering axle, is 28 feet or more.”.

9 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
10 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)

12 (LIMITATION ON OBLIGATIONS)

13 (HIGHWAY TRUST FUND)

14 For payment of obligations incurred in the implemen-
15 tation, execution and administration of motor carrier safe-
16 ty operations and programs pursuant to section 31110 of
17 title 49, United States Code, as amended by the Fixing
18 America’s Surface Transportation Act, \$283,000,000, to
19 be derived from the Highway Trust Fund (other than the
20 Mass Transit Account), together with advances and reim-
21 bursements received by the Federal Motor Carrier Safety
22 Administration, the sum of which shall remain available
23 until expended: *Provided*, That funds available for imple-
24 mentation, execution or administration of motor carrier
25 safety operations and programs authorized under title 49,

1 United States Code, shall not exceed total obligations of
2 \$283,000,000 for “Motor Carrier Safety Operations and
3 Programs” for fiscal year 2018, of which \$9,073,000, to
4 remain available for obligation until September 30, 2020,
5 is for the research and technology program, and of which
6 \$34,824,000, to remain available for obligation until Sep-
7 tember 30, 2020, is for information management.

8 MOTOR CARRIER SAFETY GRANTS
9 (LIQUIDATION OF CONTRACT AUTHORIZATION)
10 (LIMITATION ON OBLIGATIONS)
11 (HIGHWAY TRUST FUND)
12 (INCLUDING TRANSFER OF FUNDS)

13 For payment of obligations incurred in carrying out
14 sections 31102, 31103, 31104, and 31313 of title 49,
15 United States Code, as amended by the Fixing America’s
16 Surface Transportation Act, \$374,800,000, to be derived
17 from the Highway Trust Fund (other than the Mass Tran-
18 sit Account) and to remain available until expended: *Pro-*
19 *vided*, That funds available for the implementation or exe-
20 cution of motor carrier safety programs shall not exceed
21 total obligations of \$374,800,000 in fiscal year 2018 for
22 “Motor Carrier Safety Grants”; of which \$298,900,000
23 shall be available for the motor carrier safety assistance
24 program, \$31,800,000 shall be available for the commer-
25 cial driver’s license program implementation program,

1 \$43,100,000 shall be available for the high priority activi-
2 ties program, and \$1,000,000 shall be available for the
3 commercial motor vehicle operators grant program: *Pro-*
4 *vided further*, That of the unobligated amounts provided
5 for Commercial Vehicle Information Systems Network De-
6 velopment or other Motor Carrier Safety grants in the
7 Transportation Equity Act for the 21st Century (Public
8 Law 105–178), SAFETEA-LU (Public Law 109–59), or
9 other appropriation or authorization acts prior to fiscal
10 year 2017, \$87,000,000 in additional obligation limitation
11 is provided for the modernization and maintenance of bor-
12 der facilities, and shall remain available until September
13 30, 2022: *Provided further*, That of the unobligated
14 amounts provided for Commercial Vehicle Information
15 Systems Network Development or other Motor Carrier
16 Safety grants in the Transportation Equity Act for the
17 21st Century (Public Law 105–178), SAFETEA-LU
18 (Public Law 109–59), or other appropriation or authoriza-
19 tion acts prior to fiscal year 2017, \$100,000,000 in addi-
20 tional obligation limitation is provided for a highly auto-
21 mated vehicle research and development program and
22 shall remain available until expended, of which not less
23 than \$60,000,000 shall be for demonstration grants, and
24 of which not less than \$38,000,000 shall be for research
25 activities: *Provided further*, That the activities funded by

1 the previous proviso may be accomplished through direct
2 expenditure, direct research activities, grants, cooperative
3 agreements, contracts, intra or interagency agreements, or
4 other agreements with public organizations: *Provided fur-*
5 *ther*, That such amounts, payments, and obligation limita-
6 tion as may be necessary to carry out highly automated
7 vehicle research and development program activities may
8 be transferred and credited to appropriate accounts of
9 other participating Federal agencies: *Provided further*,
10 That \$187,000,000 for payment of obligations incurred in
11 carrying out this section shall be derived from the High-
12 way Trust Fund (other than the Mass Transit Account),
13 to be available until expended.

14 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

15 CARRIER SAFETY ADMINISTRATION

16 SEC. 130. Funds appropriated or limited in this Act
17 shall be subject to the terms and conditions stipulated in
18 section 350 of Public Law 107–87 and section 6901 of
19 Public Law 110–28.

20 SEC. 131. The Federal Motor Carrier Safety Admin-
21 istration shall send notice of 49 CFR section 385.308 vio-
22 lations by certified mail, registered mail, or another man-
23 ner of delivery, which records the receipt of the notice by
24 the persons responsible for the violations.

1 SEC. 132. None of the funds appropriated or other-
2 wise made available to the Department of Transportation
3 by this Act or any other Act may be obligated or expended
4 to implement, administer, or enforce the requirements of
5 section 31137 of title 49, United States Code, or any regu-
6 lation issued by the Secretary pursuant to such section,
7 with respect to the use of electronic logging devices by op-
8 erators of commercial motor vehicles, as defined in section
9 31132(1) of such title, transporting livestock as defined
10 in section 602 of the Emergency Livestock Feed Assist-
11 ance Act of 1988 (7 U.S.C. 1471) or insects.

12 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
13 OPERATIONS AND RESEARCH

14 For expenses necessary to discharge the functions of
15 the Secretary, with respect to traffic and highway safety
16 authorized under chapter 301 and part C of subtitle VI
17 of title 49, United States Code, \$189,075,000, of which
18 \$40,000,000 shall remain available through September
19 30, 2019.

20 OPERATIONS AND RESEARCH

21 (LIQUIDATION OF CONTRACT AUTHORIZATION)

22 (LIMITATION ON OBLIGATIONS)

23 (HIGHWAY TRUST FUND)

24 For payment of obligations incurred in carrying out
25 the provisions of 23 U.S.C. 403, section 4011 of the

1 FAST Act (Public Law 114–94), and chapter 303 of title
2 49, United States Code, \$149,000,000, to be derived from
3 the Highway Trust Fund (other than the Mass Transit
4 Account) and to remain available until expended: *Pro-*
5 *vided*, That none of the funds in this Act shall be available
6 for the planning or execution of programs the total obliga-
7 tions for which, in fiscal year 2018, are in excess of
8 \$149,000,000, of which \$143,700,000 shall be for pro-
9 grams authorized under 23 U.S.C. 403 and \$5,300,000
10 shall be for the National Driver Register authorized under
11 chapter 303 of title 49, United States Code: *Provided fur-*
12 *ther*, That within the \$149,000,000 obligation limitation
13 for operations and research, \$20,000,000 shall remain
14 available until September 30, 2019, and shall be in addi-
15 tion to the amount of any limitation imposed on obliga-
16 tions for future years.

17 HIGHWAY TRAFFIC SAFETY GRANTS

18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

19 (LIMITATION ON OBLIGATIONS)

20 (HIGHWAY TRUST FUND)

21 For payment of obligations incurred in carrying out
22 provisions of 23 U.S.C. 402, 404, and 405, and section
23 4001(a)(6) of the Fixing America’s Surface Transpor-
24 tation Act, to remain available until expended,
25 \$597,629,000, to be derived from the Highway Trust

1 Fund (other than the Mass Transit Account): *Provided*,
2 That none of the funds in this Act shall be available for
3 the planning or execution of programs the total obligations
4 for which, in fiscal year 2018, are in excess of
5 \$597,629,000 for programs authorized under 23 U.S.C.
6 402, 404, and 405, and section 4001(a)(6) of the Fixing
7 America’s Surface Transportation Act, of which
8 \$261,200,000 shall be for “Highway Safety Programs”
9 under 23 U.S.C. 402; \$280,200,000 shall be for “National
10 Priority Safety Programs” under 23 U.S.C. 405;
11 \$29,900,000 shall be for “High Visibility Enforcement
12 Program” under 23 U.S.C. 404; \$26,329,000 shall be for
13 “Administrative Expenses” under section 4001(a)(6) of
14 the Fixing America’s Surface Transportation Act: *Pro-*
15 *vided further*, That none of these funds shall be used for
16 construction, rehabilitation, or remodeling costs, or for of-
17 fice furnishings and fixtures for State, local or private
18 buildings or structures: *Provided further*, That not to ex-
19 ceed \$500,000 of the funds made available for “National
20 Priority Safety Programs” under 23 U.S.C. 405 for “Im-
21 paired Driving Countermeasures” (as described in sub-
22 section (d) of that section) shall be available for technical
23 assistance to the States: *Provided further*, That with re-
24 spect to the “Transfers” provision under 23 U.S.C.
25 405(a)(8), any amounts transferred to increase the

1 amounts made available under section 402 shall include
2 the obligation authority for such amounts: *Provided fur-*
3 *ther*, That the Administrator shall notify the House and
4 Senate Committees on Appropriations of any exercise of
5 the authority granted under the previous proviso or under
6 23 U.S.C. 405(a)(8) within 5 days.

7 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

8 TRAFFIC SAFETY ADMINISTRATION

9 SEC. 140. An additional \$130,000 shall be made
10 available to the National Highway Traffic Safety Adminis-
11 tration, out of the amount limited for section 402 of title
12 23, United States Code, to pay for travel and related ex-
13 penses for State management reviews and to pay for core
14 competency development training and related expenses for
15 highway safety staff.

16 SEC. 141. The limitations on obligations for the pro-
17 grams of the National Highway Traffic Safety Adminis-
18 tration set in this Act shall not apply to obligations for
19 which obligation authority was made available in previous
20 public laws but only to the extent that the obligation au-
21 thority has not lapsed or been used.

22 SEC. 142. None of the funds made available by this
23 Act may be used to obligate or award funds for the Na-
24 tional Highway Traffic Safety Administration's National
25 Roadside Survey.

1 SEC. 143. None of the funds made available by this
2 Act may be used to mandate global positioning system
3 (GPS) tracking in private passenger motor vehicles with-
4 out providing full and appropriate consideration of privacy
5 concerns under 5 U.S.C. chapter 5, subchapter II.

6 SEC. 144. In addition to the amounts made available
7 under the heading, “Operations and Research (Liquida-
8 tion of Contract Authorization) (Limitation on Obliga-
9 tions) (Highway Trust Fund)” for carrying out the provi-
10 sions of section 403 of title 23, United States Code,
11 \$11,500,000, to remain available until September 30,
12 2019, shall be made available to the National Highway
13 Traffic Safety Administration from the general fund, of
14 which not to exceed \$5,000,000 shall be available to pro-
15 vide funding for grants, pilot program activities, and inno-
16 vative solutions to reduce alcohol-impaired-driving fatali-
17 ties and other causes of the recent increase in highway
18 fatalities from impaired driving in collaboration with eligi-
19 ble entities under section 403 of title 23, United States
20 Code, and not to exceed \$6,500,000 shall be available to
21 continue a high visibility enforcement paid-media cam-
22 paign regarding highway-rail grade crossing safety in col-
23 laboration with the Federal Railroad Administration.

1 FEDERAL RAILROAD ADMINISTRATION

2 SAFETY AND OPERATIONS

3 For necessary expenses of the Federal Railroad Ad-
4 ministration, not otherwise provided for, \$221,698,000, of
5 which \$15,900,000 shall remain available until expended,
6 and of which up to \$350,000 shall be available for the
7 Secretary of Transportation to assist Class II and Class
8 III railroads in preparing to apply and applying for direct
9 loans and loan guarantees for eligible projects pursuant
10 to sections 501 through 504 of the Railroad Revitalization
11 and Regulatory Reform Act of 1976 (Public Law 94–210)
12 to also remain available until expended.

13 RAILROAD RESEARCH AND DEVELOPMENT

14 For necessary expenses for railroad research and de-
15 velopment, \$40,600,000, to remain available until ex-
16 pended.

17 RAILROAD REHABILITATION AND IMPROVEMENT

18 FINANCING PROGRAM

19 For the cost of direct loans and loan guarantees pur-
20 suant to sections 501 through 504 of the Railroad Revital-
21 ization and Regulatory Reform Act of 1976 (Public Law
22 94–210), as amended, \$25,000,000, to remain available
23 until expended: *Provided*, That such costs, including the
24 cost of modifying such loans, shall be as defined in section
25 502 of the Congressional Budget Act of 1974, as amend-

1 ed: *Provided further*, That the Secretary of Transportation
2 is authorized to issue direct loans and loan guarantees
3 pursuant to sections 501 through 504 of the Railroad Re-
4 vitalization and Regulatory Reform Act of 1976 (Public
5 Law 94–210), as amended, such authority shall exist as
6 long as any such direct loan or loan guarantee is out-
7 standing: *Provided further*, That, for direct loans and loan
8 guarantees issued pursuant to sections 501 through 504
9 of the Railroad Revitalization and Regulatory Reform Act
10 of 1976 (Public Law 94–210), as amended, the Secretary,
11 in consultation with the Director of the Office of Manage-
12 ment and Budget, not later than 120 days after the date
13 of enactment of this Act, shall define each cohort as the
14 loans provided for that fiscal year, creating individual fis-
15 cal year cohorts for each fiscal year in which a loan was
16 provided from the date of enactment of Public Law 105–
17 178 to the date of enactment of Public Law 114–94: *Pro-*
18 *vided further*, That, when all obligations attached to a co-
19 hort as defined under the previous proviso have been satis-
20 fied, the Secretary shall repay the credit risk premiums
21 of loans in the cohort, with interest accrued thereon, not
22 later than 180 days after the date of enactment of this
23 Act or, for a cohort with obligations that have not yet been
24 satisfied, not later than 60 days after the date on which
25 all obligations attached to the cohort have been satisfied:

1 *Provided further*, That the Secretary shall not treat the
2 repayment of a loan after the date of enactment of Public
3 Law 114–94 as precluding, limiting, or negatively affect-
4 ing the satisfaction of the obligation of its cohort for a
5 fiscal year prior to the enactment of Public Law 114–94.

6 FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD
7 REPAIR

8 For necessary expenses related to Federal-State
9 Partnership for State of Good Repair Grants as author-
10 ized by section 24911 of title 49, United States Code,
11 \$250,000,000, to remain available until expended: *Pro-*
12 *vided*, That the Secretary may withhold up to one percent
13 of the amount provided under this heading for the costs
14 of award and project management oversight of grants car-
15 ried out under section 24911 of title 49, United States
16 Code: *Provided further*, That section 24911(e)(1) of title
17 49, United States Code, is amended by striking “transpor-
18 tation” and inserting “transportation at the eligible
19 project location”.

20 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
21 IMPROVEMENTS

22 For necessary expenses related to Consolidated Rail
23 Infrastructure and Safety Improvements Grants, as au-
24 thorized by section 24407 of title 49, United States Code,
25 \$592,547,000, to remain available until expended, of

1 which \$250,000,000 shall be available for eligible projects
2 under section 24407(c)(1) of title 49, United States Code,
3 for the implementation of positive train control systems,
4 and of which \$35,547,000 shall be available for eligible
5 projects under section 24407(c)(2) of title 49, United
6 States Code, that contribute to the initiation or restora-
7 tion of intercity passenger rail service: *Provided*, That the
8 Secretary shall not preclude projects from consideration
9 for funding under the previous proviso due to a lack of
10 agreement among the funding recipients, operator, and
11 host railroad regarding access to and use of the host rail-
12 road facilities, if an agreement or order for the use of such
13 facilities may occur under section 24308 of title 49,
14 United States Code: *Provided further*, That section
15 24405(f) of title 49, United States Code, shall not apply
16 to projects for the implementation of positive train control
17 systems otherwise eligible under section 24407(c)(1) of
18 title 49, United States Code: *Provided further*, That
19 amounts available under this heading for projects selected
20 for commuter rail passenger transportation may be trans-
21 ferred by the Secretary, after selection, to the appropriate
22 agencies to be administered in accordance with chapter 53
23 of title 49, United States Code: *Provided further*, That the
24 Secretary shall not limit eligible projects from consider-
25 ation for funding for planning, engineering, environ-

1 mental, construction, and design elements of the same
2 project in the same application: *Provided further*, That un-
3 obligated balances remaining after four years from the
4 date of enactment may be used for any eligible project
5 under section 24407(c) of title 49, United States Code:
6 *Provided further*, That the Secretary may withhold up to
7 one percent of the amount provided under this heading
8 for the costs of award and project management oversight
9 of grants carried out under section 24407 of title 49,
10 United States Code.

11 RESTORATION AND ENHANCEMENT

12 For necessary expenses related to Restoration and
13 Enhancement Grants, as authorized by section 24408 of
14 title 49, United States Code, \$20,000,000, to remain
15 available until expended: *Provided*, That the Secretary
16 may withhold up to one percent of the funds provided
17 under this heading to fund the costs of award and project
18 management and oversight.

19 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
20 RAILROAD PASSENGER CORPORATION

21 To enable the Secretary of Transportation to make
22 grants to the National Railroad Passenger Corporation for
23 activities associated with the Northeast Corridor as au-
24 thorized by section 11101(a) of the Fixing America's Sur-
25 face Transportation Act (division A of Public Law 114—

1 94), \$650,000,000, to remain available until expended:
2 *Provided*, That the Secretary may retain up to one-half
3 of 1 percent of the funds provided under both this heading
4 and the “National Network Grants to the National Rail-
5 road Passenger Corporation” heading to fund the costs
6 of project management and oversight of activities author-
7 ized by section 11101(c) of division A of Public Law 114–
8 94: *Provided further*, That in addition to the project man-
9 agement oversight funds authorized under section
10 11101(c) of division A of Public Law 114–94, the Sec-
11 retary may retain up to an additional \$5,000,000 of the
12 funds provided under this heading to fund expenses associ-
13 ated with the Northeast Corridor Commission established
14 under section 24905 of title 49, United States Code: *Pro-*
15 *vided further*, That of the amounts made available under
16 this heading and the “National Network Grants to the Na-
17 tional Railroad Passenger Corporation” heading, not less
18 than \$50,000,000 shall be made available to bring Am-
19 trak-served facilities and stations into compliance with the
20 Americans with Disabilities Act.

21 NATIONAL NETWORK GRANTS TO THE NATIONAL
22 RAILROAD PASSENGER CORPORATION

23 To enable the Secretary of Transportation to make
24 grants to the National Railroad Passenger Corporation for
25 activities associated with the National Network as author-

1 ized by section 11101(b) of the Fixing America's Surface
2 Transportation Act (division A of Public Law 114–94),
3 \$1,291,600,000, to remain available until expended: *Pro-*
4 *vided*, That the Secretary may retain up to an additional
5 \$2,000,000 of the funds provided under this heading to
6 fund expenses associated with the State-Supported Route
7 Committee established under section 24712 of title 49,
8 United States Code: *Provided further*, That up to
9 \$5,000,000 of the amount provided under this heading
10 shall be available for costs associated with any matters
11 Amtrak may elect to bring before the Surface Transpor-
12 tation Board related to passenger rail service: *Provided*
13 *further*, That at least \$50,000,000 of the amount provided
14 under this heading shall be available for the development,
15 installation and operation of railroad safety technology, in-
16 cluding the implementation of a positive train control sys-
17 tem, on State-supported routes as defined under section
18 24102(13) of title 49, United States Code, on which posi-
19 tive train control systems are not required by law or regu-
20 lation.

21 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

22 ADMINISTRATION

23 SEC. 150. None of the funds provided to the National
24 Railroad Passenger Corporation may be used to fund any
25 overtime costs in excess of \$35,000 for any individual em-

1 ployee: *Provided*, That the President of Amtrak may waive
2 the cap set in the previous proviso for specific employees
3 when the President of Amtrak determines such a cap
4 poses a risk to the safety and operational efficiency of the
5 system: *Provided further*, That the President of Amtrak
6 shall report to the House and Senate Committees on Ap-
7 propriations each quarter within 30 days of such quarter
8 of the calendar year on waivers granted to employees and
9 amounts paid above the cap for each month within such
10 quarter and delineate the reasons each waiver was grant-
11 ed: *Provided further*, That the President of Amtrak shall
12 report to the House and Senate Committees on Appropria-
13 tions within 60 days of enactment of this Act, a summary
14 of all overtime payments incurred by the Corporation for
15 2017 and the three prior calendar years: *Provided further*,
16 That such summary shall include the total number of em-
17 ployees that received waivers and the total overtime pay-
18 ments the Corporation paid to those employees receiving
19 waivers for each month for 2017 and for the three prior
20 calendar years.

21 FEDERAL TRANSIT ADMINISTRATION

22 ADMINISTRATIVE EXPENSES

23 For necessary administrative expenses of the Federal
24 Transit Administration's programs authorized by chapter
25 53 of title 49, United States Code, \$113,165,000: *Pro-*

1 *vided*, That none of the funds provided or limited in this
2 Act may be used to create a permanent office of transit
3 security under this heading: *Provided further*, That upon
4 submission to the Congress of the fiscal year 2019 Presi-
5 dent's budget, the Secretary of Transportation shall trans-
6 mit to Congress the annual report on New Starts, includ-
7 ing proposed allocations for fiscal year 2019.

8 TRANSIT FORMULA GRANTS

9 (LIQUIDATION OF CONTRACT AUTHORIZATION)

10 (LIMITATION ON OBLIGATIONS)

11 (HIGHWAY TRUST FUND)

12 For payment of obligations incurred in the Federal
13 Public Transportation Assistance Program in this ac-
14 count, and for payment of obligations incurred in carrying
15 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
16 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and
17 5340, as amended by the Fixing America's Surface Trans-
18 portation Act, and section 20005(b) of Public Law 112-
19 141, and section 3006(b) of the Fixing America's Surface
20 Transportation Act, \$10,300,000,000, to be derived from
21 the Mass Transit Account of the Highway Trust Fund
22 and to remain available until expended: *Provided*, That
23 funds available for the implementation or execution of pro-
24 grams authorized under 49 U.S.C. 5305, 5307, 5310,
25 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339,

1 and 5340, as amended by the Fixing America's Surface
2 Transportation Act, and section 20005(b) of Public Law
3 112–141, and section 3006(b) of the Fixing America's
4 Surface Transportation Act, shall not exceed total obliga-
5 tions of \$9,733,353,407 in fiscal year 2018: *Provided fur-*
6 *ther*, That the Federal share of the cost of activities car-
7 ried out under section 5312 shall not exceed 80 percent,
8 except that if there is substantial public interest or benefit,
9 the Secretary may approve a greater Federal share.

10 TRANSIT INFRASTRUCTURE GRANTS

11 For an additional amount for buses and bus facilities
12 grants under section 5339 of title 49, United States Code,
13 state of good repair grants under section 5337 of such
14 title, high density state apportionments under section
15 5340(d) of such title, and the bus testing facilities under
16 sections 5312 and 5318 of such title, \$834,000,000 to re-
17 main available until expended: *Provided*, That
18 \$400,000,000 shall be available for grants as authorized
19 under section 5339 of such title, of which \$209,104,000
20 shall be available for the buses and bus facilities formula
21 grants as authorized under section 5339(a) of such title,
22 \$161,446,000 shall be available for the buses and bus fa-
23 cilities competitive grants as authorized under section
24 5339(b) of such title, and \$29,450,000 shall be available
25 for the low or no emission grants as authorized under sec-

1 tion 5339(c) of such title: *Provided further*, That
2 \$400,000,000 shall be available for the state of good re-
3 pair grants as authorized under section 5337 of such title:
4 *Provided further*, That \$30,000,000 shall be available for
5 the high density state apportionments as authorized under
6 section 5340(d) of such title: *Provided further*, That
7 \$2,000,000 shall be available for the bus testing facility
8 as authorized under section 5318 of such title: *Provided*
9 *further*, That notwithstanding section 5318(a) of such
10 title, \$2,000,000 shall be available for the operation and
11 maintenance of bus testing facilities by institutions of
12 higher education selected pursuant to section 5312(h) of
13 such title: *Provided further*, That the Secretary shall enter
14 into a contract or cooperative agreement with, or make
15 a grant to, each institution of higher education selected
16 pursuant to section 5312(h) of such title, to operate and
17 maintain a facility to conduct the testing of low or no
18 emission vehicle new bus models using the standards es-
19 tablished pursuant to section 5318(e)(2) of such title: *Pro-*
20 *vided further*, That the term “low or no emission vehicle”
21 has the meaning given the term in section 5312(e)(6) of
22 such title: *Provided further*, That the Secretary shall pay
23 80 percent of the cost of testing a low or no emission vehi-
24 cle new bus model at each selected institution of higher
25 education: *Provided further*, That the entity having the ve-

1 hicle tested shall pay 20 percent of the cost of testing:
2 *Provided further*, That a low or no emission vehicle new
3 bus model tested that receives a passing aggregate test
4 score in accordance with the standards established under
5 section 5318(e)(2) of such title, shall be deemed to be in
6 compliance with the requirements of section 5318(e) of
7 such title: *Provided further*, That amounts made available
8 by this heading shall be derived from the general fund:
9 *Provided further*, That the amounts made available under
10 this heading shall not be subject to any limitation on obli-
11 gations for transit programs set forth in any Act.

12 TECHNICAL ASSISTANCE AND TRAINING

13 For necessary expenses to carry out 49 U.S.C. 5314,
14 \$5,000,000.

15 CAPITAL INVESTMENT GRANTS

16 For necessary expenses to carry out fixed guideway
17 capital investment grants under section 5309 of title 49,
18 United States Code, \$2,644,960,000 to remain available
19 until September 30, 2021: *Provided*, That of the amounts
20 made available under this heading, \$2,252,508,586 shall
21 be obligated by December 31, 2019: *Provided further*,
22 That \$5,050,000 from unobligated amounts appropriated
23 for the buses and bus facilities program under section
24 5309 of such title from fiscal years 2000 to 2005 shall
25 remain available until September 30, 2021 to carry out

1 section 5309: *Provided further*, That of the amounts made
2 available under this heading, \$1,506,910,000 shall be
3 available for projects authorized under section 5309(d) of
4 such title, \$715,700,000 shall be available for projects au-
5 thorized under section 5309(e) of such title, \$400,900,000
6 shall be available for projects authorized under section
7 5309(h) of such title: *Provided further*, That the Secretary
8 shall continue to administer the capital investment grant
9 program in accordance with the procedural and sub-
10 stantive requirements of section 5309 of such title.

11 GRANTS TO THE WASHINGTON METROPOLITAN AREA

12 TRANSIT AUTHORITY

13 For grants to the Washington Metropolitan Area
14 Transit Authority as authorized under section 601 of divi-
15 sion B of Public Law 110–432, \$150,000,000, to remain
16 available until expended: *Provided*, That the Secretary of
17 Transportation shall approve grants for capital and pre-
18 ventive maintenance expenditures for the Washington
19 Metropolitan Area Transit Authority only after receiving
20 and reviewing a request for each specific project: *Provided*
21 *further*, That prior to approving such grants, the Secretary
22 shall certify that the Washington Metropolitan Area Tran-
23 sit Authority is making progress to improve its safety
24 management system in response to the Federal Transit
25 Administration’s 2015 safety management inspection:

1 *Provided further*, That the Secretary shall determine that
2 the Washington Metropolitan Area Transit Authority has
3 placed the highest priority on those investments that will
4 improve the safety of the system before approving such
5 grants: *Provided further*, That the Secretary, in order to
6 ensure safety throughout the rail system, may waive the
7 requirements of section 601(e)(1) of division B of Public
8 Law 110–432.

9 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

10 ADMINISTRATION

11 SEC. 160. The limitations on obligations for the pro-
12 grams of the Federal Transit Administration shall not
13 apply to any authority under 49 U.S.C. 5338, previously
14 made available for obligation, or to any other authority
15 previously made available for obligation.

16 SEC. 161. Notwithstanding any other provision of
17 law, any funds appropriated before October 1, 2017, under
18 any section of chapter 53 of title 49, United States Code,
19 that remain available for expenditure, may be transferred
20 to and administered under the most recent appropriation
21 heading for any such section.

22 SEC. 162. (a) Except as provided in subsection (b),
23 none of the funds in this or any other Act may be available
24 to advance in any way a new light or heavy rail project
25 towards a full funding grant agreement as defined by 49

1 U.S.C. 5309 for the Metropolitan Transit Authority of
2 Harris County, Texas if the proposed capital project is
3 constructed on or planned to be constructed on Richmond
4 Avenue west of South Shepherd Drive or on Post Oak
5 Boulevard north of Richmond Avenue in Houston, Texas.

6 (b) The Metropolitan Transit Authority of Harris
7 County, Texas, may attempt to construct or construct a
8 new fixed guideway capital project, including light rail, in
9 the locations referred to in subsection (a) if—

10 (1) voters in the jurisdiction that includes such
11 locations approve a ballot proposition that specifies
12 routes on Richmond Avenue west of South Shepherd
13 Drive or on Post Oak Boulevard north of Richmond
14 Avenue in Houston, Texas; and

15 (2) the proposed construction of such routes is
16 part of a comprehensive, multi-modal, service-area
17 wide transportation plan that includes multiple addi-
18 tional segments of fixed guideway capital projects,
19 including light rail for the jurisdiction set forth in
20 the ballot proposition. The ballot language shall in-
21 clude reasonable cost estimates, sources of revenue
22 to be used and the total amount of bonded indebted-
23 ness to be incurred as well as a description of each
24 route and the beginning and end point of each pro-
25 posed transit project.

1 SEC. 163. Notwithstanding any other provision of
2 law, none of the funds made available in this Act shall
3 be used to enter into a full funding grant agreement for
4 a project with a New Starts share greater than 51 percent.

5 SAINT LAWRENCE SEAWAY DEVELOPMENT
6 CORPORATION

7 The Saint Lawrence Seaway Development Corpora-
8 tion is hereby authorized to make such expenditures, with-
9 in the limits of funds and borrowing authority available
10 to the Corporation, and in accord with law, and to make
11 such contracts and commitments without regard to fiscal
12 year limitations, as provided by section 104 of the Govern-
13 ment Corporation Control Act, as amended, as may be
14 necessary in carrying out the programs set forth in the
15 Corporation's budget for the current fiscal year.

16 OPERATIONS AND MAINTENANCE
17 (HARBOR MAINTENANCE TRUST FUND)

18 For necessary expenses to conduct the operations,
19 maintenance, and capital asset renewal activities of those
20 portions of the St. Lawrence Seaway owned, operated, and
21 maintained by the Saint Lawrence Seaway Development
22 Corporation, \$40,000,000, to be derived from the Harbor
23 Maintenance Trust Fund, pursuant to Public Law 99-
24 662: *Provided*, That of the amounts made available under
25 this heading, not less than \$19,500,000 shall be used on

1 asset renewal activities and shall remain available through
2 September 30, 2020.

3 MARITIME ADMINISTRATION

4 MARITIME SECURITY PROGRAM

5 For necessary expenses to maintain and preserve a
6 U.S.-flag merchant fleet to serve the national security
7 needs of the United States, \$300,000,000, to remain avail-
8 able until expended.

9 OPERATIONS AND TRAINING

10 For necessary expenses of operations and training ac-
11 tivities authorized by law, \$513,642,000, of which
12 \$22,000,000 shall remain available until expended for
13 maintenance and repair of training ships at State Mari-
14 time Academies, and of which \$300,000,000 shall remain
15 available until expended for the National Security Multi-
16 Mission Vessel Program, including funds for construction,
17 planning, administration, and design of school ships in ac-
18 cordance with section 3505 of Public Law 114–328, as
19 applicable, with unobligated balances from previous appro-
20 priations for the National Security Multi-Mission Vessel
21 Program also available for and merged into this appro-
22 priation; and of which \$2,400,000 shall remain available
23 through September 30, 2019, for the Student Incentive
24 Program at State Maritime Academies, and of which
25 \$1,800,000 shall remain available until expended for

1 training ship fuel assistance payments, and of which
2 \$52,000,000 shall remain available until expended for fa-
3 cilities maintenance and repair, equipment, and capital
4 improvements at the United States Merchant Marine
5 Academy, and of which \$3,000,000 shall remain available
6 through September 30, 2019, for Maritime Environment
7 and Technology Assistance program authorized under sec-
8 tion 50307 of title 46, United States Code, and of which
9 \$7,000,000 shall remain available until expended for the
10 Short Sea Transportation Program (America’s Marine
11 Highways) to make grants for the purposes authorized
12 under sections 55601(b)(1) and (3) of title 46, United
13 States Code: *Provided*, That not later than January 12,
14 2019, the Administrator of the Maritime Administration
15 shall transmit to the House and Senate Committees on
16 Appropriations the annual report on sexual assault and
17 sexual harassment at the United States Merchant Marine
18 Academy as required pursuant to section 3507 of Public
19 Law 110–417.

20 ASSISTANCE TO SMALL SHIPYARDS

21 To make grants to qualified shipyards as authorized
22 under section 54101 of title 46, United States Code, as
23 amended by Public Law 113–281, \$20,000,000 to remain
24 available until expended.

1636

1 SHIP DISPOSAL

2 For necessary expenses related to the disposal of ob-
3 solete vessels in the National Defense Reserve Fleet of the
4 Maritime Administration, \$116,000,000, to remain avail-
5 able until expended.

6 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

7 ACCOUNT

8 (INCLUDING TRANSFER OF FUNDS)

9 For the cost of guaranteed loans, \$30,000,000, of
10 which \$27,000,000 shall remain available until expended:
11 *Provided*, That such costs, including the costs of modi-
12 fying such loans, shall be defined in section 502 of the
13 Congressional Budget Act of 1974, as amended: *Provided*
14 *further*, That not to exceed \$3,000,000 shall be for admin-
15 istrative expenses to carry out the guaranteed loan pro-
16 gram, which shall be transferred to and merged with the
17 appropriations for “Operations and Training”, Maritime
18 Administration.

19 ADMINISTRATIVE PROVISIONS—MARITIME

20 ADMINISTRATION

21 SEC. 170. Notwithstanding any other provision of
22 this Act, in addition to any existing authority, the Mari-
23 time Administration is authorized to furnish utilities and
24 services and make necessary repairs in connection with
25 any lease, contract, or occupancy involving Government

1 property under control of the Maritime Administration:
2 *Provided*, That payments received therefor shall be cred-
3 ited to the appropriation charged with the cost thereof and
4 shall remain available until expended: *Provided further*,
5 That rental payments under any such lease, contract, or
6 occupancy for items other than such utilities, services, or
7 repairs shall be covered into the Treasury as miscellaneous
8 receipts.

9 SEC. 171. None of the funds available or appro-
10 priated in this Act shall be used by the United States De-
11 partment of Transportation or the United States Maritime
12 Administration to negotiate or otherwise execute, enter
13 into, facilitate or perform fee-for-service contracts for ves-
14 sel disposal, scrapping or recycling, unless there is no
15 qualified domestic ship recycler that will pay any sum of
16 money to purchase and scrap or recycle a vessel owned,
17 operated or managed by the Maritime Administration or
18 that is part of the National Defense Reserve Fleet: *Pro-*
19 *vided*, That such sales offers must be consistent with the
20 solicitation and provide that the work will be performed
21 in a timely manner at a facility qualified within the mean-
22 ing of section 3502 of Public Law 106–398: *Provided fur-*
23 *ther*, That nothing contained herein shall affect the Mari-
24 time Administration’s authority to award contracts at
25 least cost to the Federal Government and consistent with

1 the requirements of 54 U.S.C. 308704, section 3502, or
2 otherwise authorized under the Federal Acquisition Regu-
3 lation.

4 PIPELINE AND HAZARDOUS MATERIALS SAFETY

5 ADMINISTRATION

6 OPERATIONAL EXPENSES

7 For necessary operational expenses of the Pipeline
8 and Hazardous Materials Safety Administration,
9 \$23,000,000: *Provided*, That the Secretary of Transpor-
10 tation shall issue a final rule to expand the applicability
11 of comprehensive oil spill response plans within 5 days of
12 enactment of this Act.

13 HAZARDOUS MATERIALS SAFETY

14 For expenses necessary to discharge the hazardous
15 materials safety functions of the Pipeline and Hazardous
16 Materials Safety Administration, \$59,000,000, of which
17 \$7,570,000 shall remain available until September 30,
18 2020: *Provided*, That up to \$800,000 in fees collected
19 under 49 U.S.C. 5108(g) shall be deposited in the general
20 fund of the Treasury as offsetting receipts: *Provided fur-*
21 *ther*, That there may be credited to this appropriation, to
22 be available until expended, funds received from States,
23 counties, municipalities, other public authorities, and pri-
24 vate sources for expenses incurred for training, for reports
25 publication and dissemination, and for travel expenses in-

1 curred in performance of hazardous materials exemptions
2 and approvals functions.

3 PIPELINE SAFETY
4 (PIPELINE SAFETY FUND)
5 (OIL SPILL LIABILITY TRUST FUND)

6 For expenses necessary to conduct the functions of
7 the pipeline safety program, for grants-in-aid to carry out
8 a pipeline safety program, as authorized by 49 U.S.C.
9 60107, and to discharge the pipeline program responsibil-
10 ities of the Oil Pollution Act of 1990, \$162,000,000, of
11 which \$23,000,000 shall be derived from the Oil Spill Li-
12 ability Trust Fund and shall remain available until Sep-
13 tember 30, 2020; and of which \$131,000,000 shall be de-
14 rived from the Pipeline Safety Fund, of which
15 \$64,736,000 shall remain available until September 30,
16 2020; and of which \$8,000,000 shall be derived from fees
17 collected under 49 U.S.C. 60302 and deposited in the Un-
18 derground Natural Gas Storage Facility Safety Account
19 for the purpose of carrying out 49 U.S.C. 60141 and shall
20 remain available until September 30, 2020: *Provided,*
21 That not less than \$1,058,000 of the funds provided under
22 this heading shall be for the One-Call State grant pro-
23 gram.

1 EMERGENCY PREPAREDNESS GRANTS

2 (EMERGENCY PREPAREDNESS FUND)

3 Notwithstanding the fiscal year limitation specified in
4 49 U.S.C. 5116, not more than \$28,318,000 shall be made
5 available for obligation in fiscal year 2018 from amounts
6 made available by 49 U.S.C. 5116(h), and 5128(b) and
7 (c): *Provided*, That notwithstanding 49 U.S.C.
8 5116(h)(4), not more than 4 percent of the amounts made
9 available from this account shall be available to pay ad-
10 ministrative costs: *Provided further*, That none of the
11 funds made available by 49 U.S.C. 5116(h), 5128(b), or
12 5128(c) shall be made available for obligation by individ-
13 uals other than the Secretary of Transportation, or his
14 or her designee.

15 OFFICE OF INSPECTOR GENERAL

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of the Inspector
18 General to carry out the provisions of the Inspector Gen-
19 eral Act of 1978, as amended, \$92,152,000: *Provided*,
20 That the Inspector General shall have all necessary au-
21 thority, in carrying out the duties specified in the Inspec-
22 tor General Act, as amended (5 U.S.C. App. 3), to inves-
23 tigate allegations of fraud, including false statements to
24 the government (18 U.S.C. 1001), by any person or entity
25 that is subject to regulation by the Department of Trans-

1 portation: *Provided further*, That the funds made available
2 under this heading may be used to investigate, pursuant
3 to section 41712 of title 49, United States Code: (1) un-
4 fair or deceptive practices and unfair methods of competi-
5 tion by domestic and foreign air carriers and ticket agents;
6 and (2) the compliance of domestic and foreign air carriers
7 with respect to item (1) of this proviso.

8 GENERAL PROVISIONS—DEPARTMENT OF
9 TRANSPORTATION

10 SEC. 180. (a) During the current fiscal year, applica-
11 ble appropriations to the Department of Transportation
12 shall be available for maintenance and operation of air-
13 craft; hire of passenger motor vehicles and aircraft; pur-
14 chase of liability insurance for motor vehicles operating
15 in foreign countries on official department business; and
16 uniforms or allowances therefor, as authorized by law (5
17 U.S.C. 5901–5902).

18 (b) During the current fiscal year, applicable appro-
19 priations to the Department and its operating administra-
20 tions shall be available for the purchase, maintenance, op-
21 eration, and deployment of unmanned aircraft systems
22 that advance the Department's, or its operating adminis-
23 trations', missions.

1 (c) Any unmanned aircraft system purchased or pro-
2 cured by the Department prior to the enactment of this
3 Act shall be deemed authorized.

4 SEC. 181. Appropriations contained in this Act for
5 the Department of Transportation shall be available for
6 services as authorized by 5 U.S.C. 3109, but at rates for
7 individuals not to exceed the per diem rate equivalent to
8 the rate for an Executive Level IV.

9 SEC. 182. (a) No recipient of funds made available
10 in this Act shall disseminate personal information (as de-
11 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
12 ment of motor vehicles in connection with a motor vehicle
13 record as defined in 18 U.S.C. 2725(1), except as provided
14 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
15 2721.

16 (b) Notwithstanding subsection (a), the Secretary
17 shall not withhold funds provided in this Act for any
18 grantee if a State is in noncompliance with this provision.

19 SEC. 183. None of the funds in this Act shall be avail-
20 able for salaries and expenses of more than 110 political
21 and Presidential appointees in the Department of Trans-
22 portation: *Provided*, That none of the personnel covered
23 by this provision may be assigned on temporary detail out-
24 side the Department of Transportation.

1 SEC. 184. Funds received by the Federal Highway
2 Administration and Federal Railroad Administration from
3 States, counties, municipalities, other public authorities,
4 and private sources for expenses incurred for training may
5 be credited respectively to the Federal Highway Adminis-
6 tration’s “Federal-Aid Highways” account and to the Fed-
7 eral Railroad Administration’s “Safety and Operations”
8 account, except for State rail safety inspectors partici-
9 pating in training pursuant to 49 U.S.C. 20105.

10 SEC. 185. (a) None of the funds provided in this Act
11 to the Department of Transportation may be used to make
12 a loan, loan guarantee, line of credit, or discretionary
13 grant unless the Secretary of Transportation notifies the
14 House and Senate Committees on Appropriations not less
15 than 3 full business days before any project competitively
16 selected to receive any discretionary grant award, letter
17 of intent, loan commitment, loan guarantee commitment,
18 line of credit commitment, or full funding grant agreement
19 is announced by the Department or its modal administra-
20 tions: *Provided*, That the Secretary gives concurrent noti-
21 fication to the House and Senate Committees on Appro-
22 priations for any “quick release” of funds from the emer-
23 gency relief program: *Provided further*, That no notifica-
24 tion shall involve funds that are not available for obliga-
25 tion.

1 (b) In addition to the notification required in sub-
2 section (a), none of the funds made available in this Act
3 to the Department of Transportation may be used to make
4 a loan, loan guarantee, line of credit, cooperative agree-
5 ment or discretionary grant unless the Secretary of Trans-
6 portation provides the House and Senate Committees on
7 Appropriations a comprehensive list of all such loans, loan
8 guarantees, lines of credit, cooperative agreement or dis-
9 cretionary grants that will be announced not less the 3
10 full business days before such announcement: *Provided*,
11 That the requirement to provide a list in this subsection
12 does not apply to any “quick release” of funds from the
13 emergency relief program: *Provided further*, That no list
14 shall involve funds that are not available for obligation.

15 SEC. 186. Rebates, refunds, incentive payments,
16 minor fees and other funds received by the Department
17 of Transportation from travel management centers,
18 charge card programs, the subleasing of building space,
19 and miscellaneous sources are to be credited to appropria-
20 tions of the Department of Transportation and allocated
21 to elements of the Department of Transportation using
22 fair and equitable criteria and such funds shall be avail-
23 able until expended.

24 SEC. 187. Amounts made available in this or any
25 prior Act that the Secretary determines represent im-

1 proper payments by the Department of Transportation to
2 a third-party contractor under a financial assistance
3 award, which are recovered pursuant to law, shall be avail-
4 able—

5 (1) to reimburse the actual expenses incurred
6 by the Department of Transportation in recovering
7 improper payments: *Provided*, That amounts made
8 available in this Act shall be available until ex-
9 pended; and

10 (2) to pay contractors for services provided in
11 recovering improper payments or contractor support
12 in the implementation of the Improper Payments In-
13 formation Act of 2002: *Provided*, That amounts in
14 excess of that required for paragraphs (1) and (2)—

15 (A) shall be credited to and merged with
16 the appropriation from which the improper pay-
17 ments were made, and shall be available for the
18 purposes and period for which such appropria-
19 tions are available: *Provided further*, That
20 where specific project or accounting information
21 associated with the improper payment or pay-
22 ments is not readily available, the Secretary
23 may credit an appropriate account, which shall
24 be available for the purposes and period associ-
25 ated with the account so credited; or

1 (B) if no such appropriation remains avail-
2 able, shall be deposited in the Treasury as mis-
3 cellaneous receipts: *Provided further*, That prior
4 to the transfer of any such recovery to an ap-
5 propriations account, the Secretary shall notify
6 the House and Senate Committees on Appro-
7 priations of the amount and reasons for such
8 transfer: *Provided further*, That for purposes of
9 this section, the term “improper payments” has
10 the same meaning as that provided in section
11 2(d)(2) of Public Law 107–300.

12 SEC. 188. Notwithstanding any other provision of
13 law, if any funds provided in or limited by this Act are
14 subject to a reprogramming action that requires notice to
15 be provided to the House and Senate Committees on Ap-
16 propriations, transmission of said reprogramming notice
17 shall be provided solely to the House and Senate Commit-
18 tees on Appropriations, and said reprogramming action
19 shall be approved or denied solely by the House and Sen-
20 ate Committees on Appropriations: *Provided*, That the
21 Secretary of Transportation may provide notice to other
22 congressional committees of the action of the House and
23 Senate Committees on Appropriations on such reprogram-
24 ming but not sooner than 30 days following the date on
25 which the reprogramming action has been approved or de-

1 nished by the House and Senate Committees on Appropria-
2 tions.

3 SEC. 189. Funds appropriated in this Act to the
4 modal administrations may be obligated for the Office of
5 the Secretary for the costs related to assessments or reim-
6 bursable agreements only when such amounts are for the
7 costs of goods and services that are purchased to provide
8 a direct benefit to the applicable modal administration or
9 administrations.

10 SEC. 190. The Secretary of Transportation is author-
11 ized to carry out a program that establishes uniform
12 standards for developing and supporting agency transit
13 pass and transit benefits authorized under section 7905
14 of title 5, United States Code, including distribution of
15 transit benefits by various paper and electronic media.

16 SEC. 191. The Department of Transportation may
17 use funds provided by this Act, or any other Act, to assist
18 a contract under title 49 U.S.C. or title 23 U.S.C. utilizing
19 geographic, economic, or any other hiring preference not
20 otherwise authorized by law, or to amend a rule, regula-
21 tion, policy or other measure that forbids a recipient of
22 a Federal Highway Administration or Federal Transit Ad-
23 ministration grant from imposing such hiring preference
24 on a contract or construction project with which the De-

1 partment of Transportation is assisting, only if the grant
2 recipient certifies the following:

3 (1) that except with respect to apprentices or
4 trainees, a pool of readily available but unemployed
5 individuals possessing the knowledge, skill, and abil-
6 ity to perform the work that the contract requires
7 resides in the jurisdiction;

8 (2) that the grant recipient will include appro-
9 priate provisions in its bid document ensuring that
10 the contractor does not displace any of its existing
11 employees in order to satisfy such hiring preference;
12 and

13 (3) that any increase in the cost of labor, train-
14 ing, or delays resulting from the use of such hiring
15 preference does not delay or displace any transpor-
16 tation project in the applicable Statewide Transpor-
17 tation Improvement Program or Transportation Im-
18 provement Program.

19 This title may be cited as the “Department of Trans-
20 portation Appropriations Act, 2018”.

1649

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 EXECUTIVE OFFICES

6 For necessary salaries and expenses for Executive Of-
7 fices, which shall be comprised of the offices of the Sec-
8 retary, Deputy Secretary, Adjudicatory Services, Congres-
9 sional and Intergovernmental Relations, Public Affairs,
10 Small and Disadvantaged Business Utilization, and the
11 Center for Faith-Based and Neighborhood Partnerships,
12 \$14,708,000: *Provided*, That not to exceed \$19,876 of the
13 amount made available under this heading shall be avail-
14 able to the Secretary for official reception and representa-
15 tion expenses as the Secretary may determine.

16 ADMINISTRATIVE SUPPORT OFFICES

17 For necessary salaries and expenses for Administra-
18 tive Support Offices, \$518,303,000, of which \$52,200,000
19 shall be available for the Office of the Chief Financial Offi-
20 cer; \$95,400,000 shall be available for the Office of the
21 General Counsel; \$204,253,000 shall be available for the
22 Office of Administration; \$39,300,000 shall be available
23 for the Office of the Chief Human Capital Officer;
24 \$53,500,000 shall be available for the Office of Field Pol-
25 icy and Management; \$19,500,000 shall be available for

1 the Office of the Chief Procurement Officer; \$3,800,000
2 shall be available for the Office of Departmental Equal
3 Employment Opportunity; \$4,950,000 shall be available
4 for the Office of Strategic Planning and Management; and
5 \$45,400,000 shall be available for the Office of the Chief
6 Information Officer: *Provided*, That funds provided under
7 this heading may be used for necessary administrative and
8 non-administrative expenses of the Department of Hous-
9 ing and Urban Development, not otherwise provided for,
10 including purchase of uniforms, or allowances therefor, as
11 authorized by 5 U.S.C. 5901–5902; hire of passenger
12 motor vehicles; and services as authorized by 5 U.S.C.
13 3109: *Provided further*, That notwithstanding any other
14 provision of law, funds appropriated under this heading
15 may be used for advertising and promotional activities
16 that directly support program activities funded in this
17 title: *Provided further*, That the Secretary shall provide the
18 House and Senate Committees on Appropriations quar-
19 terly written notification regarding the status of pending
20 congressional reports: *Provided further*, That the Sec-
21 retary shall provide in electronic form all signed reports
22 required by Congress: *Provided further*, That within 30
23 days of enactment of this Act, the Secretary shall submit
24 to the House and Senate Committees on Appropriations
25 organization charts reflecting the Department’s and each

1 office's structure (to the branch level) on October 1, 2017
2 and on the date of enactment of this Act.

3 PROGRAM OFFICE SALARIES AND EXPENSES

4 PUBLIC AND INDIAN HOUSING

5 For necessary salaries and expenses of the Office of
6 Public and Indian Housing, \$216,633,000.

7 COMMUNITY PLANNING AND DEVELOPMENT

8 For necessary salaries and expenses of the Office of
9 Community Planning and Development, \$107,554,000.

10 HOUSING

11 For necessary salaries and expenses of the Office of
12 Housing, \$383,000,000.

13 POLICY DEVELOPMENT AND RESEARCH

14 For necessary salaries and expenses of the Office of
15 Policy Development and Research, \$24,065,000.

16 FAIR HOUSING AND EQUAL OPPORTUNITY

17 For necessary salaries and expenses of the Office of
18 Fair Housing and Equal Opportunity, \$69,808,000.

19 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

20 HOMES

21 For necessary salaries and expenses of the Office of
22 Lead Hazard Control and Healthy Homes, \$7,600,000.

1 WORKING CAPITAL FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For the working capital fund for the Department of
4 Housing and Urban Development (referred to in this para-
5 graph as the “Fund”), pursuant, in part, to section 7(f)
6 of the Department of Housing and Urban Development
7 Act (42 U.S.C. 3535(f)), amounts transferred to the Fund
8 under this heading shall be available for Federal shared
9 services used by offices and agencies of the Department,
10 and for such portion of any office or agency’s printing,
11 records management, space renovation, furniture, or sup-
12 ply services as the Secretary determines shall be derived
13 from centralized sources made available by the Depart-
14 ment to all offices and agencies and funded through the
15 Fund: *Provided*, That of the amounts made available in
16 this title for salaries and expenses under the headings
17 “Executive Offices”, “Administrative Support Offices”,
18 “Program Office Salaries and Expenses”, and “Govern-
19 ment National Mortgage Association”, the Secretary shall
20 transfer to the Fund such amounts, to remain available
21 until expended, as are necessary to fund services, specified
22 in the matter preceding the first proviso, for which the
23 appropriation would otherwise have been available, and
24 may transfer not to exceed an additional \$5,000,000, in
25 aggregate, from all such appropriations, to be merged with

1 the Fund and to remain available until expended for use
2 for any office or agency: *Provided further*, That amounts
3 in the Fund shall be the only amounts available to each
4 office or agency of the Department for the services, or por-
5 tion of services, specified in the matter preceding the first
6 proviso: *Provided further*, That with respect to the Fund,
7 the authorities and conditions under this heading shall
8 supplement the authorities and conditions provided under
9 section 7(f).

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE

12 For activities and assistance for the provision of ten-
13 ant-based rental assistance authorized under the United
14 States Housing Act of 1937, as amended (42 U.S.C. 1437
15 et seq.) (“the Act” herein), not otherwise provided for,
16 \$18,015,000,000, to remain available until expended, shall
17 be available on October 1, 2017 (in addition to the
18 \$4,000,000,000 previously appropriated under this head-
19 ing that shall be available on October 1, 2017), and
20 \$4,000,000,000, to remain available until expended, shall
21 be available on October 1, 2018: *Provided*, That the
22 amounts made available under this heading are provided
23 as follows:

24 (1) \$19,600,000,000 shall be available for re-
25 newals of expiring section 8 tenant-based annual

1 contributions contracts (including renewals of en-
2 hanced vouchers under any provision of law author-
3 izing such assistance under section 8(t) of the Act)
4 and including renewal of other special purpose incre-
5 mental vouchers: *Provided*, That notwithstanding
6 any other provision of law, from amounts provided
7 under this paragraph and any carryover, the Sec-
8 retary for the calendar year 2018 funding cycle shall
9 provide renewal funding for each public housing
10 agency based on validated voucher management sys-
11 tem (VMS) leasing and cost data for the prior cal-
12 endar year and by applying an inflation factor as es-
13 tablished by the Secretary, by notice published in
14 the Federal Register, and by making any necessary
15 adjustments for the costs associated with the first-
16 time renewal of vouchers under this paragraph in-
17 cluding tenant protection, HOPE VI, and Choice
18 Neighborhoods vouchers: *Provided further*, That
19 none of the funds provided under this paragraph
20 may be used to fund a total number of unit months
21 under lease which exceeds a public housing agency's
22 authorized level of units under contract, except for
23 public housing agencies participating in the MTW
24 demonstration, which are instead governed by the
25 terms and conditions of their MTW agreements:

1 *Provided further*, That the Secretary shall, to the ex-
2 tent necessary to stay within the amount specified
3 under this paragraph (except as otherwise modified
4 under this paragraph), prorate each public housing
5 agency's allocation otherwise established pursuant to
6 this paragraph: *Provided further*, That except as
7 provided in the following provisos, the entire amount
8 specified under this paragraph (except as otherwise
9 modified under this paragraph) shall be obligated to
10 the public housing agencies based on the allocation
11 and pro rata method described above, and the Sec-
12 retary shall notify public housing agencies of their
13 annual budget by the latter of 60 days after enact-
14 ment of this Act or March 1, 2018: *Provided further*,
15 That the Secretary may extend the notification pe-
16 riod with the prior written approval of the House
17 and Senate Committees on Appropriations: *Provided*
18 *further*, That public housing agencies participating
19 in the MTW demonstration shall be funded pursuant
20 to their MTW agreements and shall be subject to
21 the same pro rata adjustments under the previous
22 provisos: *Provided further*, That the Secretary may
23 offset public housing agencies' calendar year 2018
24 allocations based on the excess amounts of public
25 housing agencies' net restricted assets accounts, in-

1 including HUD-held programmatic reserves (in ac-
2 cordance with VMS data in calendar year 2017 that
3 is verifiable and complete), as determined by the
4 Secretary: *Provided further*, That public housing
5 agencies participating in the MTW demonstration
6 shall also be subject to the offset, as determined by
7 the Secretary, excluding amounts subject to the sin-
8 gle fund budget authority provisions of their MTW
9 agreements, from the agencies' calendar year 2018
10 MTW funding allocation: *Provided further*, That the
11 Secretary shall use any offset referred to in the pre-
12 vious two provisos throughout the calendar year to
13 prevent the termination of rental assistance for fam-
14 ilies as the result of insufficient funding, as deter-
15 mined by the Secretary, and to avoid or reduce the
16 proration of renewal funding allocations: *Provided*
17 *further*, That up to \$75,000,000 shall be available
18 only: (1) for adjustments in the allocations for public
19 housing agencies, after application for an adjust-
20 ment by a public housing agency that experienced a
21 significant increase, as determined by the Secretary,
22 in renewal costs of vouchers resulting from unfore-
23 seen circumstances or from portability under section
24 8(r) of the Act; (2) for vouchers that were not in use
25 during the previous 12-month period in order to be

1 available to meet a commitment pursuant to section
2 8(o)(13) of the Act; (3) for adjustments for costs as-
3 sociated with HUD-Veterans Affairs Supportive
4 Housing (HUD-VASH) vouchers; and (4) for public
5 housing agencies that despite taking reasonable cost
6 savings measures, as determined by the Secretary,
7 would otherwise be required to terminate rental as-
8 sistance for families as a result of insufficient fund-
9 ing: *Provided further*, That the Secretary shall allo-
10 cate amounts under the previous proviso based on
11 need, as determined by the Secretary;

12 (2) \$85,000,000 shall be for section 8 rental as-
13 sistance for relocation and replacement of housing
14 units that are demolished or disposed of pursuant to
15 section 18 of the Act, conversion of section 23
16 projects to assistance under section 8, the family
17 unification program under section 8(x) of the Act,
18 relocation of witnesses in connection with efforts to
19 combat crime in public and assisted housing pursu-
20 ant to a request from a law enforcement or prosecu-
21 tion agency, enhanced vouchers under any provision
22 of law authorizing such assistance under section 8(t)
23 of the Act, HOPE VI and Choice Neighborhood
24 vouchers, mandatory and voluntary conversions, and
25 tenant protection assistance including replacement

1 and relocation assistance or for project-based assist-
2 ance to prevent the displacement of unassisted elder-
3 ly tenants currently residing in section 202 prop-
4 erties financed between 1959 and 1974 that are refi-
5 nanced pursuant to Public Law 106–569, as amend-
6 ed, or under the authority as provided under this
7 Act: *Provided*, That when a public housing develop-
8 ment is submitted for demolition or disposition
9 under section 18 of the Act, the Secretary may pro-
10 vide section 8 rental assistance when the units pose
11 an imminent health and safety risk to residents:
12 *Provided further*, That the Secretary may only pro-
13 vide replacement vouchers for units that were occu-
14 pied within the previous 24 months that cease to be
15 available as assisted housing, subject only to the
16 availability of funds: *Provided further*, That of the
17 amounts made available under this paragraph,
18 \$5,000,000 may be available to provide tenant pro-
19 tection assistance, not otherwise provided under this
20 paragraph, to residents residing in low vacancy
21 areas and who may have to pay rents greater than
22 30 percent of household income, as the result of: (A)
23 the maturity of a HUD-insured, HUD-held or sec-
24 tion 202 loan that requires the permission of the
25 Secretary prior to loan prepayment; (B) the expira-

1 tion of a rental assistance contract for which the
2 tenants are not eligible for enhanced voucher or ten-
3 ant protection assistance under existing law; or (C)
4 the expiration of affordability restrictions accom-
5 panying a mortgage or preservation program admin-
6 istered by the Secretary: *Provided further*, That such
7 tenant protection assistance made available under
8 the previous proviso may be provided under the au-
9 thority of section 8(t) or section 8(o)(13) of the
10 United States Housing Act of 1937 (42 U.S.C.
11 1437f(t)): *Provided further*, That the Secretary shall
12 issue guidance to implement the previous provisos,
13 including, but not limited to, requirements for defin-
14 ing eligible at-risk households within 60 days of the
15 enactment of this Act: *Provided further*, That any
16 tenant protection voucher made available from
17 amounts under this paragraph shall not be reissued
18 by any public housing agency, except the replace-
19 ment vouchers as defined by the Secretary by notice,
20 when the initial family that received any such vouch-
21 er no longer receives such voucher, and the authority
22 for any public housing agency to issue any such
23 voucher shall cease to exist: *Provided further*, That
24 the Secretary may provide section 8 rental assist-
25 ance from amounts made available under this para-

1 graph for units assisted under a project-based sub-
2 sidy contract funded under the “Project-Based
3 Rental Assistance” heading under this title where
4 the owner has received a Notice of Default and the
5 units pose an imminent health and safety risk to
6 residents: *Provided further*, That to the extent that
7 the Secretary determines that such units are not
8 feasible for continued rental assistance payments or
9 transfer of the subsidy contract associated with such
10 units to another project or projects and owner or
11 owners, any remaining amounts associated with such
12 units under such contract shall be recaptured and
13 used to reimburse amounts used under this para-
14 graph for rental assistance under the preceding pro-
15 viso;

16 (3) \$1,760,000,000 shall be for administrative
17 and other expenses of public housing agencies in ad-
18 ministering the section 8 tenant-based rental assist-
19 ance program, of which up to \$30,000,000 shall be
20 available to the Secretary to allocate to public hous-
21 ing agencies that need additional funds to admin-
22 ister their section 8 programs, including fees associ-
23 ated with section 8 tenant protection rental assist-
24 ance, the administration of disaster related vouchers,
25 Veterans Affairs Supportive Housing vouchers, and

1 other special purpose incremental vouchers: *Pro-*
2 *vided*, That no less than \$1,730,000,000 of the
3 amount provided in this paragraph shall be allocated
4 to public housing agencies for the calendar year
5 2018 funding cycle based on section 8(q) of the Act
6 (and related Appropriation Act provisions) as in ef-
7 fect immediately before the enactment of the Quality
8 Housing and Work Responsibility Act of 1998 (Pub-
9 lic Law 105–276): *Provided further*, That if the
10 amounts made available under this paragraph are
11 insufficient to pay the amounts determined under
12 the previous proviso, the Secretary may decrease the
13 amounts allocated to agencies by a uniform percent-
14 age applicable to all agencies receiving funding
15 under this paragraph or may, to the extent nec-
16 essary to provide full payment of amounts deter-
17 mined under the previous proviso, utilize unobligated
18 balances, including recaptures and carryovers, re-
19 maining from funds appropriated to the Department
20 of Housing and Urban Development under this
21 heading from prior fiscal years, excluding special
22 purpose vouchers, notwithstanding the purposes for
23 which such amounts were appropriated: *Provided*
24 *further*, That all public housing agencies partici-
25 pating in the MTW demonstration shall be funded

1 pursuant to their MTW agreements, and shall be
2 subject to the same uniform percentage decrease as
3 under the previous proviso: *Provided further*, That
4 amounts provided under this paragraph shall be only
5 for activities related to the provision of tenant-based
6 rental assistance authorized under section 8, includ-
7 ing related development activities;

8 (4) \$505,000,000 for the renewal of tenant-
9 based assistance contracts under section 811 of the
10 Cranston-Gonzalez National Affordable Housing Act
11 (42 U.S.C. 8013), including necessary administra-
12 tive expenses: *Provided*, That administrative and
13 other expenses of public housing agencies in admin-
14 istering the special purpose vouchers in this para-
15 graph shall be funded under the same terms and be
16 subject to the same pro rata reduction as the per-
17 cent decrease for administrative and other expenses
18 to public housing agencies under paragraph (3) of
19 this heading: *Provided further*, That any amounts
20 provided under this paragraph in this Act or prior
21 Acts, remaining available after funding renewals and
22 administrative expenses under this paragraph, shall
23 be available for incremental tenant-based assistance
24 contracts under such section 811, including nec-
25 essary administrative expenses;

1 (5) \$5,000,000 shall be for rental assistance
2 and associated administrative fees for Tribal HUD–
3 VA Supportive Housing to serve Native American
4 veterans that are homeless or at-risk of homeless-
5 ness living on or near a reservation or other Indian
6 areas: *Provided*, That such amount shall be made
7 available for renewal grants to recipients that re-
8 ceived assistance under prior Acts under the Tribal
9 HUD–VA Supportive Housing program: *Provided*
10 *further*, That the Secretary shall be authorized to
11 specify criteria for renewal grants, including data on
12 the utilization of assistance reported by grant recipi-
13 ents: *Provided further*, That such assistance shall be
14 administered in accordance with program require-
15 ments under the Native American Housing Assist-
16 ance and Self-Determination Act of 1996 and mod-
17 eled after the HUD–VASH program: *Provided fur-*
18 *ther*, That the Secretary shall be authorized to
19 waive, or specify alternative requirements for any
20 provision of any statute or regulation that the Sec-
21 retary administers in connection with the use of
22 funds made available under this paragraph (except
23 for requirements related to fair housing, non-
24 discrimination, labor standards, and the environ-
25 ment), upon a finding by the Secretary that any

1 such waivers or alternative requirements are nec-
2 essary for the effective delivery and administration
3 of such assistance: *Provided further*, That grant re-
4 cipients shall report to the Secretary on utilization
5 of such rental assistance and other program data, as
6 prescribed by the Secretary: *Provided further*, That
7 the Secretary may reallocate, as determined by the
8 Secretary, amounts returned or recaptured from
9 awards under prior acts;

10 (6) \$40,000,000 for incremental rental voucher
11 assistance for use through a supported housing pro-
12 gram administered in conjunction with the Depart-
13 ment of Veterans Affairs as authorized under section
14 8(o)(19) of the United States Housing Act of 1937:
15 *Provided*, That the Secretary of Housing and Urban
16 Development shall make such funding available, not-
17 withstanding section 203 (competition provision) of
18 this title, to public housing agencies that partner
19 with eligible VA Medical Centers or other entities as
20 designated by the Secretary of the Department of
21 Veterans Affairs, based on geographical need for
22 such assistance as identified by the Secretary of the
23 Department of Veterans Affairs, public housing
24 agency administrative performance, and other fac-
25 tors as specified by the Secretary of Housing and

1 Urban Development in consultation with the Sec-
2 retary of the Department of Veterans Affairs: *Pro-*
3 *vided further*, That the Secretary of Housing and
4 Urban Development may waive, or specify alter-
5 native requirements for (in consultation with the
6 Secretary of the Department of Veterans Affairs),
7 any provision of any statute or regulation that the
8 Secretary of Housing and Urban Development ad-
9 ministers in connection with the use of funds made
10 available under this paragraph (except for require-
11 ments related to fair housing, nondiscrimination,
12 labor standards, and the environment), upon a find-
13 ing by the Secretary that any such waivers or alter-
14 native requirements are necessary for the effective
15 delivery and administration of such voucher assist-
16 ance: *Provided further*, That assistance made avail-
17 able under this paragraph shall continue to remain
18 available for homeless veterans upon turn-over;

19 (7) \$20,000,000 shall be made available for
20 new incremental voucher assistance through the
21 family unification program as authorized by section
22 8(x) of the Act: *Provided*, That the assistance made
23 available under this paragraph shall continue to re-
24 main available for family unification upon turnover:
25 *Provided further*, That for any public housing agency

1 administering voucher assistance appropriated in a
2 prior Act under the family unification program that
3 determines that it no longer has an identified need
4 for such assistance upon turnover, such agency shall
5 notify the Secretary, and the Secretary shall recap-
6 ture such assistance from the agency and reallocate
7 it to any other public housing agency or agencies
8 based on need for voucher assistance in connection
9 with such program; and

10 (8) the Secretary shall separately track all spe-
11 cial purpose vouchers funded under this heading.

12 HOUSING CERTIFICATE FUND

13 (INCLUDING RESCISSIONS)

14 Unobligated balances, including recaptures and car-
15 ryover, remaining from funds appropriated to the Depart-
16 ment of Housing and Urban Development under this
17 heading, the heading “Annual Contributions for Assisted
18 Housing” and the heading “Project-Based Rental Assist-
19 ance”, for fiscal year 2018 and prior years may be used
20 for renewal of or amendments to section 8 project-based
21 contracts and for performance-based contract administra-
22 tors, notwithstanding the purposes for which such funds
23 were appropriated: *Provided*, That any obligated balances
24 of contract authority from fiscal year 1974 and prior that
25 have been terminated shall be rescinded: *Provided further*,

1 That amounts heretofore recaptured, or recaptured during
2 the current fiscal year, from section 8 project-based con-
3 tracts from source years fiscal year 1975 through fiscal
4 year 1987 are hereby rescinded, and an amount of addi-
5 tional new budget authority, equivalent to the amount re-
6 scinded is hereby appropriated, to remain available until
7 expended, for the purposes set forth under this heading,
8 in addition to amounts otherwise available.

9 PUBLIC HOUSING CAPITAL FUND

10 For the Public Housing Capital Fund Program to
11 carry out capital and management activities for public
12 housing agencies, as authorized under section 9 of the
13 United States Housing Act of 1937 (42 U.S.C. 1437g)
14 (the “Act”) \$2,750,000,000, to remain available until
15 September 30, 2021: *Provided*, That notwithstanding any
16 other provision of law or regulation, during fiscal year
17 2018, the Secretary of Housing and Urban Development
18 may not delegate to any Department official other than
19 the Deputy Secretary and the Assistant Secretary for
20 Public and Indian Housing any authority under paragraph
21 (2) of section 9(j) regarding the extension of the time peri-
22 ods under such section: *Provided further*, That for pur-
23 poses of such section 9(j), the term “obligate” means, with
24 respect to amounts, that the amounts are subject to a
25 binding agreement that will result in outlays, immediately

1 or in the future: *Provided further*, That up to \$8,300,000
2 shall be to support ongoing public housing financial and
3 physical assessment activities: *Provided further*, That up
4 to \$1,000,000 shall be to support the costs of administra-
5 tive and judicial receiverships: *Provided further*, That of
6 the total amount provided under this heading, not to ex-
7 ceed \$21,500,000 shall be available for the Secretary to
8 make grants, notwithstanding section 203 of this Act, to
9 public housing agencies for emergency capital needs in-
10 cluding safety and security measures necessary to address
11 crime and drug-related activity as well as needs resulting
12 from unforeseen or unpreventable emergencies and nat-
13 ural disasters excluding Presidentially declared emer-
14 gencies and natural disasters under the Robert T. Stafford
15 Disaster Relief and Emergency Act (42 U.S.C. 5121 et
16 seq.) occurring in fiscal year 2018: *Provided further*, That
17 of the amount made available under the previous proviso,
18 not less than \$5,000,000 shall be for safety and security
19 measures: *Provided further*, That in addition to the
20 amount in the previous proviso for such safety and secu-
21 rity measures, any amounts that remain available, after
22 all applications received on or before September 30, 2019,
23 for emergency capital needs have been processed, shall be
24 allocated to public housing agencies for such safety and
25 security measures: *Provided further*, That of the total

1 amount provided under this heading, up to \$35,000,000
2 shall be for supportive services, service coordinators and
3 congregate services as authorized by section 34 of the Act
4 (42 U.S.C. 1437z-6) and the Native American Housing
5 Assistance and Self-Determination Act of 1996 (25 U.S.C.
6 4101 et seq.): *Provided further*, That of the total amount
7 made available under this heading, \$15,000,000 shall be
8 for a Jobs-Plus initiative modeled after the Jobs-Plus
9 demonstration: *Provided further*, That funding provided
10 under the previous proviso shall be available for competi-
11 tive grants to partnerships between public housing au-
12 thorities, local workforce investment boards established
13 under section 117 of the Workforce Investment Act of
14 1998, and other agencies and organizations that provide
15 support to help public housing residents obtain employ-
16 ment and increase earnings: *Provided further*, That appli-
17 cants must demonstrate the ability to provide services to
18 residents, partner with workforce investment boards, and
19 leverage service dollars: *Provided further*, That the Sec-
20 retary may allow public housing agencies to request ex-
21 emptions from rent and income limitation requirements
22 under sections 3 and 6 of the United States Housing Act
23 of 1937 as necessary to implement the Jobs-Plus program,
24 on such terms and conditions as the Secretary may ap-
25 prove upon a finding by the Secretary that any such waiv-

1 ers or alternative requirements are necessary for the effec-
2 tive implementation of the Jobs-Plus initiative as a vol-
3 untary program for residents: *Provided further*, That the
4 Secretary shall publish by notice in the Federal Register
5 any waivers or alternative requirements pursuant to the
6 preceding proviso no later than 10 days before the effec-
7 tive date of such notice: *Provided further*, That for funds
8 provided under this heading, the limitation in section
9 9(g)(1) of the Act shall be 25 percent: *Provided further*,
10 That the Secretary may waive the limitation in the pre-
11 vious proviso to allow public housing agencies to fund ac-
12 tivities authorized under section 9(e)(1)(C) of the Act:
13 *Provided further*, That the Secretary shall notify public
14 housing agencies requesting waivers under the previous
15 proviso if the request is approved or denied within 14 days
16 of submitting the request: *Provided further*, That from the
17 funds made available under this heading, the Secretary
18 shall provide bonus awards in fiscal year 2018 to public
19 housing agencies that are designated high performers:
20 *Provided further*, That the Department shall notify public
21 housing agencies of their formula allocation within 60
22 days of enactment of this Act.

23 PUBLIC HOUSING OPERATING FUND

24 For 2018 payments to public housing agencies for the
25 operation and management of public housing, as author-

1 ized by section 9(e) of the United States Housing Act of
2 1937 (42 U.S.C. 1437g(e)), \$4,550,000,000, to remain
3 available until September 30, 2019.

4 CHOICE NEIGHBORHOODS INITIATIVE

5 For competitive grants under the Choice Neighbor-
6 hoods Initiative (subject to section 24 of the United States
7 Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise
8 specified under this heading), for transformation, rehabili-
9 tation, and replacement housing needs of both public and
10 HUD-assisted housing and to transform neighborhoods of
11 poverty into functioning, sustainable mixed income neigh-
12 borhoods with appropriate services, schools, public assets,
13 transportation and access to jobs, \$150,000,000, to re-
14 main available until September 30, 2020: *Provided*, That
15 grant funds may be used for resident and community serv-
16 ices, community development, and affordable housing
17 needs in the community, and for conversion of vacant or
18 foreclosed properties to affordable housing: *Provided fur-*
19 *ther*, That the use of funds made available under this
20 heading shall not be deemed to be public housing notwith-
21 standing section 3(b)(1) of such Act: *Provided further*,
22 That grantees shall commit to an additional period of af-
23 fordability determined by the Secretary of not fewer than
24 20 years: *Provided further*, That grantees shall provide a
25 match in State, local, other Federal or private funds: *Pro-*

1 *vided further*, That grantees may include local govern-
2 ments, tribal entities, public housing authorities, and non-
3 profits: *Provided further*, That for-profit developers may
4 apply jointly with a public entity: *Provided further*, That
5 for purposes of environmental review, a grantee shall be
6 treated as a public housing agency under section 26 of
7 the United States Housing Act of 1937 (42 U.S.C.
8 1437x), and grants under this heading shall be subject
9 to the regulations issued by the Secretary to implement
10 such section: *Provided further*, That of the amount pro-
11 vided, not less than \$75,000,000 shall be awarded to pub-
12 lic housing agencies: *Provided further*, That such grantees
13 shall create partnerships with other local organizations in-
14 cluding assisted housing owners, service agencies, and
15 resident organizations: *Provided further*, That the Sec-
16 retary shall consult with the Secretaries of Education,
17 Labor, Transportation, Health and Human Services, Agri-
18 culture, and Commerce, the Attorney General, and the Ad-
19 ministrator of the Environmental Protection Agency to co-
20 ordinate and leverage other appropriate Federal resources:
21 *Provided further*, That no more than \$5,000,000 of funds
22 made available under this heading may be provided as
23 grants to undertake comprehensive local planning with
24 input from residents and the community: *Provided further*,
25 That unobligated balances, including recaptures, remain-

1 ing from funds appropriated under the heading “Revital-
2 ization of Severely Distressed Public Housing (HOPE
3 VI)” in fiscal year 2011 and prior fiscal years may be used
4 for purposes under this heading, notwithstanding the pur-
5 poses for which such amounts were appropriated: *Provided*
6 *further*, That the Secretary shall issue the Notice of Fund-
7 ing Availability for funds made available under this head-
8 ing no later than 60 days after enactment of this Act: *Pro-*
9 *vided further*, That the Secretary shall make grant awards
10 no later than 270 days after enactment of this Act in such
11 amounts that the Secretary determines.

12 FAMILY SELF-SUFFICIENCY

13 For the Family Self-Sufficiency program to support
14 family self-sufficiency coordinators under section 23 of the
15 United States Housing Act of 1937, to promote the devel-
16 opment of local strategies to coordinate the use of assist-
17 ance under sections 8(o) and 9 of such Act with public
18 and private resources, and enable eligible families to
19 achieve economic independence and self-sufficiency,
20 \$75,000,000, to remain available until September 30,
21 2019: *Provided*, That the Secretary may, by Federal Reg-
22 ister notice, waive or specify alternative requirements
23 under subsections b(3), b(4), b(5), or c(1) of section 23
24 of such Act in order to facilitate the operation of a unified
25 self-sufficiency program for individuals receiving assist-

1 ance under different provisions of the Act, as determined
2 by the Secretary: *Provided further*, That owners of a pri-
3 vately owned multifamily property with a section 8 con-
4 tract may voluntarily make a Family Self-Sufficiency pro-
5 gram available to the assisted tenants of such property
6 in accordance with procedures established by the Sec-
7 retary: *Provided further*, That such procedures established
8 pursuant to the previous proviso shall permit participating
9 tenants to accrue escrow funds in accordance with section
10 23(d)(2) and shall allow owners to use funding from resid-
11 ual receipt accounts to hire coordinators for their own
12 Family Self-Sufficiency program.

13 NATIVE AMERICAN HOUSING BLOCK GRANTS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the Native American Housing Block Grants pro-
16 gram, as authorized under title I of the Native American
17 Housing Assistance and Self-Determination Act of 1996
18 (NAHASDA) (25 U.S.C. 4111 et seq.), \$655,000,000, to
19 remain available until September 30, 2022: *Provided*,
20 That, notwithstanding NAHASDA, to determine the
21 amount of the allocation under title I of such Act for each
22 Indian tribe, the Secretary shall apply the formula under
23 section 302 of such Act with the need component based
24 on single-race census data and with the need component
25 based on multi-race census data, and the amount of the

1 allocation for each Indian tribe shall be the greater of the
2 two resulting allocation amounts: *Provided further*, That
3 of the amounts made available under this heading,
4 \$7,000,000 shall be for providing training and technical
5 assistance to Indian housing authorities and tribally des-
6 ignated housing entities, to support the inspection of In-
7 dian housing units, contract expertise, and for training
8 and technical assistance related to funding provided under
9 this heading and other headings under this Act for the
10 needs of Native American families and Indian country:
11 *Provided further*, That of the funds made available under
12 the previous provisos, not less than \$2,000,000 shall be
13 made available for a national organization as authorized
14 under section 703 of NAHASDA (25 U.S.C. 4212): *Pro-*
15 *vided further*, That amounts made available under the pre-
16 vious two provisos may be used, contracted, or competed
17 as determined by the Secretary: *Provided further*, That of
18 the amount provided under this heading, \$2,000,000 shall
19 be made available for the cost of guaranteed notes and
20 other obligations, as authorized by title VI of NAHASDA:
21 *Provided further*, That such costs, including the costs of
22 modifying such notes and other obligations, shall be as de-
23 fined in section 502 of the Congressional Budget Act of
24 1974, as amended: *Provided further*, That these funds are
25 available to subsidize the total principal amount of any

1 notes and other obligations, any part of which is to be
2 guaranteed, not to exceed \$17,391,304: *Provided further*,
3 That the Department will notify grantees of their formula
4 allocation within 60 days of the date of enactment of this
5 Act: *Provided further*, That for an additional amount for
6 the Native American Housing Block Grants program, as
7 authorized under title I of NAHASDA, \$100,000,000 to
8 remain available until September 30, 2022: *Provided fur-*
9 *ther*, That the Secretary shall obligate this additional
10 amount for competitive grants to eligible recipients au-
11 thorized under NAHASDA that apply for funds: *Provided*
12 *further*, That in awarding this additional amount, the Sec-
13 retary shall consider need and administrative capacity,
14 and shall give priority to projects that will spur construc-
15 tion and rehabilitation: *Provided further*, That up to 1 per-
16 cent of this additional amount may be transferred, in ag-
17 gregate, to “Program Office Salaries and Expenses—Pub-
18 lic and Indian Housing” for necessary costs of admin-
19 istering and overseeing the obligation and expenditure of
20 this additional amount: *Provided further*, That any funds
21 transferred pursuant to the previous proviso shall remain
22 available until September 30, 2023.

1677

1 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

2 ACCOUNT

3 For the cost of guaranteed loans, as authorized by
4 section 184 of the Housing and Community Development
5 Act of 1992 (12 U.S.C. 1715z–13a), \$1,000,000, to re-
6 main available until expended: *Provided*, That such costs,
7 including the costs of modifying such loans, shall be as
8 defined in section 502 of the Congressional Budget Act
9 of 1974: *Provided further*, That these funds are available
10 to subsidize total loan principal, any part of which is to
11 be guaranteed, up to \$270,270,270, to remain available
12 until expended: *Provided further*, That up to \$750,000 of
13 this amount may be for administrative contract expenses
14 including management processes and systems to carry out
15 the loan guarantee program.

16 NATIVE HAWAIIAN HOUSING BLOCK GRANT

17 For the Native Hawaiian Housing Block Grant pro-
18 gram, as authorized under title VIII of the Native Amer-
19 ican Housing Assistance and Self-Determination Act of
20 1996 (25 U.S.C. 4111 et seq.), \$2,000,000 to remain
21 available until September 30, 2022: *Provided*, That not-
22 withstanding section 812(b) of such Act, the Department
23 of Hawaiian Home Lands may not invest grant amounts
24 provided under this heading in investment securities and
25 other obligations: *Provided further*, That the language

1 under the first proviso under the heading “Native Hawai-
2 ian Housing Block Grant” in the Department of Housing
3 and Urban Development Appropriations Act, 2015 (Public
4 Law 113–235) is amended by striking “Hawaii-based”:
5 *Provided further*, That amounts made available under this
6 heading in this and prior fiscal years may be used to pro-
7 vide rental assistance to eligible Native Hawaiian families
8 both on and off the Hawaiian Home Lands, notwith-
9 standing any other provision of law.

10 COMMUNITY PLANNING AND DEVELOPMENT

11 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

12 For carrying out the Housing Opportunities for Per-
13 sons with AIDS program, as authorized by the AIDS
14 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
15 \$375,000,000, to remain available until September 30,
16 2019, except that amounts allocated pursuant to section
17 854(c)(5) of such Act shall remain available until Sep-
18 tember 30, 2020: *Provided*, That the Secretary shall renew
19 all expiring contracts for permanent supportive housing
20 that initially were funded under section 854(c)(5) of such
21 Act from funds made available under this heading in fiscal
22 year 2010 and prior fiscal years that meet all program
23 requirements before awarding funds for new contracts
24 under such section: *Provided further*, That the Depart-

1 ment shall notify grantees of their formula allocation with-
2 in 60 days of enactment of this Act.

3 COMMUNITY DEVELOPMENT FUND

4 For assistance to units of State and local govern-
5 ment, and to other entities, for economic and community
6 development activities, and for other purposes,
7 \$3,365,000,000, to remain available until September 30,
8 2020, unless otherwise specified: *Provided*, That of the
9 total amount provided, \$3,300,000,000 is for carrying out
10 the community development block grant program under
11 title I of the Housing and Community Development Act
12 of 1974, as amended (“the Act” herein) (42 U.S.C. 5301
13 et seq.): *Provided further*, That unless explicitly provided
14 for under this heading, not to exceed 20 percent of any
15 grant made with funds appropriated under this heading
16 shall be expended for planning and management develop-
17 ment and administration: *Provided further*, That a metro-
18 politan city, urban county, unit of general local govern-
19 ment, Indian tribe, or insular area that directly or indi-
20 rectly receives funds under this heading may not sell,
21 trade, or otherwise transfer all or any portion of such
22 funds to another such entity in exchange for any other
23 funds, credits or non-Federal considerations, but must use
24 such funds for activities eligible under title I of the Act:
25 *Provided further*, That notwithstanding section 105(e)(1)

1 of the Act, no funds provided under this heading may be
2 provided to a for-profit entity for an economic develop-
3 ment project under section 105(a)(17) unless such project
4 has been evaluated and selected in accordance with guide-
5 lines required under subsection (e)(2): *Provided further*,
6 That the Department shall notify grantees of their for-
7 mula allocation within 60 days of enactment of this Act:
8 *Provided further*, That of the total amount provided under
9 this heading, \$65,000,000 shall be for grants to Indian
10 tribes notwithstanding section 106(a)(1) of such Act, of
11 which, notwithstanding any other provision of law (includ-
12 ing section 203 of this Act), up to \$4,000,000 may be
13 used for emergencies that constitute imminent threats to
14 health and safety.

15 COMMUNITY DEVELOPMENT LOAN GUARANTEES

16 PROGRAM ACCOUNT

17 Subject to section 502 of the Congressional Budget
18 Act of 1974, during fiscal year 2018, commitments to
19 guarantee loans under section 108 of the Housing and
20 Community Development Act of 1974 (42 U.S.C. 5308),
21 any part of which is guaranteed, shall not exceed a total
22 principal amount of \$300,000,000, notwithstanding any
23 aggregate limitation on outstanding obligations guaran-
24 teed in subsection (k) of such section 108: *Provided*, That
25 the Secretary shall collect fees from borrowers, notwith-

1 standing subsection (m) of such section 108, to result in
2 a credit subsidy cost of zero for guaranteeing such loans,
3 and any such fees shall be collected in accordance with
4 section 502(7) of the Congressional Budget Act of 1974.

5 HOME INVESTMENT PARTNERSHIPS PROGRAM

6 For the HOME Investment Partnerships program, as
7 authorized under title II of the Cranston-Gonzalez Na-
8 tional Affordable Housing Act, as amended,
9 \$1,362,000,000, to remain available until September 30,
10 2021: *Provided*, That notwithstanding the amount made
11 available under this heading, the threshold reduction re-
12 quirements in sections 216(10) and 217(b)(4) of such Act
13 shall not apply to allocations of such amount: *Provided*
14 *further*, That the Department shall notify grantees of their
15 formula allocation within 60 days of enactment of this Act.

16 SELF-HELP AND ASSISTED HOMEOWNERSHIP

17 OPPORTUNITY PROGRAM

18 For the Self-Help and Assisted Homeownership Op-
19 portunity Program, as authorized under section 11 of the
20 Housing Opportunity Program Extension Act of 1996, as
21 amended, \$50,000,000, to remain available until Sep-
22 tember 30, 2020: *Provided*, That of the total amount pro-
23 vided under this heading, \$10,000,000 shall be made
24 available to the Self-Help Homeownership Opportunity
25 Program as authorized under section 11 of the Housing

1 Opportunity Program Extension Act of 1996, as amended:
2 *Provided further*, That of the total amount provided under
3 this heading, \$35,000,000 shall be made available for the
4 second, third, and fourth capacity building activities au-
5 thorized under section 4(a) of the HUD Demonstration
6 Act of 1993 (42 U.S.C. 9816 note), of which not less than
7 \$5,000,000 shall be made available for rural capacity
8 building activities: *Provided further*, That of the total
9 amount provided under this heading, \$5,000,000 shall be
10 made available for capacity building by national rural
11 housing organizations with experience assessing national
12 rural conditions and providing financing, training, tech-
13 nical assistance, information, and research to local non-
14 profits, local governments, and Indian Tribes serving high
15 need rural communities: *Provided further*, That an addi-
16 tional \$4,000,000, to remain available until expended,
17 shall be for a program to rehabilitate and modify homes
18 of disabled or low-income veterans, as authorized under
19 section 1079 of Public Law 113–291.

20 HOMELESS ASSISTANCE GRANTS

21 For the Emergency Solutions Grants program as au-
22 thorized under subtitle B of title IV of the McKinney-
23 Vento Homeless Assistance Act, as amended; the Con-
24 tinuum of Care program as authorized under subtitle C
25 of title IV of such Act; and the Rural Housing Stability

1 Assistance program as authorized under subtitle D of title
2 IV of such Act, \$2,513,000,000, to remain available until
3 September 30, 2020: *Provided*, That any rental assistance
4 amounts that are recaptured under such Continuum of
5 Care program shall remain available until expended: *Pro-*
6 *vided further*, That not less than \$270,000,000 of the
7 funds appropriated under this heading shall be available
8 for such Emergency Solutions Grants program: *Provided*
9 *further*, That not less than \$2,106,000,000 of the funds
10 appropriated under this heading shall be available for such
11 Continuum of Care and Rural Housing Stability Assist-
12 ance programs: *Provided further*, That of the amounts
13 made available under this heading, up to \$50,000,000
14 shall be made available for grants for rapid re-housing
15 projects and supportive service projects providing coordi-
16 nated entry, and for eligible activities the Secretary deter-
17 mines to be critical in order to assist survivors of domestic
18 violence, dating violence, and stalking: *Provided further*,
19 That such projects shall be eligible for renewal under the
20 continuum of care program subject to the same terms and
21 conditions as other renewal applicants: *Provided further*,
22 That up to \$7,000,000 of the funds appropriated under
23 this heading shall be available for the national homeless
24 data analysis project: *Provided further*, That all funds
25 awarded for supportive services under the Continuum of

1 Care program and the Rural Housing Stability Assistance
2 program shall be matched by not less than 25 percent in
3 cash or in kind by each grantee: *Provided further*, That
4 for all match requirements applicable to funds made avail-
5 able under this heading for this fiscal year and prior years,
6 a grantee may use (or could have used) as a source of
7 match funds other funds administered by the Secretary
8 and other Federal agencies unless there is (or was) a spe-
9 cific statutory prohibition on any such use of any such
10 funds: *Provided further*, That the Secretary shall collect
11 system performance measures for each continuum of care,
12 and that relative to fiscal year 2015, under the Continuum
13 of Care competition with respect to funds made available
14 under this heading, the Secretary shall base an increasing
15 share of the score on performance criteria: *Provided fur-*
16 *ther*, That none of the funds provided under this heading
17 shall be available to provide funding for new projects, ex-
18 cept for projects created through reallocation, unless the
19 Secretary determines that the continuum of care has dem-
20 onstrated that projects are evaluated and ranked based
21 on the degree to which they improve the continuum of
22 care's system performance: *Provided further*, That the
23 Secretary shall prioritize funding under the Continuum of
24 Care program to continuums of care that have dem-
25 onstrated a capacity to reallocate funding from lower per-

1 forming projects to higher performing projects: *Provided*
2 *further*, That all awards of assistance under this heading
3 shall be required to coordinate and integrate homeless pro-
4 grams with other mainstream health, social services, and
5 employment programs for which homeless populations
6 may be eligible: *Provided further*, That any unobligated
7 amounts remaining from funds appropriated under this
8 heading in fiscal year 2012 and prior years for project-
9 based rental assistance for rehabilitation projects with 10-
10 year grant terms may be used for purposes under this
11 heading, notwithstanding the purposes for which such
12 funds were appropriated: *Provided further*, That all bal-
13 ances for Shelter Plus Care renewals previously funded
14 from the Shelter Plus Care Renewal account and trans-
15 ferred to this account shall be available, if recaptured, for
16 Continuum of Care renewals in fiscal year 2018: *Provided*
17 *further*, That the Department shall notify grantees of their
18 formula allocation from amounts allocated (which may
19 represent initial or final amounts allocated) for the Emer-
20 gency Solutions Grant program within 60 days of enact-
21 ment of this Act: *Provided further*, That up to
22 \$80,000,000 of the funds appropriated under this heading
23 shall be to implement projects to demonstrate how a com-
24 prehensive approach to serving homeless youth, age 24
25 and under, in up to 25 communities, including at least

1 eight communities with substantial rural populations, can
2 dramatically reduce youth homelessness: *Provided further*,
3 That of the amount made available under the previous
4 proviso, up to \$5,000,000 shall be available to provide
5 technical assistance on youth homelessness, and collection,
6 analysis, and reporting of data and performance measures
7 under the comprehensive approaches to serve homeless
8 youth, in addition to and in coordination with other tech-
9 nical assistance funds provided under this title: *Provided*
10 *further*, That such projects shall be eligible for renewal
11 under the continuum of care program subject to the same
12 terms and conditions as other renewal applicants: *Pro-*
13 *vided further*, That youth aged 24 and under seeking as-
14 sistance under this heading shall not be required to pro-
15 vide third party documentation to establish their eligibility
16 under 42 U.S.C. 11302(a) or (b) to receive services: *Pro-*
17 *vided further*, That unaccompanied youth aged 24 and
18 under or families headed by youth aged 24 and under who
19 are living in unsafe situations may be served by youth-
20 serving providers funded under this heading.

21 HOUSING PROGRAMS

22 PROJECT-BASED RENTAL ASSISTANCE

23 For activities and assistance for the provision of
24 project-based subsidy contracts under the United States
25 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the

1 Act”), not otherwise provided for, \$11,115,000,000, to re-
2 main available until expended, shall be available on Octo-
3 ber 1, 2017 (in addition to the \$400,000,000 previously
4 appropriated under this heading that became available Oc-
5 tober 1, 2017), and \$400,000,000, to remain available
6 until expended, shall be available on October 1, 2018: *Pro-*
7 *vided*, That the amounts made available under this head-
8 ing shall be available for expiring or terminating section
9 8 project-based subsidy contracts (including section 8
10 moderate rehabilitation contracts), for amendments to sec-
11 tion 8 project-based subsidy contracts (including section
12 8 moderate rehabilitation contracts), for contracts entered
13 into pursuant to section 441 of the McKinney-Vento
14 Homeless Assistance Act (42 U.S.C. 11401), for renewal
15 of section 8 contracts for units in projects that are subject
16 to approved plans of action under the Emergency Low In-
17 come Housing Preservation Act of 1987 or the Low-In-
18 come Housing Preservation and Resident Homeownership
19 Act of 1990, and for administrative and other expenses
20 associated with project-based activities and assistance
21 funded under this paragraph: *Provided further*, That of
22 the total amounts provided under this heading, not to ex-
23 ceed \$285,000,000 shall be available for performance-
24 based contract administrators for section 8 project-based
25 assistance, for carrying out 42 U.S.C. 1437(f): *Provided*

1 *further*, That the Secretary of Housing and Urban Devel-
2 opment may also use such amounts in the previous proviso
3 for performance-based contract administrators for the ad-
4 ministration of: interest reduction payments pursuant to
5 section 236(a) of the National Housing Act (12 U.S.C.
6 1715z-1(a)); rent supplement payments pursuant to sec-
7 tion 101 of the Housing and Urban Development Act of
8 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assist-
9 ance payments (12 U.S.C. 1715z-1(f)(2)); project rental
10 assistance contracts for the elderly under section
11 202(e)(2) of the Housing Act of 1959 (12 U.S.C. 1701q);
12 project rental assistance contracts for supportive housing
13 for persons with disabilities under section 811(d)(2) of the
14 Cranston-Gonzalez National Affordable Housing Act (42
15 U.S.C. 8013(d)(2)); project assistance contracts pursuant
16 to section 202(h) of the Housing Act of 1959 (Public Law
17 86-372; 73 Stat. 667); and loans under section 202 of
18 the Housing Act of 1959 (Public Law 86-372; 73 Stat.
19 667): *Provided further*, That amounts recaptured under
20 this heading, the heading “Annual Contributions for As-
21 sisted Housing”, or the heading “Housing Certificate
22 Fund”, may be used for renewals of or amendments to
23 section 8 project-based contracts or for performance-based
24 contract administrators, notwithstanding the purposes for
25 which such amounts were appropriated: *Provided further*,

1 That, notwithstanding any other provision of law, upon
2 the request of the Secretary of Housing and Urban Devel-
3 opment, project funds that are held in residual receipts
4 accounts for any project subject to a section 8 project-
5 based Housing Assistance Payments contract that author-
6 izes HUD or a Housing Finance Agency to require that
7 surplus project funds be deposited in an interest-bearing
8 residual receipts account and that are in excess of an
9 amount to be determined by the Secretary, shall be remit-
10 ted to the Department and deposited in this account, to
11 be available until expended: *Provided further*, That
12 amounts deposited pursuant to the previous proviso shall
13 be available in addition to the amount otherwise provided
14 by this heading for uses authorized under this heading.

15 HOUSING FOR THE ELDERLY

16 For capital advances, including amendments to cap-
17 ital advance contracts, for housing for the elderly, as au-
18 thorized by section 202 of the Housing Act of 1959, as
19 amended, and for project rental assistance for the elderly
20 under section 202(c)(2) of such Act, including amend-
21 ments to contracts for such assistance and renewal of ex-
22 piring contracts for such assistance for up to a 1-year
23 term, and for senior preservation rental assistance con-
24 tracts, including renewals, as authorized by section 811(e)
25 of the American Housing and Economic Opportunity Act

1 of 2000, as amended, and for supportive services associ-
2 ated with the housing, \$678,000,000 to remain available
3 until September 30, 2021, of which \$105,000,000 shall
4 be for capital advance and project-based rental assistance
5 awards: *Provided*, That of the amount provided under this
6 heading, up to \$90,000,000 shall be for service coordina-
7 tors and the continuation of existing congregate service
8 grants for residents of assisted housing projects: *Provided*
9 *further*, That amounts under this heading shall be avail-
10 able for Real Estate Assessment Center inspections and
11 inspection-related activities associated with section 202
12 projects: *Provided further*, That the Secretary may waive
13 the provisions of section 202 governing the terms and con-
14 ditions of project rental assistance, except that the initial
15 contract term for such assistance shall not exceed 5 years
16 in duration: *Provided further*, That upon request of the
17 Secretary of Housing and Urban Development, project
18 funds that are held in residual receipts accounts for any
19 project subject to a section 202 project rental assistance
20 contract, and that upon termination of such contract are
21 in excess of an amount to be determined by the Secretary,
22 shall be remitted to the Department and deposited in this
23 account, to be available until September 30, 2021: *Pro-*
24 *vided further*, That amounts deposited in this account pur-
25 suant to the previous proviso shall be available, in addition

1 to the amounts otherwise provided by this heading, for
2 amendments and renewals: *Provided further*, That unobli-
3 gated balances, including recaptures and carryover, re-
4 maining from funds transferred to or appropriated under
5 this heading shall be available for amendments and renew-
6 als notwithstanding the purposes for which such funds
7 originally were appropriated.

8 HOUSING FOR PERSONS WITH DISABILITIES

9 For capital advances, including amendments to cap-
10 ital advance contracts, for supportive housing for persons
11 with disabilities, as authorized by section 811 of the Cran-
12 ston-Gonzalez National Affordable Housing Act (42
13 U.S.C. 8013), as amended, and for project rental assist-
14 ance for supportive housing for persons with disabilities
15 under section 811(d)(2) of such Act and for project assist-
16 ance contracts pursuant to section 202(h) of the Housing
17 Act of 1959 (Public Law 86–372; 73 Stat. 667), including
18 amendments to contracts for such assistance and renewal
19 of expiring contracts for such assistance for up to a 1–
20 year term, for project rental assistance to State housing
21 finance agencies and other appropriate entities as author-
22 ized under section 811(b)(3) of the Cranston-Gonzalez
23 National Housing Act, and for supportive services associ-
24 ated with the housing for persons with disabilities as au-
25 thorized by section 811(b)(1) of such Act, \$229,600,000,

1 to remain available until September 30, 2021, of which
2 \$82,600,000 shall be for capital advance and project rent-
3 al assistance awards: *Provided*, That amounts made avail-
4 able under this heading shall be available for Real Estate
5 Assessment Center inspections and inspection-related ac-
6 tivities associated with section 811 projects: *Provided fur-*
7 *ther*, That, in this fiscal year, upon the request of the Sec-
8 retary of Housing and Urban Development, project funds
9 that are held in residual receipts accounts for any project
10 subject to a section 811 project rental assistance contract
11 and that upon termination of such contract are in excess
12 of an amount to be determined by the Secretary shall be
13 remitted to the Department and deposited in this account,
14 to be available until September 30, 2021: *Provided further*,
15 That amounts deposited in this account pursuant to the
16 previous proviso shall be available in addition to the
17 amounts otherwise provided by this heading for amend-
18 ments and renewals: *Provided further*, That unobligated
19 balances, including recaptures and carryover, remaining
20 from funds transferred to or appropriated under this
21 heading shall be used for amendments and renewals not-
22 withstanding the purposes for which such funds originally
23 were appropriated.

1 HOUSING COUNSELING ASSISTANCE

2 For contracts, grants, and other assistance excluding
3 loans, as authorized under section 106 of the Housing and
4 Urban Development Act of 1968, as amended,
5 \$55,000,000, to remain available until September 30,
6 2019, including up to \$4,500,000 for administrative con-
7 tract services: *Provided*, That grants made available from
8 amounts provided under this heading shall be awarded
9 within 180 days of enactment of this Act: *Provided further*,
10 That funds shall be used for providing counseling and ad-
11 vice to tenants and homeowners, both current and pro-
12 spective, with respect to property maintenance, financial
13 management or literacy, and such other matters as may
14 be appropriate to assist them in improving their housing
15 conditions, meeting their financial needs, and fulfilling the
16 responsibilities of tenancy or homeownership; for program
17 administration; and for housing counselor training: *Pro-*
18 *vided further*, That for purposes of providing such grants
19 from amounts provided under this heading, the Secretary
20 may enter into multiyear agreements, as appropriate, sub-
21 ject to the availability of annual appropriations.

22 RENTAL HOUSING ASSISTANCE

23 For amendments to contracts under section 101 of
24 the Housing and Urban Development Act of 1965 (12
25 U.S.C. 1701s) and section 236(f)(2) of the National

1 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-
2 insured rental housing projects, \$14,000,000, to remain
3 available until expended: *Provided*, That such amount, to-
4 gether with unobligated balances from recaptured
5 amounts appropriated prior to fiscal year 2006 from ter-
6 minated contracts under such sections of law, and any un-
7 obligated balances, including recaptures and carryover, re-
8 maining from funds appropriated under this heading after
9 fiscal year 2005, shall also be available for extensions of
10 up to one year for expiring contracts under such sections
11 of law.

12 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

13 FUND

14 For necessary expenses as authorized by the National
15 Manufactured Housing Construction and Safety Stand-
16 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
17 \$11,000,000, to remain available until expended, of which
18 \$11,000,000 is to be derived from the Manufactured
19 Housing Fees Trust Fund: *Provided*, That not to exceed
20 the total amount appropriated under this heading shall be
21 available from the general fund of the Treasury to the ex-
22 tent necessary to incur obligations and make expenditures
23 pending the receipt of collections to the Fund pursuant
24 to section 620 of such Act: *Provided further*, That the
25 amount made available under this heading from the gen-

1 eral fund shall be reduced as such collections are received
2 during fiscal year 2018 so as to result in a final fiscal
3 year 2018 appropriation from the general fund estimated
4 at zero, and fees pursuant to such section 620 shall be
5 modified as necessary to ensure such a final fiscal year
6 2018 appropriation: *Provided further*, That for the dispute
7 resolution and installation programs, the Secretary of
8 Housing and Urban Development may assess and collect
9 fees from any program participant: *Provided further*, That
10 such collections shall be deposited into the Fund, and the
11 Secretary, as provided herein, may use such collections,
12 as well as fees collected under section 620, for necessary
13 expenses of such Act: *Provided further*, That, notwith-
14 standing the requirements of section 620 of such Act, the
15 Secretary may carry out responsibilities of the Secretary
16 under such Act through the use of approved service pro-
17 viders that are paid directly by the recipients of their serv-
18 ices.

19 FEDERAL HOUSING ADMINISTRATION

20 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

21 New commitments to guarantee single family loans
22 insured under the Mutual Mortgage Insurance Fund shall
23 not exceed \$400,000,000,000, to remain available until
24 September 30, 2019: *Provided*, That during fiscal year
25 2018, obligations to make direct loans to carry out the

1 purposes of section 204(g) of the National Housing Act,
2 as amended, shall not exceed \$5,000,000: *Provided fur-*
3 *ther*, That the foregoing amount in the previous proviso
4 shall be for loans to nonprofit and governmental entities
5 in connection with sales of single family real properties
6 owned by the Secretary and formerly insured under the
7 Mutual Mortgage Insurance Fund: *Provided further*, That
8 for administrative contract expenses of the Federal Hous-
9 ing Administration, \$130,000,000, to remain available
10 until September 30, 2019: *Provided further*, That to the
11 extent guaranteed loan commitments exceed
12 \$200,000,000,000 on or before April 1, 2018, an addi-
13 tional \$1,400 for administrative contract expenses shall be
14 available for each \$1,000,000 in additional guaranteed
15 loan commitments (including a pro rata amount for any
16 amount below \$1,000,000), but in no case shall funds
17 made available by this proviso exceed \$30,000,000: *Pro-*
18 *vided further*, That during fiscal year 2018 the Secretary
19 may insure and enter into new commitments to insure
20 mortgages under section 255 of the National Housing Act
21 only to the extent that the net credit subsidy cost for such
22 insurance does not exceed zero: *Provided further*, That for
23 fiscal years 2018 and 2019, the Secretary shall not take
24 any action against a lender solely on the basis of compare
25 ratios that have been adversely affected by defaults on

1 mortgages secured by properties in areas where a major
2 disaster was declared in 2017 or 2018 pursuant to the
3 Robert T. Stafford Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5121 et seq.).

5 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

6 New commitments to guarantee loans insured under
7 the General and Special Risk Insurance Funds, as author-
8 ized by sections 238 and 519 of the National Housing Act
9 (12 U.S.C. 1715z-3 and 1735c), shall not exceed
10 \$30,000,000,000 in total loan principal, any part of which
11 is to be guaranteed, to remain available until September
12 30, 2019: *Provided*, That during fiscal year 2018, gross
13 obligations for the principal amount of direct loans, as au-
14 thorized by sections 204(g), 207(l), 238, and 519(a) of
15 the National Housing Act, shall not exceed \$5,000,000,
16 which shall be for loans to nonprofit and governmental en-
17 tities in connection with the sale of single family real prop-
18 erties owned by the Secretary and formerly insured under
19 such Act.

20 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

21 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

22 GUARANTEE PROGRAM ACCOUNT

23 New commitments to issue guarantees to carry out
24 the purposes of section 306 of the National Housing Act,
25 as amended (12 U.S.C. 1721(g)), shall not exceed

1 \$500,000,000,000, to remain available until September
2 30, 2019: *Provided*, That \$27,000,000 shall be available
3 for necessary salaries and expenses of the Office of Gov-
4 ernment National Mortgage Association: *Provided further*,
5 That to the extent that guaranteed loan commitments ex-
6 ceed \$155,000,000,000 on or before April 1, 2018, an ad-
7 ditional \$100 for necessary salaries and expenses shall be
8 available until expended for each \$1,000,000 in additional
9 guaranteed loan commitments (including a pro rata
10 amount for any amount below \$1,000,000), but in no case
11 shall funds made available by this proviso exceed
12 \$3,000,000: *Provided further*, That receipts from Commit-
13 ment and Multiclass fees collected pursuant to title III of
14 the National Housing Act, as amended, shall be credited
15 as offsetting collections to this account.

16 POLICY DEVELOPMENT AND RESEARCH

17 RESEARCH AND TECHNOLOGY

18 For contracts, grants, and necessary expenses of pro-
19 grams of research and studies relating to housing and
20 urban problems, not otherwise provided for, as authorized
21 by title V of the Housing and Urban Development Act
22 of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying
23 out the functions of the Secretary of Housing and Urban
24 Development under section 1(a)(1)(i) of Reorganization
25 Plan No. 2 of 1968, and for technical assistance,

1 \$89,000,000, to remain available until September 30,
2 2019: *Provided*, That with respect to amounts made avail-
3 able under this heading, notwithstanding section 203 of
4 this title, the Secretary may enter into cooperative agree-
5 ments funded with philanthropic entities, other Federal
6 agencies, State or local governments and their agencies,
7 or colleges or universities for research projects: *Provided*
8 *further*, That with respect to the previous proviso, such
9 partners to the cooperative agreements must contribute at
10 least a 50 percent match toward the cost of the project:
11 *Provided further*, That for non-competitive agreements en-
12 tered into in accordance with the previous two provisos,
13 the Secretary of Housing and Urban Development shall
14 comply with section 2(b) of the Federal Funding Account-
15 ability and Transparency Act of 2006 (Public Law 109–
16 282, 31 U.S.C. note) in lieu of compliance with section
17 102(a)(4)(C) with respect to documentation of award deci-
18 sions: *Provided further*, That prior to obligation of tech-
19 nical assistance funding, the Secretary shall submit a
20 plan, for approval, to the House and Senate Committees
21 on Appropriations on how it will allocate funding for this
22 activity: *Provided further*, That none of the funds provided
23 under this heading may be available for the doctoral dis-
24 sertation research grant program.

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 FAIR HOUSING ACTIVITIES

3 For contracts, grants, and other assistance, not oth-
4 erwise provided for, as authorized by title VIII of the Civil
5 Rights Act of 1968, as amended by the Fair Housing
6 Amendments Act of 1988, and section 561 of the Housing
7 and Community Development Act of 1987, as amended,
8 \$65,300,000, to remain available until September 30,
9 2019: *Provided*, That notwithstanding 31 U.S.C. 3302,
10 the Secretary may assess and collect fees to cover the costs
11 of the Fair Housing Training Academy, and may use such
12 funds to provide such training: *Provided further*, That no
13 funds made available under this heading shall be used to
14 lobby the executive or legislative branches of the Federal
15 Government in connection with a specific contract, grant,
16 or loan: *Provided further*, That of the funds made available
17 under this heading, \$300,000 shall be available to the Sec-
18 retary of Housing and Urban Development for the cre-
19 ation and promotion of translated materials and other pro-
20 grams that support the assistance of persons with limited
21 English proficiency in utilizing the services provided by
22 the Department of Housing and Urban Development.

1701

1 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY
2 HOMES
3 LEAD HAZARD REDUCTION

4 For the Lead Hazard Reduction Program, as author-
5 ized by section 1011 of the Residential Lead-Based Paint
6 Hazard Reduction Act of 1992, \$230,000,000, to remain
7 available until September 30, 2019, of which \$45,000,000
8 shall be for the Healthy Homes Initiative, pursuant to sec-
9 tions 501 and 502 of the Housing and Urban Develop-
10 ment Act of 1970, that shall include research, studies,
11 testing, and demonstration efforts, including education
12 and outreach concerning lead-based paint poisoning and
13 other housing-related diseases and hazards: *Provided*,
14 That for purposes of environmental review, pursuant to
15 the National Environmental Policy Act of 1969 (42 U.S.C.
16 4321 et seq.) and other provisions of the law that further
17 the purposes of such Act, a grant under the Healthy
18 Homes Initiative, or the Lead Technical Studies program
19 under this heading or under prior appropriations Acts for
20 such purposes under this heading, shall be considered to
21 be funds for a special project for purposes of section
22 305(c) of the Multifamily Housing Property Disposition
23 Reform Act of 1994: *Provided further*, That not less than
24 \$95,000,000 of the amounts made available under this
25 heading for the award of grants pursuant to section 1011

1 of the Residential Lead-Based Paint Hazard Reduction
2 Act of 1992 shall be provided to areas with the highest
3 lead-based paint abatement needs: *Provided further*, That
4 each applicant shall certify adequate capacity that is ac-
5 ceptable to the Secretary to carry out the proposed use
6 of funds pursuant to a notice of funding availability: *Pro-*
7 *vided further*, That amounts made available under this
8 heading in this or prior appropriations Acts, and that still
9 remain available, may be used for any purpose under this
10 heading notwithstanding the purpose for which such
11 amounts were appropriated if a program competition is
12 undersubscribed and there are other program competitions
13 under this heading that are oversubscribed.

14 INFORMATION TECHNOLOGY FUND

15 For the development of, modifications to, and infra-
16 structure for Department-wide and program-specific infor-
17 mation technology systems, for the continuing operation
18 and maintenance of both Department-wide and program-
19 specific information systems, and for program-related
20 maintenance activities, \$267,000,000, of which
21 \$250,000,000 shall remain available until September 30,
22 2019, and of which \$17,000,000 shall remain available
23 until September 30, 2020: *Provided*, That any amounts
24 transferred to this Fund under this Act shall remain avail-
25 able until expended: *Provided further*, That any amounts

1 transferred to this Fund from amounts appropriated by
2 previously enacted appropriations Acts may be used for
3 the purposes specified under this Fund, in addition to any
4 other information technology purposes for which such
5 amounts were appropriated: *Provided further*, That not
6 more than 10 percent of the funds made available under
7 this heading for development, modernization and enhance-
8 ment may be obligated until the Secretary submits to the
9 House and Senate Committees on Appropriations, for ap-
10 proval, a plan for expenditure that—(A) identifies for each
11 modernization project: (i) the functional and performance
12 capabilities to be delivered and the mission benefits to be
13 realized, (ii) the estimated life-cycle cost, and (iii) key
14 milestones to be met; and (B) demonstrates that each
15 modernization project is: (i) compliant with the Depart-
16 ment’s enterprise architecture, (ii) being managed in ac-
17 cordance with applicable life-cycle management policies
18 and guidance, (iii) subject to the Department’s capital
19 planning and investment control requirements, and (iv)
20 supported by an adequately staffed project office.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary salaries and expenses of the Office of
23 Inspector General in carrying out the Inspector General
24 Act of 1978, as amended, \$128,082,000: *Provided*, That

1 the Inspector General shall have independent authority
2 over all personnel issues within this office.

3 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
4 URBAN DEVELOPMENT
5 (INCLUDING TRANSFER OF FUNDS)
6 (INCLUDING RESCISSION)

7 SEC. 201. Fifty percent of the amounts of budget au-
8 thority, or in lieu thereof 50 percent of the cash amounts
9 associated with such budget authority, that are recaptured
10 from projects described in section 1012(a) of the Stewart
11 B. McKinney Homeless Assistance Amendments Act of
12 1988 (42 U.S.C. 1437f note) shall be rescinded or in the
13 case of cash, shall be remitted to the Treasury, and such
14 amounts of budget authority or cash recaptured and not
15 rescinded or remitted to the Treasury shall be used by
16 State housing finance agencies or local governments or
17 local housing agencies with projects approved by the Sec-
18 retary of Housing and Urban Development for which set-
19 tlement occurred after January 1, 1992, in accordance
20 with such section. Notwithstanding the previous sentence,
21 the Secretary may award up to 15 percent of the budget
22 authority or cash recaptured and not rescinded or remitted
23 to the Treasury to provide project owners with incentives
24 to refinance their project at a lower interest rate.

1 SEC. 202. None of the amounts made available under
2 this Act may be used during fiscal year 2018 to investigate
3 or prosecute under the Fair Housing Act any otherwise
4 lawful activity engaged in by one or more persons, includ-
5 ing the filing or maintaining of a nonfrivolous legal action,
6 that is engaged in solely for the purpose of achieving or
7 preventing action by a Government official or entity, or
8 a court of competent jurisdiction.

9 SEC. 203. Except as explicitly provided in law, any
10 grant, cooperative agreement or other assistance made
11 pursuant to title II of this Act shall be made on a competi-
12 tive basis and in accordance with section 102 of the De-
13 partment of Housing and Urban Development Reform Act
14 of 1989 (42 U.S.C. 3545).

15 SEC. 204. Funds of the Department of Housing and
16 Urban Development subject to the Government Corpora-
17 tion Control Act or section 402 of the Housing Act of
18 1950 shall be available, without regard to the limitations
19 on administrative expenses, for legal services on a contract
20 or fee basis, and for utilizing and making payment for
21 services and facilities of the Federal National Mortgage
22 Association, Government National Mortgage Association,
23 Federal Home Loan Mortgage Corporation, Federal Fi-
24 nancing Bank, Federal Reserve banks or any member
25 thereof, Federal Home Loan banks, and any insured bank

1 within the meaning of the Federal Deposit Insurance Cor-
2 poration Act, as amended (12 U.S.C. 1811–1).

3 SEC. 205. Unless otherwise provided for in this Act
4 or through a reprogramming of funds, no part of any ap-
5 propriation for the Department of Housing and Urban
6 Development shall be available for any program, project
7 or activity in excess of amounts set forth in the budget
8 estimates submitted to Congress.

9 SEC. 206. Corporations and agencies of the Depart-
10 ment of Housing and Urban Development which are sub-
11 ject to the Government Corporation Control Act are here-
12 by authorized to make such expenditures, within the limits
13 of funds and borrowing authority available to each such
14 corporation or agency and in accordance with law, and to
15 make such contracts and commitments without regard to
16 fiscal year limitations as provided by section 104 of such
17 Act as may be necessary in carrying out the programs set
18 forth in the budget for 2018 for such corporation or agen-
19 cy except as hereinafter provided: *Provided*, That collec-
20 tions of these corporations and agencies may be used for
21 new loan or mortgage purchase commitments only to the
22 extent expressly provided for in this Act (unless such loans
23 are in support of other forms of assistance provided for
24 in this or prior appropriations Acts), except that this pro-
25 viso shall not apply to the mortgage insurance or guaranty

1 operations of these corporations, or where loans or mort-
2 gage purchases are necessary to protect the financial in-
3 terest of the United States Government.

4 SEC. 207. The Secretary of Housing and Urban De-
5 velopment shall provide quarterly reports to the House
6 and Senate Committees on Appropriations regarding all
7 uncommitted, unobligated, recaptured and excess funds in
8 each program and activity within the jurisdiction of the
9 Department and shall submit additional, updated budget
10 information to these Committees upon request.

11 SEC. 208. The President's formal budget request for
12 fiscal year 2019, as well as the Department of Housing
13 and Urban Development's congressional budget justifica-
14 tions to be submitted to the Committees on Appropriations
15 of the House of Representatives and the Senate, shall use
16 the identical account and sub-account structure provided
17 under this Act.

18 SEC. 209. No funds provided under this title may be
19 used for an audit of the Government National Mortgage
20 Association that makes applicable requirements under the
21 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

22 SEC. 210. (a) Notwithstanding any other provision
23 of law, subject to the conditions listed under this section,
24 for fiscal years 2018 and 2019, the Secretary of Housing
25 and Urban Development may authorize the transfer of

1 some or all project-based assistance, debt held or insured
2 by the Secretary and statutorily required low-income and
3 very low-income use restrictions if any, associated with one
4 or more multifamily housing project or projects to another
5 multifamily housing project or projects.

6 (b) PHASED TRANSFERS.—Transfers of project-
7 based assistance under this section may be done in phases
8 to accommodate the financing and other requirements re-
9 lated to rehabilitating or constructing the project or
10 projects to which the assistance is transferred, to ensure
11 that such project or projects meet the standards under
12 subsection (c).

13 (c) The transfer authorized in subsection (a) is sub-
14 ject to the following conditions:

15 (1) NUMBER AND BEDROOM SIZE OF UNITS.—

16 (A) For occupied units in the transferring
17 project: The number of low-income and very
18 low-income units and the configuration (i.e.,
19 bedroom size) provided by the transferring
20 project shall be no less than when transferred
21 to the receiving project or projects and the net
22 dollar amount of Federal assistance provided to
23 the transferring project shall remain the same
24 in the receiving project or projects.

1 (B) For unoccupied units in the transfer-
2 ring project: The Secretary may authorize a re-
3 duction in the number of dwelling units in the
4 receiving project or projects to allow for a re-
5 configuration of bedroom sizes to meet current
6 market demands, as determined by the Sec-
7 retary and provided there is no increase in the
8 project-based assistance budget authority.

9 (2) The transferring project shall, as deter-
10 mined by the Secretary, be either physically obsolete
11 or economically nonviable.

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

15 (4) The owner or mortgagor of the transferring
16 project shall notify and consult with the tenants re-
17 siding in the transferring project and provide a cer-
18 tification of approval by all appropriate local govern-
19 mental officials.

20 (5) The tenants of the transferring project who
21 remain eligible for assistance to be provided by the
22 receiving project or projects shall not be required to
23 vacate their units in the transferring project or
24 projects until new units in the receiving project are
25 available for occupancy.

1 (6) The Secretary determines that this transfer
2 is in the best interest of the tenants.

3 (7) If either the transferring project or the re-
4 ceiving project or projects meets the condition speci-
5 fied in subsection (d)(2)(A), any lien on the receiv-
6 ing project resulting from additional financing ob-
7 tained by the owner shall be subordinate to any
8 FHA-insured mortgage lien transferred to, or placed
9 on, such project by the Secretary, except that the
10 Secretary may waive this requirement upon deter-
11 mination that such a waiver is necessary to facilitate
12 the financing of acquisition, construction, and/or re-
13 habilitation of the receiving project or projects.

14 (8) If the transferring project meets the re-
15 quirements of subsection (d)(2), the owner or mort-
16 gator of the receiving project or projects shall exe-
17 cute and record either a continuation of the existing
18 use agreement or a new use agreement for the
19 project where, in either case, any use restrictions in
20 such agreement are of no lesser duration than the
21 existing use restrictions.

22 (9) The transfer does not increase the cost (as
23 defined in section 502 of the Congressional Budget
24 Act of 1974, as amended) of any FHA-insured
25 mortgage, except to the extent that appropriations

1 are provided in advance for the amount of any such
2 increased cost.

3 (d) For purposes of this section—

4 (1) the terms “low-income” and “very low-in-
5 come” shall have the meanings provided by the stat-
6 ute and/or regulations governing the program under
7 which the project is insured or assisted;

8 (2) the term “multifamily housing project”
9 means housing that meets one of the following con-
10 ditions—

11 (A) housing that is subject to a mortgage
12 insured under the National Housing Act;

13 (B) housing that has project-based assist-
14 ance attached to the structure including
15 projects undergoing mark to market debt re-
16 structuring under the Multifamily Assisted
17 Housing Reform and Affordability Housing Act;

18 (C) housing that is assisted under section
19 202 of the Housing Act of 1959, as amended
20 by section 801 of the Cranston-Gonzales Na-
21 tional Affordable Housing Act;

22 (D) housing that is assisted under section
23 202 of the Housing Act of 1959, as such sec-
24 tion existed before the enactment of the Cran-
25 ston-Gonzales National Affordable Housing Act;

1 (E) housing that is assisted under section
2 811 of the Cranston-Gonzales National Afford-
3 able Housing Act; or

4 (F) housing or vacant land that is subject
5 to a use agreement;

6 (3) the term “project-based assistance”
7 means—

8 (A) assistance provided under section 8(b)
9 of the United States Housing Act of 1937;

10 (B) assistance for housing constructed or
11 substantially rehabilitated pursuant to assist-
12 ance provided under section 8(b)(2) of such Act
13 (as such section existed immediately before Oc-
14 tober 1, 1983);

15 (C) rent supplement payments under sec-
16 tion 101 of the Housing and Urban Develop-
17 ment Act of 1965;

18 (D) interest reduction payments under sec-
19 tion 236 and/or additional assistance payments
20 under section 236(f)(2) of the National Hous-
21 ing Act;

22 (E) assistance payments made under sec-
23 tion 202(e)(2) of the Housing Act of 1959; and

1 (F) assistance payments made under sec-
2 tion 811(d)(2) of the Cranston-Gonzalez Na-
3 tional Affordable Housing Act;

4 (4) the term “receiving project or projects”
5 means the multifamily housing project or projects to
6 which some or all of the project-based assistance,
7 debt, and statutorily required low-income and very
8 low-income use restrictions are to be transferred;

9 (5) the term “transferring project” means the
10 multifamily housing project which is transferring
11 some or all of the project-based assistance, debt, and
12 the statutorily required low-income and very low-in-
13 come use restrictions to the receiving project or
14 projects; and

15 (6) the term “Secretary” means the Secretary
16 of Housing and Urban Development.

17 (e) RESEARCH REPORT.—The Secretary shall con-
18 duct an evaluation of the transfer authority under this sec-
19 tion, including the effect of such transfers on the oper-
20 ational efficiency, contract rents, physical and financial
21 conditions, and long-term preservation of the affected
22 properties.

23 SEC. 211. (a) No assistance shall be provided under
24 section 8 of the United States Housing Act of 1937 (42
25 U.S.C. 1437f) to any individual who—

1 (1) is enrolled as a student at an institution of
2 higher education (as defined under section 102 of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1002));

5 (2) is under 24 years of age;

6 (3) is not a veteran;

7 (4) is unmarried;

8 (5) does not have a dependent child;

9 (6) is not a person with disabilities, as such
10 term is defined in section 3(b)(3)(E) of the United
11 States Housing Act of 1937 (42 U.S.C.
12 1437a(b)(3)(E)) and was not receiving assistance
13 under such section 8 as of November 30, 2005;

14 (7) is not a youth who left foster care at age
15 14 or older and is at risk of becoming homeless; and

16 (8) is not otherwise individually eligible, or has
17 parents who, individually or jointly, are not eligible,
18 to receive assistance under section 8 of the United
19 States Housing Act of 1937 (42 U.S.C. 1437f).

20 (b) For purposes of determining the eligibility of a
21 person to receive assistance under section 8 of the United
22 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
23 cial assistance (in excess of amounts received for tuition
24 and any other required fees and charges) that an indi-
25 vidual receives under the Higher Education Act of 1965

1 (20 U.S.C. 1001 et seq.), from private sources, or an insti-
2 tution of higher education (as defined under the Higher
3 Education Act of 1965 (20 U.S.C. 1002)), shall be consid-
4 ered income to that individual, except for a person over
5 the age of 23 with dependent children.

6 SEC. 212. The funds made available for Native Alas-
7 kans under the heading “Native American Housing Block
8 Grants” in title II of this Act shall be allocated to the
9 same Native Alaskan housing block grant recipients that
10 received funds in fiscal year 2005.

11 SEC. 213. Notwithstanding the limitation in the first
12 sentence of section 255(g) of the National Housing Act
13 (12 U.S.C. 1715z–20(g)), the Secretary of Housing and
14 Urban Development may, until September 30, 2018, in-
15 sure and enter into commitments to insure mortgages
16 under such section 255.

17 SEC. 214. Notwithstanding any other provision of
18 law, in fiscal year 2018, in managing and disposing of any
19 multifamily property that is owned or has a mortgage held
20 by the Secretary of Housing and Urban Development, and
21 during the process of foreclosure on any property with a
22 contract for rental assistance payments under section 8
23 of the United States Housing Act of 1937 or other Fed-
24 eral programs, the Secretary shall maintain any rental as-
25 sistance payments under section 8 of the United States

1 Housing Act of 1937 and other programs that are at-
2 tached to any dwelling units in the property. To the extent
3 the Secretary determines, in consultation with the tenants
4 and the local government, that such a multifamily prop-
5 erty owned or held by the Secretary is not feasible for con-
6 tinued rental assistance payments under such section 8
7 or other programs, based on consideration of (1) the costs
8 of rehabilitating and operating the property and all avail-
9 able Federal, State, and local resources, including rent ad-
10 justments under section 524 of the Multifamily Assisted
11 Housing Reform and Affordability Act of 1997
12 (“MAHRAA”) and (2) environmental conditions that can-
13 not be remedied in a cost-effective fashion, the Secretary
14 may, in consultation with the tenants of that property,
15 contract for project-based rental assistance payments with
16 an owner or owners of other existing housing properties,
17 or provide other rental assistance. The Secretary shall also
18 take appropriate steps to ensure that project-based con-
19 tracts remain in effect prior to foreclosure, subject to the
20 exercise of contractual abatement remedies to assist relo-
21 cation of tenants for imminent major threats to health and
22 safety after written notice to and informed consent of the
23 affected tenants and use of other available remedies, such
24 as partial abatements or receivership. After disposition of
25 any multifamily property described under this section, the

1 contract and allowable rent levels on such properties shall
2 be subject to the requirements under section 524 of
3 MAHRAA.

4 SEC. 215. The commitment authority funded by fees
5 as provided under the heading “Community Development
6 Loan Guarantees Program Account” may be used to guar-
7 antee, or make commitments to guarantee, notes, or other
8 obligations issued by any State on behalf of non-entitle-
9 ment communities in the State in accordance with the re-
10 quirements of section 108 of the Housing and Community
11 Development Act of 1974: *Provided*, That any State re-
12 ceiving such a guarantee or commitment shall distribute
13 all funds subject to such guarantee to the units of general
14 local government in non-entitlement areas that received
15 the commitment.

16 SEC. 216. Public housing agencies that own and oper-
17 ate 400 or fewer public housing units may elect to be ex-
18 empt from any asset management requirement imposed by
19 the Secretary of Housing and Urban Development in con-
20 nection with the operating fund rule: *Provided*, That an
21 agency seeking a discontinuance of a reduction of subsidy
22 under the operating fund formula shall not be exempt
23 from asset management requirements.

24 SEC. 217. With respect to the use of amounts pro-
25 vided in this Act and in future Acts for the operation, cap-

1 ital improvement and management of public housing as
2 authorized by sections 9(d) and 9(e) of the United States
3 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
4 Secretary shall not impose any requirement or guideline
5 relating to asset management that restricts or limits in
6 any way the use of capital funds for central office costs
7 pursuant to section 9(g)(1) or 9(g)(2) of the United States
8 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
9 *vided*, That a public housing agency may not use capital
10 funds authorized under section 9(d) for activities that are
11 eligible under section 9(e) for assistance with amounts
12 from the operating fund in excess of the amounts per-
13 mitted under section 9(g)(1) or 9(g)(2).

14 SEC. 218. No official or employee of the Department
15 of Housing and Urban Development shall be designated
16 as an allotment holder unless the Office of the Chief Fi-
17 nancial Officer has determined that such allotment holder
18 has implemented an adequate system of funds control and
19 has received training in funds control procedures and di-
20 rectives. The Chief Financial Officer shall ensure that
21 there is a trained allotment holder for each HUD sub-
22 office under the accounts “Executive Offices” and “Ad-
23 ministrative Support Offices,” as well as each account re-
24 ceiving appropriations for “Program Office Salaries and
25 Expenses”, “Government National Mortgage Associa-

1 tion—Guarantees of Mortgage-Backed Securities Loan
2 Guarantee Program Account”, and “Office of Inspector
3 General” within the Department of Housing and Urban
4 Development.

5 SEC. 219. The Secretary of the Department of Hous-
6 ing and Urban Development shall, for fiscal year 2018,
7 notify the public through the Federal Register and other
8 means, as determined appropriate, of the issuance of a no-
9 tice of the availability of assistance or notice of funding
10 availability (NOFA) for any program or discretionary
11 fund administered by the Secretary that is to be competi-
12 tively awarded. Notwithstanding any other provision of
13 law, for fiscal year 2018, the Secretary may make the
14 NOFA available only on the Internet at the appropriate
15 Government web site or through other electronic media,
16 as determined by the Secretary.

17 SEC. 220. Payment of attorney fees in program-re-
18 lated litigation shall be paid from the individual program
19 office and Office of General Counsel salaries and expenses
20 appropriations. The annual budget submission for the pro-
21 gram offices and the Office of General Counsel shall in-
22 clude any such projected litigation costs for attorney fees
23 as a separate line item request. No funds provided in this
24 title may be used to pay any such litigation costs for attor-
25 ney fees until the Department submits for review a spend-

1 ing plan for such costs to the House and Senate Commit-
2 tees on Appropriations.

3 SEC. 221. The Secretary is authorized to transfer up
4 to 10 percent or \$5,000,000, whichever is less, of funds
5 appropriated for any office under the heading “Adminis-
6 trative Support Offices” or for any account under the gen-
7 eral heading “Program Office Salaries and Expenses” to
8 any other such office or account: *Provided*, That no appro-
9 priation for any such office or account shall be increased
10 or decreased by more than 10 percent or \$5,000,000,
11 whichever is less, without prior written approval of the
12 House and Senate Committees on Appropriations: *Pro-*
13 *vided further*, That the Secretary shall provide notification
14 to such Committees three business days in advance of any
15 such transfers under this section up to 10 percent or
16 \$5,000,000, whichever is less.

17 SEC. 222. (a) Any entity receiving housing assistance
18 payments shall maintain decent, safe, and sanitary condi-
19 tions, as determined by the Secretary of Housing and
20 Urban Development (in this section referred to as the
21 “Secretary”), and comply with any standards under appli-
22 cable State or local laws, rules, ordinances, or regulations
23 relating to the physical condition of any property covered
24 under a housing assistance payment contract.

1 (b) The Secretary shall take action under subsection
2 (c) when a multifamily housing project with a section 8
3 contract or contract for similar project-based assistance—

4 (1) receives a Uniform Physical Condition
5 Standards (UPCS) score of 60 or less; or

6 (2) fails to certify in writing to the Secretary
7 within 3 days that all Exigent Health and Safety de-
8 ficiencies identified by the inspector at the project
9 have been corrected.

10 Such requirements shall apply to insured and noninsured
11 projects with assistance attached to the units under sec-
12 tion 8 of the United States Housing Act of 1937 (42
13 U.S.C. 1437f), but do not apply to such units assisted
14 under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to
15 public housing units assisted with capital or operating
16 funds under section 9 of the United States Housing Act
17 of 1937 (42 U.S.C. 1437g).

18 (c)(1) Within 15 days of the issuance of the REAC
19 inspection, the Secretary must provide the owner with a
20 Notice of Default with a specified timetable, determined
21 by the Secretary, for correcting all deficiencies. The Sec-
22 retary must also provide a copy of the Notice of Default
23 to the tenants, the local government, any mortgagees, and
24 any contract administrator. If the owner's appeal results

1 in a UPCS score of 60 or above, the Secretary may with-
2 draw the Notice of Default.

3 (2) At the end of the time period for correcting all
4 deficiencies specified in the Notice of Default, if the owner
5 fails to fully correct such deficiencies, the Secretary may—

6 (A) require immediate replacement of project
7 management with a management agent approved by
8 the Secretary;

9 (B) impose civil money penalties, which shall be
10 used solely for the purpose of supporting safe and
11 sanitary conditions at applicable properties, as des-
12 ignated by the Secretary, with priority given to the
13 tenants of the property affected by the penalty;

14 (C) abate the section 8 contract, including par-
15 tial abatement, as determined by the Secretary, until
16 all deficiencies have been corrected;

17 (D) pursue transfer of the project to an owner,
18 approved by the Secretary under established proce-
19 dures, which will be obligated to promptly make all
20 required repairs and to accept renewal of the assist-
21 ance contract as long as such renewal is offered;

22 (E) transfer the existing section 8 contract to
23 another project or projects and owner or owners;

24 (F) pursue exclusionary sanctions, including
25 suspensions or debarments from Federal programs;

1 (G) seek judicial appointment of a receiver to
2 manage the property and cure all project deficiencies
3 or seek a judicial order of specific performance re-
4 quiring the owner to cure all project deficiencies;

5 (H) work with the owner, lender, or other re-
6 lated party to stabilize the property in an attempt
7 to preserve the property through compliance, trans-
8 fer of ownership, or an infusion of capital provided
9 by a third-party that requires time to effectuate; or

10 (I) take any other regulatory or contractual
11 remedies available as deemed necessary and appro-
12 priate by the Secretary.

13 (d) The Secretary shall also take appropriate steps
14 to ensure that project-based contracts remain in effect,
15 subject to the exercise of contractual abatement remedies
16 to assist relocation of tenants for major threats to health
17 and safety after written notice to the affected tenants. To
18 the extent the Secretary determines, in consultation with
19 the tenants and the local government, that the property
20 is not feasible for continued rental assistance payments
21 under such section 8 or other programs, based on consid-
22 eration of—

23 (1) the costs of rehabilitating and operating the
24 property and all available Federal, State, and local
25 resources, including rent adjustments under section

1 524 of the Multifamily Assisted Housing Reform
2 and Affordability Act of 1997 (“MAHRAA”); and

3 (2) environmental conditions that cannot be
4 remedied in a cost-effective fashion, the Secretary
5 may contract for project-based rental assistance pay-
6 ments with an owner or owners of other existing
7 housing properties, or provide other rental assist-
8 ance.

9 (e) The Secretary shall report quarterly on all prop-
10 erties covered by this section that are assessed through
11 the Real Estate Assessment Center and have UPCS phys-
12 ical inspection scores of less than 60 or have received an
13 unsatisfactory management and occupancy review within
14 the past 36 months. The report shall include—

15 (1) the enforcement actions being taken to ad-
16 dress such conditions, including imposition of civil
17 money penalties and termination of subsidies, and
18 identify properties that have such conditions mul-
19 tiple times;

20 (2) actions that the Department of Housing
21 and Urban Development is taking to protect tenants
22 of such identified properties; and

23 (3) any administrative or legislative rec-
24 ommendations to further improve the living condi-

1 tions at properties covered under a housing assist-
2 ance payment contract.

3 This report shall be due to the Senate and House Commit-
4 tees on Appropriations no later than 30 days after the
5 enactment of this Act, and on the first business day of
6 each Federal fiscal year quarter thereafter while this sec-
7 tion remains in effect.

8 SEC. 223. None of the funds made available by this
9 Act, or any other Act, for purposes authorized under sec-
10 tion 8 (only with respect to the tenant-based rental assist-
11 ance program) and section 9 of the United States Housing
12 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
13 any public housing agency for any amount of salary, in-
14 cluding bonuses, for the chief executive officer of which,
15 or any other official or employee of which, that exceeds
16 the annual rate of basic pay payable for a position at level
17 IV of the Executive Schedule at any time during any pub-
18 lic housing agency fiscal year 2018.

19 SEC. 224. Notwithstanding section 24(o) of the
20 United States Housing Act of 1937 (42 U.S.C. 1437v(o)),
21 the Secretary of Housing and Urban Development may,
22 until September 30, 2018, obligate any available unobli-
23 gated balances made available under the heading “Choice
24 Neighborhoods Initiative” in this Act or any prior Act.

1 SEC. 225. None of the funds in this Act provided to
2 the Department of Housing and Urban Development may
3 be used to make a grant award unless the Secretary noti-
4 fies the House and Senate Committees on Appropriations
5 not less than 3 full business days before any project,
6 State, locality, housing authority, tribe, nonprofit organi-
7 zation, or other entity selected to receive a grant award
8 is announced by the Department or its offices.

9 SEC. 226. None of the funds made available by this
10 Act may be used to require or enforce the Physical Needs
11 Assessment (PNA).

12 SEC. 227. None of the funds made available in this
13 Act shall be used by the Federal Housing Administration,
14 the Government National Mortgage Administration, or the
15 Department of Housing and Urban Development to in-
16 sure, securitize, or establish a Federal guarantee of any
17 mortgage or mortgage backed security that refinances or
18 otherwise replaces a mortgage that has been subject to
19 eminent domain condemnation or seizure, by a State, mu-
20 nicipality, or any other political subdivision of a State.

21 SEC. 228. None of the funds made available by this
22 Act may be used to terminate the status of a unit of gen-
23 eral local government as a metropolitan city (as defined
24 in section 102 of the Housing and Community Develop-

1 ment Act of 1974 (42 U.S.C. 5302)) with respect to
2 grants under section 106 of such Act (42 U.S.C. 5306).

3 SEC. 229. Amounts made available under this Act
4 which are either appropriated, allocated, advanced on a
5 reimbursable basis, or transferred to the Office of Policy
6 Development and Research in the Department of Housing
7 and Urban Development and functions thereof, for re-
8 search, evaluation, or statistical purposes, and which are
9 unexpended at the time of completion of a contract, grant,
10 or cooperative agreement, may be deobligated and shall
11 immediately become available and may be reobligated in
12 that fiscal year or the subsequent fiscal year for the re-
13 search, evaluation, or statistical purposes for which the
14 amounts are made available to that Office subject to re-
15 programming requirements in section 405 of this Act.

16 SEC. 230. None of the funds provided in this Act or
17 any other act may be used for awards, including perform-
18 ance, special act, or spot, for any employee of the Depart-
19 ment of Housing and Urban Development who has been
20 subject to administrative discipline in fiscal years 2017 or
21 2018, including suspension from work.

22 SEC. 231. Funds made available in this title under
23 the heading “Homeless Assistance Grants” may be used
24 by the Secretary to participate in Performance Partner-
25 ship Pilots authorized under section 526 of division H of

1 Public Law 113–76, section 524 of division G of Public
2 Law 113–235, section 525 of division H of Public Law
3 114–113, and such authorities as are enacted for Perform-
4 ance Partnership Pilots in an appropriations Act for fiscal
5 year 2018: *Provided*, That such participation shall be lim-
6 ited to no more than 10 continuums of care and housing
7 activities to improve outcomes for disconnected youth.

8 SEC. 232. With respect to grant amounts awarded
9 under the heading “Homeless Assistance Grants” for fis-
10 cal years 2015, 2016, 2017, and 2018 for the continuum
11 of care (CoC) program as authorized under subtitle C of
12 title IV of the McKinney-Vento Homeless Assistance Act,
13 costs paid by program income of grant recipients may
14 count toward meeting the recipient’s matching require-
15 ments, provided the costs are eligible CoC costs that sup-
16 plement the recipient’s CoC program.

17 SEC. 233. (a) From amounts made available under
18 this title under the heading “Homeless Assistance
19 Grants”, the Secretary may award 1-year transition
20 grants to recipients of funds for activities under subtitle
21 C of the McKinney-Vento Homeless Assistance Act (42
22 U.S.C. 11381 et seq.) to transition from one Continuum
23 of Care program component to another.

1 (b) No more than 50 percent of each transition grant
2 may be used for costs of eligible activities of the program
3 component originally funded.

4 (c) Transition grants made under this section are eli-
5 gible for renewal in subsequent fiscal years for the eligible
6 activities of the new program component.

7 (d) In order to be eligible to receive a transition
8 grant, the funding recipient must have the consent of the
9 Continuum of Care and meet standards determined by the
10 Secretary.

11 SEC. 234. None of the funds made available by this
12 Act may be used by the Department of Housing and
13 Urban Development to direct a grantee to undertake spe-
14 cific changes to existing zoning laws as part of carrying
15 out the final rule entitled “Affirmatively Furthering Fair
16 Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the
17 notice entitled “Affirmatively Furthering Fair Housing
18 Assessment Tool” (79 Fed. Reg. 57949 (September 26,
19 2014)).

20 SEC. 235. Section 218(g) of the Cranston-Gonzalez
21 National Affordable Housing Act (42 U.S.C. 12748(g))
22 shall not apply with respect to the right of a jurisdiction
23 to draw funds from its HOME Investment Trust Fund
24 that otherwise expired or would expire in 2016, 2017,
25 2018, 2019, or 2020 under that section.

1 SEC. 236. Section 579 of the Multifamily Assisted
2 Housing Reform and Affordability Act of 1997 (42 U.S.C.
3 1437f note) is amended by striking “October 1, 2017”
4 each place it appears and inserting in lieu thereof “Octo-
5 ber 1, 2022”.

6 SEC. 237. The language under the heading “Rental
7 Assistance Demonstration” in the Department of Housing
8 and Urban Development Appropriations Act, 2012 (Public
9 Law 112–55), as amended by Public Law 113–76, Public
10 Law 113–235, Public Law 114–113, and Public Law 115–
11 31, is amended—

12 (1) in the second proviso, by striking “Sep-
13 tember 30, 2020” and inserting “September 30,
14 2024”;

15 (2) in the matter preceding the first proviso, by
16 inserting the following before the colon: “(herein the
17 ‘First Component’)”;

18 (3) in the fourth proviso, by striking “225,000”
19 and inserting “455,000”;

20 (4) in the fourteenth proviso, by—

21 (A) inserting “or nonprofit” before “entity,
22 then a capable entity,”; and

23 (B) striking “preserves its interest” and
24 inserting “or a nonprofit entity preserves an in-
25 terest”;

1 (5) in the eighteenth proviso, by—

2 (A) inserting “or with a project rental as-
3 sistance contract under section 202(c)(2) of the
4 Housing Act of 1959,” after “section 8(o) of
5 the Act,”;

6 (B) inserting “the subordination, restruc-
7 turing, or both, of any capital advance docu-
8 mentation, including any note, mortgage, use
9 agreement or other agreements, evidencing or
10 securing a capital advance previously provided
11 by the Secretary under section 202(c)(1) of the
12 Housing Act of 1959 as necessary to facilitate
13 the conversion of assistance while maintaining
14 the affordability period and the designation of
15 the property as serving elderly persons, and,”
16 following “including but not limited to”;

17 (C) inserting “or assistance contracts”
18 after “for such vouchers”;

19 (D) striking “of Housing and Urban De-
20 velopment” after “Secretary”; and

21 (E) inserting the following before the
22 colon: “(herein the ‘Second Component’)”;

23 (6) by inserting the following provisos after the
24 eighteenth proviso:

1 “*Provided further*, That contracts provided to properties
2 converting assistance from section 101 of the Housing and
3 Urban Development Act of 1965 or section 236(f)(2) of
4 the National Housing Act located in high-cost areas shall
5 have initial rents set at comparable market rents for the
6 market area: *Provided further*, That conversions of assist-
7 ance under the Second Component may not be the basis
8 for re-screening or termination of assistance or eviction
9 of any tenant family in a property participating in the
10 demonstration and such a family shall not be considered
11 a new admission for any purpose, including compliance
12 with income targeting.”;

13 (7) in the twenty-first proviso, as reordered
14 above, by striking “the previous proviso” and all
15 that follows through the end of the proviso and in-
16 serting “the Second Component, except for conver-
17 sion of section 202 project rental assistance con-
18 tracts, shall be available for project-based subsidy
19 contracts entered into pursuant to the Second Com-
20 ponent.”;

21 (8) in the twenty-second proviso, as reordered
22 above, by striking “the previous two provisos” and
23 inserting “the Second Component, except for conver-
24 sion of section 202 project rental assistance con-
25 tracts,”;

1 (9) in the twenty-third proviso, as reordered
2 above, by striking “the three previous provisos” and
3 inserting “the Second Component, except for conver-
4 sion of section 202 project rental assistance con-
5 tracts,”; and

6 (10) by inserting the following proviso before
7 the final proviso:

8 *“Provided further, That the Secretary may transfer*
9 amounts made available under the heading ‘Housing for
10 the Elderly’ to the accounts under the headings ‘Project-
11 Based Rental Assistance’ or ‘Tenant-Based Rental Assist-
12 ance’ to facilitate any section 202 project rental assistance
13 contract conversions under the Second Component, and
14 any increase in cost for ‘Project-Based Rental Assistance’
15 or ‘Tenant-Based Rental Assistance’ associated with such
16 conversion shall be equal to amounts so transferred.”.

17 SEC. 238. None of the funds made available under
18 this Act may be used to interfere with State and local in-
19 spections of public housing dwelling units.

20 SEC. 239. The Promise Zone designations and Prom-
21 ise Zone Designation Agreements entered into pursuant
22 to such designations, made by the Secretary of Housing
23 and Urban Development in prior fiscal years, shall remain
24 in effect in accordance with the terms and conditions of
25 such agreements.

1 SEC. 240. Section 153 of the Continuing Appropria-
2 tions Act, 2018 (as added by section 2001(2) of Public
3 Law 115–120) is repealed.

4 This title may be cited as the “Department of Hous-
5 ing and Urban Development Appropriations Act, 2018”.

1735

1 TITLE III
2 RELATED AGENCIES
3 ACCESS BOARD
4 SALARIES AND EXPENSES

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973,
7 as amended, \$8,190,000: *Provided*, That, notwithstanding
8 any other provision of law, there may be credited to this
9 appropriation funds received for publications and training
10 expenses.

11 FEDERAL MARITIME COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936, as amended (46 U.S.C. 307), in-
16 cluding services as authorized by 5 U.S.C. 3109; hire of
17 passenger motor vehicles as authorized by 31 U.S.C.
18 1343(b); and uniforms or allowances therefore, as author-
19 ized by 5 U.S.C. 5901–5902, \$27,490,000: *Provided*, That
20 not to exceed \$2,000 shall be available for official recep-
21 tion and representation expenses.

1 NATIONAL RAILROAD PASSENGER CORPORATION
2 OFFICE OF INSPECTOR GENERAL
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978, as amended, \$23,274,000: *Provided*, That the In-
8 spector General shall have all necessary authority, in car-
9 rying out the duties specified in the Inspector General Act,
10 as amended (5 U.S.C. App. 3), to investigate allegations
11 of fraud, including false statements to the government (18
12 U.S.C. 1001), by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within the Corporation: *Pro-*

1 *vided further*, That concurrent with the President's budget
2 request for fiscal year 2018, the Inspector General shall
3 submit to the House and Senate Committees on Appro-
4 priations a budget request for fiscal year 2018 in similar
5 format and substance to those submitted by executive
6 agencies of the Federal Government.

7 NATIONAL TRANSPORTATION SAFETY BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the National Transpor-
10 tation Safety Board, including hire of passenger motor ve-
11 hicles and aircraft; services as authorized by 5 U.S.C.
12 3109, but at rates for individuals not to exceed the per
13 diem rate equivalent to the rate for a GS-15; uniforms,
14 or allowances therefor, as authorized by law (5 U.S.C.
15 5901-5902), \$110,400,000, of which not to exceed \$2,000
16 may be used for official reception and representation ex-
17 penses. The amounts made available to the National
18 Transportation Safety Board in this Act include amounts
19 necessary to make lease payments on an obligation in-
20 curred in fiscal year 2001 for a capital lease.

21 NEIGHBORHOOD REINVESTMENT CORPORATION

22 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
23 CORPORATION

24 For payment to the Neighborhood Reinvestment Cor-
25 poration for use in neighborhood reinvestment activities,

1 as authorized by the Neighborhood Reinvestment Corpora-
2 tion Act (42 U.S.C. 8101–8107), \$140,000,000, of which
3 \$5,000,000 shall be for a multi-family rental housing pro-
4 gram.

5 SURFACE TRANSPORTATION BOARD

6 SALARIES AND EXPENSES

7 For necessary expenses of the Surface Transpor-
8 tation Board, including services authorized by 5 U.S.C.
9 3109, \$37,100,000: *Provided*, That notwithstanding any
10 other provision of law, not to exceed \$1,250,000 from fees
11 established by the Chairman of the Surface Transpor-
12 tation Board shall be credited to this appropriation as off-
13 setting collections and used for necessary and authorized
14 expenses under this heading: *Provided further*, That the
15 sum herein appropriated from the general fund shall be
16 reduced on a dollar-for-dollar basis as such offsetting col-
17 lections are received during fiscal year 2018, to result in
18 a final appropriation from the general fund estimated at
19 no more than \$35,850,000.

20 UNITED STATES INTERAGENCY COUNCIL ON

21 HOMELESSNESS

22 OPERATING EXPENSES

23 For necessary expenses (including payment of sala-
24 ries, authorized travel, hire of passenger motor vehicles,
25 the rental of conference rooms, and the employment of ex-

1 perts and consultants under section 3109 of title 5, United
2 States Code) of the United States Interagency Council on
3 Homelessness in carrying out the functions pursuant to
4 title II of the McKinney-Vento Homeless Assistance Act,
5 as amended, \$3,600,000: *Provided*, That title II of the
6 McKinney-Vento Homeless Assistance Act (42 U.S.C.
7 11311 et seq.) is amended by striking “October 1, 2018”
8 in section 209 and inserting “October 1, 2020”.

1 TITLE IV
2 GENERAL PROVISIONS—THIS ACT
3 (INCLUDING RESCISSIONS)

4 SEC. 401. None of the funds in this Act shall be used
5 for the planning or execution of any program to pay the
6 expenses of, or otherwise compensate, non-Federal parties
7 intervening in regulatory or adjudicatory proceedings
8 funded in this Act.

9 SEC. 402. None of the funds appropriated in this Act
10 shall remain available for obligation beyond the current
11 fiscal year, nor may any be transferred to other appropria-
12 tions, unless expressly so provided herein.

13 SEC. 403. The expenditure of any appropriation
14 under this Act for any consulting service through a pro-
15 curement contract pursuant to section 3109 of title 5,
16 United States Code, shall be limited to those contracts
17 where such expenditures are a matter of public record and
18 available for public inspection, except where otherwise pro-
19 vided under existing law, or under existing Executive order
20 issued pursuant to existing law.

21 SEC. 404. (a) None of the funds made available in
22 this Act may be obligated or expended for any employee
23 training that—

1 (1) does not meet identified needs for knowl-
2 edge, skills, and abilities bearing directly upon the
3 performance of official duties;

4 (2) contains elements likely to induce high lev-
5 els of emotional response or psychological stress in
6 some participants;

7 (3) does not require prior employee notification
8 of the content and methods to be used in the train-
9 ing and written end of course evaluation;

10 (4) contains any methods or content associated
11 with religious or quasi-religious belief systems or
12 “new age” belief systems as defined in Equal Em-
13 ployment Opportunity Commission Notice N-
14 915.022, dated September 2, 1988; or

15 (5) is offensive to, or designed to change, par-
16 ticipants’ personal values or lifestyle outside the
17 workplace.

18 (b) Nothing in this section shall prohibit, restrict, or
19 otherwise preclude an agency from conducting training
20 bearing directly upon the performance of official duties.

21 SEC. 405. Except as otherwise provided in this Act,
22 none of the funds provided in this Act, provided by pre-
23 vious appropriations Acts to the agencies or entities fund-
24 ed in this Act that remain available for obligation or ex-
25 penditure in fiscal year 2018, or provided from any ac-

1 counts in the Treasury derived by the collection of fees
2 and available to the agencies funded by this Act, shall be
3 available for obligation or expenditure through a re-
4 programming of funds that—

5 (1) creates a new program;

6 (2) eliminates a program, project, or activity;

7 (3) increases funds or personnel for any pro-
8 gram, project, or activity for which funds have been
9 denied or restricted by the Congress;

10 (4) proposes to use funds directed for a specific
11 activity by either the House or Senate Committees
12 on Appropriations for a different purpose;

13 (5) augments existing programs, projects, or ac-
14 tivities in excess of \$5,000,000 or 10 percent, which-
15 ever is less;

16 (6) reduces existing programs, projects, or ac-
17 tivities by \$5,000,000 or 10 percent, whichever is
18 less; or

19 (7) creates, reorganizes, or restructures a
20 branch, division, office, bureau, board, commission,
21 agency, administration, or department different from
22 the budget justifications submitted to the Commit-
23 tees on Appropriations or the table accompanying
24 the explanatory statement accompanying this Act,
25 whichever is more detailed, unless prior approval is

1 received from the House and Senate Committees on
2 Appropriations: *Provided*, That not later than 60
3 days after the date of enactment of this Act, each
4 agency funded by this Act shall submit a report to
5 the Committees on Appropriations of the Senate and
6 of the House of Representatives to establish the
7 baseline for application of reprogramming and trans-
8 fer authorities for the current fiscal year: *Provided*
9 *further*, That the report shall include—

10 (A) a table for each appropriation with a
11 separate column to display the prior year en-
12 acted level, the President’s budget request, ad-
13 justments made by Congress, adjustments due
14 to enacted rescissions, if appropriate, and the
15 fiscal year enacted level;

16 (B) a delineation in the table for each ap-
17 propriation and its respective prior year enacted
18 level by object class and program, project, and
19 activity as detailed in the budget appendix for
20 the respective appropriation; and

21 (C) an identification of items of special
22 congressional interest.

23 SEC. 406. Except as otherwise specifically provided
24 by law, not to exceed 50 percent of unobligated balances
25 remaining available at the end of fiscal year 2018 from

1 appropriations made available for salaries and expenses
2 for fiscal year 2018 in this Act, shall remain available
3 through September 30, 2019, for each such account for
4 the purposes authorized: *Provided*, That a request shall
5 be submitted to the House and Senate Committees on Ap-
6 propriations for approval prior to the expenditure of such
7 funds: *Provided further*, That these requests shall be made
8 in compliance with reprogramming guidelines under sec-
9 tion 405 of this Act.

10 SEC. 407. No funds in this Act may be used to sup-
11 port any Federal, State, or local projects that seek to use
12 the power of eminent domain, unless eminent domain is
13 employed only for a public use: *Provided*, That for pur-
14 poses of this section, public use shall not be construed to
15 include economic development that primarily benefits pri-
16 vate entities: *Provided further*, That any use of funds for
17 mass transit, railroad, airport, seaport or highway
18 projects, as well as utility projects which benefit or serve
19 the general public (including energy-related, communica-
20 tion-related, water-related and wastewater-related infra-
21 structure), other structures designated for use by the gen-
22 eral public or which have other common-carrier or public-
23 utility functions that serve the general public and are sub-
24 ject to regulation and oversight by the government, and
25 projects for the removal of an immediate threat to public

1 health and safety or brownfields as defined in the Small
2 Business Liability Relief and Brownfields Revitalization
3 Act (Public Law 107–118) shall be considered a public
4 use for purposes of eminent domain.

5 SEC. 408. None of the funds made available in this
6 Act may be transferred to any department, agency, or in-
7 strumentality of the United States Government, except
8 pursuant to a transfer made by, or transfer authority pro-
9 vided in, this Act or any other appropriations Act.

10 SEC. 409. No part of any appropriation contained in
11 this Act shall be available to pay the salary for any person
12 filling a position, other than a temporary position, for-
13 merly held by an employee who has left to enter the Armed
14 Forces of the United States and has satisfactorily com-
15 pleted his or her period of active military or naval service,
16 and has within 90 days after his or her release from such
17 service or from hospitalization continuing after discharge
18 for a period of not more than 1 year, made application
19 for restoration to his or her former position and has been
20 certified by the Office of Personnel Management as still
21 qualified to perform the duties of his or her former posi-
22 tion and has not been restored thereto.

23 SEC. 410. No funds appropriated pursuant to this
24 Act may be expended by an entity unless the entity agrees
25 that in expending the assistance the entity will comply

1 with sections 2 through 4 of the Act of March 3, 1933
2 (41 U.S.C. 8301–8305, popularly known as the “Buy
3 American Act”).

4 SEC. 411. No funds appropriated or otherwise made
5 available under this Act shall be made available to any
6 person or entity that has been convicted of violating the
7 Buy American Act (41 U.S.C. 8301–8305).

8 SEC. 412. None of the funds made available in this
9 Act may be used for first-class airline accommodations in
10 contravention of sections 301–10.122 and 301–10.123 of
11 title 41, Code of Federal Regulations.

12 SEC. 413. (a) None of the funds made available by
13 this Act may be used to approve a new foreign air carrier
14 permit under sections 41301 through 41305 of title 49,
15 United States Code, or exemption application under sec-
16 tion 40109 of that title of an air carrier already holding
17 an air operators certificate issued by a country that is
18 party to the U.S.-E.U.-Iceland-Norway Air Transport
19 Agreement where such approval would contravene United
20 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
21 way Air Transport Agreement.

22 (b) Nothing in this section shall prohibit, restrict or
23 otherwise preclude the Secretary of Transportation from
24 granting a foreign air carrier permit or an exemption to
25 such an air carrier where such authorization is consistent

1 with the U.S.-E.U.-Iceland-Norway Air Transport Agree-
2 ment and United States law.

3 SEC. 414. None of the funds made available in this
4 Act may be used to send or otherwise pay for the attend-
5 ance of more than 50 employees of a single agency or de-
6 partment of the United States Government, who are sta-
7 tioned in the United States, at any single international
8 conference unless the relevant Secretary reports to the
9 House and Senate Committees on Appropriations at least
10 5 days in advance that such attendance is important to
11 the national interest: *Provided*, That for purposes of this
12 section the term “international conference” shall mean a
13 conference occurring outside of the United States attended
14 by representatives of the United States Government and
15 of foreign governments, international organizations, or
16 nongovernmental organizations.

17 SEC. 415. None of the funds appropriated or other-
18 wise made available under this Act may be used by the
19 Surface Transportation Board to charge or collect any fil-
20 ing fee for rate or practice complaints filed with the Board
21 in an amount in excess of the amount authorized for dis-
22 trict court civil suit filing fees under section 1914 of title
23 28, United States Code.

24 SEC. 416. None of the funds made available by this
25 Act may be used by the Department of Transportation,

1 the Department of Housing and Urban Development, or
2 any other Federal agency to lease or purchase new light
3 duty vehicles for any executive fleet, or for an agency's
4 fleet inventory, except in accordance with Presidential
5 Memorandum—Federal Fleet Performance, dated May
6 24, 2011.

7 SEC. 417. (a) All unobligated balances, including re-
8 captures and carryover, remaining from funds appro-
9 priated in division K of Public Law 115–31 for “Depart-
10 ment of Transportation-Office of the Secretary-Salaries
11 and Expenses”, “Department of Transportation-Office of
12 the Secretary-Office of Civil Rights”, “Department of
13 Transportation-Office of the Secretary-Small and Dis-
14 advantaged Business Utilization and Outreach”, “Depart-
15 ment of Transportation-Federal Transit Administration-
16 Administrative Expenses”, “Department of Transpor-
17 tation-Pipeline and Hazardous Materials Safety Adminis-
18 tration-Operational Expenses”, “Access Board-Salaries
19 and Expenses”, “Federal Maritime Commission-Salaries
20 and Expenses”, “National Railroad Passenger Corpora-
21 tion-Office of Inspector General-Salaries and Expenses”,
22 “National Transportation Safety Board-Salaries and Ex-
23 penses”, and “United States Interagency Council on
24 Homelessness-Operating Expenses” are rescinded.

1 (b) All unobligated balances, including recaptures
2 and carryover, remaining from funds appropriated in divi-
3 sion K of Public Law 115–31 for accounts under the head-
4 ings “Department of Housing and Urban Development-
5 Management and Administration” and “Department of
6 Housing and Urban Development-Program Office Salaries
7 and Expenses” are rescinded.

8 SEC. 418. (a) None of the funds made available in
9 this Act may be used to maintain or establish a computer
10 network unless such network blocks the viewing,
11 downloading, and exchanging of pornography.

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

16 SEC. 419. (a) None of the funds made available in
17 this Act may be used to deny an Inspector General funded
18 under this Act timely access to any records, documents,
19 or other materials available to the department or agency
20 over which that Inspector General has responsibilities
21 under the Inspector General Act of 1978 (5 U.S.C. App.),
22 or to prevent or impede that Inspector General’s access
23 to such records, documents, or other materials, under any
24 provision of law, except a provision of law that expressly

1 refers to the Inspector General and expressly limits the
2 Inspector General's right of access.

3 (b) A department or agency covered by this section
4 shall provide its Inspector General with access to all such
5 records, documents, and other materials in a timely man-
6 ner.

7 (c) Each Inspector General shall ensure compliance
8 with statutory limitations on disclosure relevant to the in-
9 formation provided by the establishment over which that
10 Inspector General has responsibilities under the Inspector
11 General Act of 1978 (5 U.S.C. App.).

12 (d) Each Inspector General covered by this section
13 shall report to the Committees on Appropriations of the
14 House of Representatives and the Senate within 5 cal-
15 endar days any failures to comply with this requirement.

16 SEC. 420. (a) TERMINAL AERODROME FORECAST.—
17 The Administrator shall permit an air carrier operation
18 under part 121 of title 14, Code of Federal Regulations,
19 to operate to a destination determined to be under visual
20 flight rules without a Terminal Aerodrome Forecast or
21 Meteorological Aerodrome Report if a current Area Fore-
22 cast, supplemented by other local weather observations or
23 reports, is available, and an alternate airport that has an
24 available Terminal Aerodrome Forecast and weather report
25 is specified. The air carrier shall have approved procedures

1 for dispatch and enroute weather evaluation and shall op-
2 erate under instrument flight rules enroute to the destina-
3 tion.

4 (b) LIMITATION.—Without a written finding of neces-
5 sity, based on objective and historical evidence of immi-
6 nent threat to safety, the Administrator shall not promul-
7 gate any operation specification, policy, or guidance docu-
8 ment that is more restrictive than, or requires procedures
9 that are not expressly stated in, the regulations.

10 SEC. 421. Section 149(m) of title 23, United States
11 Code, is amended by adding “or on a State-Supported
12 Amtrak route with a valid cost-sharing agreement under
13 section 209 of the Passenger Rail Investment and Im-
14 provement Act of 2008 and no current nonattainment
15 areas under subsection (d),” after “2012,”.

16 This division may be cited as the “Transportation,
17 Housing and Urban Development, and Related Agencies
18 Appropriations Act, 2018”.

1 **DIVISION M—EXTENSIONS**
2 **TITLE I—AIRPORT AND AIRWAY**
3 **EXTENSION ACT OF 2018**

4 **SECTION 1. SHORT TITLE.**

5 This title may be cited as the “Airport and Airway
6 Extension Act of 2018”.

7 **Subtitle A—Federal Aviation**
8 **Programs**

9 **SEC. 101. EXTENSION OF AIRPORT IMPROVEMENT PRO-**
10 **GRAM.**

11 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
12 48103(a) of title 49, United States Code, is amended by
13 striking “2012” and all that follows through the period
14 at the end and inserting “2012 through 2018.”.

15 (b) **PROJECT GRANT AUTHORITY.**—Section 47104(c)
16 of title 49, United States Code, is amended in the matter
17 preceding paragraph (1) by striking “March 31, 2018,”
18 and inserting “September 30, 2018.”.

19 **SEC. 102. EXTENSION OF EXPIRING AUTHORITIES.**

20 (a) Section 47107(r)(3) of title 49, United States
21 Code, is amended by striking “April 1, 2018” and insert-
22 ing “October 1, 2018”.

23 (b) Section 47115(j) of title 49, United States Code,
24 is amended by striking “2017 and for the period beginning

1 on October 1, 2017, and ending on March 31, 2018” and
2 inserting “2018”.

3 (c) Section 47124(b)(3)(E) of title 49, United States
4 Code, is amended by striking “2012” and all that follows
5 through “2018,” and inserting “2012 through 2018”.

6 (d) Section 47141(f) of title 49, United States Code,
7 is amended by striking “March 31, 2018” and inserting
8 “September 30, 2018”.

9 (e) Section 186(d) of the Vision 100–Century of
10 Aviation Reauthorization Act (117 Stat. 2518) is amended
11 by striking “2017 and for the period beginning on October
12 1, 2017, and ending on March 31, 2018,” and inserting
13 “2018”.

14 (f) Section 409(d) of the Vision 100–Century of Avia-
15 tion Reauthorization Act (49 U.S.C. 41731 note) is
16 amended by striking “March 31, 2018” and inserting
17 “September 30, 2018”.

18 (g) Section 411(h) of the FAA Modernization and
19 Reform Act of 2012 (49 U.S.C. 42301 prec. note) is
20 amended by striking “March 31, 2018” and inserting
21 “September 30, 2018”.

22 (h) Section 822(k) of the FAA Modernization and
23 Reform Act of 2012 (49 U.S.C. 47141 note) is amended
24 by striking “March 31, 2018” and inserting “September
25 30, 2018”.

1 (i) Section 2306(b) of the FAA Extension, Safety,
2 and Security Act of 2016 (130 Stat. 641) is amended by
3 striking “April 1, 2018” and inserting “October 1, 2018”.

4 **SEC. 103. FEDERAL AVIATION ADMINISTRATION OPER-**
5 **ATIONS.**

6 Section 106(k) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (1) by striking subparagraph
9 (F) and inserting the following:

10 “(F) \$10,025,852,000 for fiscal year
11 2018.”; and

12 (2) in paragraph (3) by striking “2017 and for
13 the period beginning on October 1, 2017, and ending
14 on March 31, 2018” and inserting “2018”.

15 **SEC. 104. SMALL COMMUNITY AIR SERVICE.**

16 (a) **ESSENTIAL AIR SERVICE AUTHORIZATION.**—Sec-
17 tion 41742(a)(2) of title 49, United States Code, is
18 amended by striking “2016” and all that follows through
19 “2018,” and inserting “2016 and 2017, and
20 \$150,000,000 for fiscal year 2018”.

21 (b) **AIRPORTS NOT RECEIVING SUFFICIENT SERV-**
22 **ICE.**—Section 41743(e)(2) of title 49, United States Code,
23 is amended by striking “2012” and all that follows
24 through “2018,” and inserting “2012 through 2017 and
25 \$10,000,000 for fiscal year 2018”.

1 **SEC. 105. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

2 Section 48101(a) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (5) by striking “2016 and
5 2017” and inserting “2016 through 2018”; and

6 (2) by striking paragraph (6).

7 **SEC. 106. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

8 Section 48102(a)(10) of title 49, United States Code,
9 is amended to read as follows:

10 “(10) \$176,500,000 for fiscal year 2018.”.

11 **SEC. 107. FUNDING FOR AVIATION PROGRAMS.**

12 The budget authority authorized in this title, includ-
13 ing the amendments made by this title, shall be deemed
14 to satisfy the requirements of subsections (a)(1)(B) and
15 (a)(2) of section 48114 of title 49, United States Code,
16 for fiscal year 2018.

17 **SEC. 108. CONTROLLER HIRING.**

18 Section 44506(f) of title 49, United States Code, is
19 amended—

20 (1) in paragraph (1) by adding at the end the
21 following:

22 “(C) SPECIAL RULE.—

23 “(i) IN GENERAL.—Notwithstanding
24 subparagraph (B), after giving preferential
25 consideration to applicants under subpara-
26 graph (A) and if, after consulting with the

1 labor organization recognized as the exclu-
2 sive representative of air traffic controllers
3 under section 7111 of title 5, the Adminis-
4 trator determines there are unique cir-
5 cumstances affecting a covered facility that
6 warrant a vacancy announcement with a
7 limited area of consideration, the Adminis-
8 trator may consider applicants for the po-
9 sition of air traffic controller who apply
10 under a vacancy announcement recruiting
11 from the local commuting area for that
12 covered facility.

13 “(ii) BIOGRAPHICAL ASSESSMENTS.—
14 The Administrator shall not use any bio-
15 graphical assessment with respect to an
16 applicant under this subparagraph who
17 would otherwise qualify as a Pool 1 appli-
18 cant under subparagraph (B)(ii).

19 “(iii) COVERED FACILITY DEFINED.—
20 In this subparagraph the term ‘covered fa-
21 cility’ means a radar facility with at least
22 1,000,000 operations annually that is lo-
23 cated in a metropolitan statistical area (as
24 defined by the Office of Management and
25 Budget) with a population estimate by the

1 Bureau of the Census of more than
2 15,000,000 (as of July 1, 2016).”; and

3 (2) in paragraph (3)—

4 (A) by inserting “except for individuals
5 covered by the program described in paragraph
6 (4),” after “section 3307 of title 5,”; and

7 (B) by adding at the end the following:

8 “(4) RETIRED MILITARY CONTROLLERS.—The
9 Administrator may establish a program to provide
10 an original appointment to a position as an air traf-
11 fic controller for individuals who—

12 “(A) are on terminal leave pending retire-
13 ment from active duty military service or have
14 retired from active duty military service within
15 5 years of applying for the appointment; and

16 “(B) have held either an air traffic certifi-
17 cation or air traffic control facility rating ac-
18 cording to Administration standards within 5
19 years of applying for the appointment.”.

20 **Subtitle B—Aviation Revenue**
21 **Provisions**

22 **SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND**
23 **AIRWAY TRUST FUND.**

24 (a) IN GENERAL.—Section 9502(d)(1) of the Inter-
25 nal Revenue Code of 1986 is amended—

1 (1) in the matter preceding subparagraph (A)
2 by striking “April 1, 2018” and inserting “October
3 1, 2018”; and

4 (2) in subparagraph (A) by striking the semi-
5 colon at the end and inserting “or the Airport and
6 Airway Extension Act of 2018;”.

7 (b) CONFORMING AMENDMENT.—Section 9502(e)(2)
8 of such Code is amended by striking “April 1, 2018” and
9 inserting “October 1, 2018”.

10 **SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND**
11 **AIRWAY TRUST FUND.**

12 (a) FUEL TAXES.—Section 4081(d)(2)(B) of the In-
13 ternal Revenue Code of 1986 is amended by striking
14 “March 31, 2018” and inserting “September 30, 2018”.

15 (b) TICKET TAXES.—

16 (1) PERSONS.—Section 4261(k)(1)(A)(ii) of
17 such Code is amended by striking “March 31, 2018”
18 and inserting “September 30, 2018”.

19 (2) PROPERTY.—Section 4271(d)(1)(A)(ii) of
20 such Code is amended by striking “March 31, 2018”
21 and inserting “September 30, 2018”.

22 (c) FRACTIONAL OWNERSHIP PROGRAMS.—

23 (1) TREATMENT AS NONCOMMERCIAL AVIA-
24 TION.—Section 4083(b) of such Code is amended by

1 striking “April 1, 2018” and inserting “October 1,
2 2018”.

3 (2) EXEMPTION FROM TICKET TAXES.—Section
4 4261(j) of such Code is amended by striking “March
5 31, 2018” and inserting “September 30, 2018”.

6 TITLE II—IMMIGRATION EXTENSIONS

7 SEC. 201. Section 401(b) of the Illegal Immigration
8 Reform and Immigrant Responsibility Act of 1996 (8
9 U.S.C. 1324a note) shall be applied by substituting “Sep-
10 tember 30, 2018” for “September 30, 2015”.

11 SEC. 202. Subclauses 101(a)(27)(C)(ii)(II) and (III)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by sub-
14 stituting “September 30, 2018” for “September 30,
15 2015”.

16 SEC. 203. Section 220(c) of the Immigration and Na-
17 tionality Technical Corrections Act of 1994 (8 U.S.C.
18 1182 note) shall be applied by substituting “September
19 30, 2018” for “September 30, 2015”.

20 SEC. 204. Section 610(b) of the Departments of
21 Commerce, Justice, and State, the Judiciary, and Related
22 Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note)
23 shall be applied by substituting “September 30, 2018” for
24 “September 30, 2015”.

1 SEC. 205. Notwithstanding the numerical limitation
2 set forth in section 214(g)(1)(B) of the Immigration and
3 Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary
4 of Homeland Security, after consultation with the Sec-
5 retary of Labor, and upon the determination that the
6 needs of American businesses cannot be satisfied in fiscal
7 year 2018 with United States workers who are willing,
8 qualified, and able to perform temporary nonagricultural
9 labor, may increase the total number of aliens who may
10 receive a visa under section 101(a)(15)(H)(ii)(b) of such
11 Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year
12 above such limitation by not more than the highest num-
13 ber of H-2B nonimmigrants who participated in the H-
14 2B returning worker program in any fiscal year in which
15 returning workers were exempt from such numerical limi-
16 tation.

17 **TITLE III—NATIONAL FLOOD INSURANCE**
18 **PROGRAM EXTENSION**

19 SEC. 301. Sections 1309(a) and 1319 of the National
20 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and
21 4026) shall be applied by substituting “July 31, 2018”
22 for “September 30, 2017”.

1 **TITLE IV—PESTICIDE REGISTRATION**
2 **IMPROVEMENT ACT EXTENSION**

3 **SEC. 401.** (a) The following sections of the Federal
4 Insecticide, Fungicide, and Rodenticide Act shall continue
5 in effect through September 30, 2018—

6 (1) subparagraphs (C) through (E) of section
7 4(i)(1) (7 U.S.C. 136a–1(i)(1)(C)–(E));

8 (2) section 4(k)(3) (7 U.S.C. 136a–1(k)(3));

9 (3) section 4(k)(4) (7 U.S.C. 136a–1(k)(4));

10 and

11 (4) section 33(c)(3)(B) (7 U.S.C. 136w–
12 8(c)(3)(B)).

13 (b)(1) Section 4(i)(1)(I) of the Federal Insecticide,
14 Fungicide, and Rodenticide Act (7 U.S.C. 136a–
15 1(i)(1)(I)) shall be applied by substituting “September 30,
16 2018” for “September 30, 2017”.

17 (2) Notwithstanding section 33(m)(2) of the
18 Federal Insecticide, Fungicide, and Rodenticide Act
19 (7 U.S.C. 136w–8(m)(2)), section 33(m)(1) of such
20 Act (7 U.S.C. 136w–8(m)(1)) shall be applied by
21 substituting “September 30, 2018” for “September
22 30, 2017”.

23 (c) Section 408(m)(3) of the Federal Food, Drug,
24 and Cosmetic Act (21 U.S.C. 346a(m)(3)) shall be applied

1 by substituting “September 30, 2018” for “September 30,
2 2017”.

3 **TITLE V—GENERALIZED SYSTEM**
4 **OF PREFERENCES**

5 **SEC. 501. EXTENSION OF GENERALIZED SYSTEM OF PREF-**
6 **ERENCES.**

7 (a) IN GENERAL.—Section 505 of the Trade Act of
8 1974 (19 U.S.C. 2465) is amended by striking “December
9 31, 2017” and inserting “December 31, 2020”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—The amendment made by
12 subsection (a) shall apply to articles entered on or
13 after the 30th day after the date of the enactment
14 of this Act.

15 (2) RETROACTIVE APPLICATION FOR CERTAIN
16 LIQUIDATIONS AND RELIQUIDATIONS.—

17 (A) IN GENERAL.—Notwithstanding sec-
18 tion 514 of the Tariff Act of 1930 (19 U.S.C.
19 1514) or any other provision of law and subject
20 to subparagraph (B), any entry of a covered ar-
21 ticle to which duty-free treatment or other pref-
22 erential treatment under title V of the Trade
23 Act of 1974 (19 U.S.C. 2461 et seq.) would

1 have applied if the entry had been made on De-
2 cember 31, 2017, that was made—

3 (i) after December 31, 2017, and

4 (ii) before the effective date specified
5 in paragraph (1),

6 shall be liquidated or reliquidated as though
7 such entry occurred on the effective date speci-
8 fied in paragraph (1).

9 (B) REQUESTS.—A liquidation or reliqui-
10 dation may be made under subparagraph (A)
11 with respect to an entry only if a request there-
12 for is filed with U.S. Customs and Border Pro-
13 tection not later than 180 days after the date
14 of the enactment of this Act that contains suffi-
15 cient information to enable U.S. Customs and
16 Border Protection—

17 (i) to locate the entry; or

18 (ii) to reconstruct the entry if it can-
19 not be located.

20 (C) PAYMENT OF AMOUNTS OWED.—Any
21 amounts owed by the United States pursuant to
22 the liquidation or reliquidation of an entry of a
23 covered article under subparagraph (A) shall be
24 paid, without interest, not later than 90 days

1 after the date of the liquidation or reliquidation
2 (as the case may be).

3 (3) DEFINITIONS.—In this subsection:

4 (A) COVERED ARTICLE.—The term “cov-
5 ered article” means an article from a country
6 that is a beneficiary developing country under
7 title V of the Trade Act of 1974 (19 U.S.C.
8 2461 et seq.) as of the effective date specified
9 in paragraph (1).

10 (B) ENTER; ENTRY.—The terms “enter”
11 and “entry” include a withdrawal from ware-
12 house for consumption.

13 (c) ANNUAL REPORT ON ENFORCEMENT OF ELIGI-
14 BILITY CRITERIA.—Not later than 1 year after the date
15 of the enactment of this Act, and annually thereafter
16 through December 31, 2020, the United States Trade
17 Representative shall submit to the Committee on Ways
18 and Means of the House of Representatives and the Com-
19 mittee on Finance of the Senate a report on efforts to
20 ensure that countries designated as beneficiary developing
21 countries under title V of the Trade Act of 1974 (19
22 U.S.C. 2461 et seq.) are meeting the eligibility criteria set
23 forth in section 502(c) of such Act (19 U.S.C. 2462(c)).

1 **SEC. 502. TECHNICAL MODIFICATION TO PROCEDURES FOR**
2 **COMPETITIVE NEED LIMITATION AND WAIV-**
3 **ERS.**

4 Section 503 of the Trade Act of 1974 (19 U.S.C.
5 2463) is amended—

6 (1) in subsection (c)(2)—

7 (A) in the matter following subparagraph
8 (A)(i)(II), by striking “July 1” and inserting
9 “November 1”; and

10 (B) in subparagraph (E), by striking “on
11 January 1, 1995” and inserting “in any of the
12 preceding 3 calendar years”; and

13 (2) in subsection (d), by striking “July 1” each
14 place it appears and inserting “November 1”.

15 **SEC. 503. CUSTOMS USER FEES.**

16 Section 13031(j)(3)(A) of the Consolidated Omnibus
17 Budget Reconciliation Act of 1985 (19 U.S.C.
18 58c(j)(3)(A)) is amended by striking “February 24, 2027”
19 and inserting “July 21, 2027”.

1 **TITLE VI—JUDICIAL REDACTION**
2 **AUTHORITY EXTENSION**

3 **SEC. 601. EXTENSION OF REDACTION AUTHORITY CON-**
4 **CERNING SENSITIVE SECURITY INFORMA-**
5 **TION.**

6 Section 105(b)(3)(E) of the Ethics in Government
7 Act of 1978 (5 U.S.C. App.) is amended by striking
8 “2017” both places it appears and inserting “2027”.

9 **TITLE VII—BUDGETARY**
10 **EFFECTS**

11 **SEC. 701. BUDGETARY EFFECTS.**

12 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
13 etary effects of this division and each succeeding division
14 shall not be entered on either PAYGO scorecard main-
15 tained pursuant to section 4(d) of the Statutory Pay-As-
16 You-Go Act of 2010.

17 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
18 effects of this division and each succeeding division shall
19 not be entered on any PAYGO scorecard maintained for
20 purposes of section 4106 of H. Con. Res. 71 (115th Con-
21 gress).

22 (c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—
23 Notwithstanding Rule 3 of the Budget Scorekeeping
24 Guidelines set forth in the joint explanatory statement of
25 the committee of conference accompanying Conference Re-

1 port 105–217 and section 250(c)(8) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985, the
3 budgetary effects of this division and each succeeding divi-
4 sion shall not be estimated—

5 (1) for purposes of section 251 of such Act; and

6 (2) for purposes of paragraph (4)(C) of section
7 3 of the Statutory Pay-As-You-Go Act of 2010 as
8 being included in an appropriation Act.

1 **DIVISION N—BUILD ACT**

2 **SECTION 1. SHORT TITLE.**

3 This division may be cited as the “Brownfields Utili-
4 zation, Investment, and Local Development Act of 2018”
5 or the “BUILD Act”.

6 **SEC. 2. REDEVELOPMENT CERTAINTY FOR GOVERN-**
7 **MENTAL ENTITIES.**

8 Section 101(20)(D) of the Comprehensive Environ-
9 mental Response, Compensation, and Liability Act of
10 1980 (42 U.S.C. 9601(20)) is amended by striking “own-
11 ership or control” and all that follows through “by virtue”
12 and inserting “ownership or control through seizure or
13 otherwise in connection with law enforcement activity, or
14 through bankruptcy, tax delinquency, abandonment, or
15 other circumstances in which the government acquires title
16 by virtue”.

17 **SEC. 3. ALASKA NATIVE VILLAGE AND NATIVE CORPORA-**
18 **TION RELIEF.**

19 Section 101(20) of the Comprehensive Environmental
20 Response, Compensation, and Liability Act of 1980 (42
21 U.S.C. 9601(20)) is amended—

22 (1) by redesignating subparagraphs (E)
23 through (G) as subparagraphs (F) through (H), re-
24 spectively;

1 (2) by inserting after subparagraph (D) the fol-
2 lowing:

3 “(E) EXCLUSION OF CERTAIN ALASKA NA-
4 TIVE VILLAGES AND NATIVE CORPORATIONS.—

5 “(i) IN GENERAL.—The term ‘owner
6 or operator’ does not include, with respect
7 to a facility conveyed to a Native village or
8 Native Corporation (as those terms are de-
9 fined in section 3 of the Alaska Native
10 Claims Settlement Act) under the Alaska
11 Native Claims Settlement Act—

12 “(I) the Native village or Native
13 Corporation that received the facility
14 from the United States Government;
15 or

16 “(II) a successor in interest to
17 which the facility was conveyed under
18 section 14(c) of such Act.

19 “(ii) LIMITATION.—The exclusion pro-
20 vided under this subparagraph shall not
21 apply to any entity described in clause (i)
22 that causes or contributes to a release or
23 threatened release of a hazardous sub-
24 stance from the facility conveyed as de-
25 scribed in such clause.”;

1 (3) in subparagraph (G) (as so redesignated),
2 in the matter preceding clause (i), by striking “sub-
3 paragraph (E)” and inserting “subparagraph (F)”;
4 and

5 (4) in clause (i)(II) of subparagraph (H) (as so
6 redesignated), by striking “1813)” and inserting
7 “1813))”.

8 **SEC. 4. PETROLEUM BROWNFIELD ENHANCEMENT.**

9 Section 101(39)(D)(ii)(II) of the Comprehensive En-
10 vironmental Response, Compensation, and Liability Act of
11 1980 (42 U.S.C. 9601(39)(D)(ii)(II)) is amended by
12 amending item (bb) to read as follows:

13 “(bb) is a site for which there is no viable responsible
14 party and that is determined by the Administrator or the
15 State, as appropriate, to be a site that will be assessed,
16 investigated, or cleaned up by a person that is not poten-
17 tially liable for cleaning up the site under this Act or any
18 other law pertaining to the cleanup of petroleum products;
19 and”.

20 **SEC. 5. PROSPECTIVE PURCHASERS AND LESSEES.**

21 (a) BONA FIDE PROSPECTIVE PURCHASER.—Section
22 101(40) of the Comprehensive Environmental Response,
23 Compensation, and Liability Act of 1980 (42 U.S.C.
24 9601(40)) is amended—

25 (1) in subparagraph (B)—

1 (A) by redesignating clauses (i) through
2 (iii) as subclauses (I) through (III), respec-
3 tively, and indenting appropriately;

4 (B) in subclause (I) (as so redesignated),
5 by striking “clauses (ii) and (iii)” and inserting
6 “subclauses (II) and (III)”;

7 (C) in subclause (II) (as so redesignated),
8 by striking “subparagraph” and inserting
9 “clause”; and

10 (D) in subclause (III) (as so redesignated),
11 by striking “subparagraph” and inserting
12 “clause”;

13 (2) in subparagraph (D), by redesignating
14 clauses (i) through (iii) as subclauses (I) through
15 (III), respectively, and indenting appropriately;

16 (3) in subparagraph (F), by redesignating
17 clauses (i) and (ii) as subclauses (I) and (II), respec-
18 tively, and indenting appropriately;

19 (4) in subparagraph (H)—

20 (A) in clause (i)—

21 (i) in subclause (II), by inserting “,
22 by a tenancy, by the instruments by which
23 a leasehold interest in the facility is cre-
24 ated,” after “financed”; and

1 (ii) by redesignating subclauses (I)
2 and (II) as items (aa) and (bb), respec-
3 tively, and indenting appropriately; and

4 (B) by redesignating clauses (i) and (ii) as
5 subclauses (I) and (II), respectively, and in-
6 denting appropriately;

7 (5) by redesignating subparagraphs (B)
8 through (H) as clauses (ii) through (viii), respec-
9 tively, and indenting appropriately; and

10 (6) by striking the paragraph designation and
11 heading and all that follows through “All disposal
12 of” in subparagraph (A) and inserting the following:

13 “(40) BONA FIDE PROSPECTIVE PURCHASER.—

14 “(A) IN GENERAL.—The term ‘bona fide
15 prospective purchaser’ means, with respect to a
16 facility—

17 “(i) a person who—

18 “(I) acquires ownership of the fa-
19 cility after January 11, 2002; and

20 “(II) establishes by a preponder-
21 ance of the evidence each of the cri-
22 teria described in clauses (i) through
23 (viii) of subparagraph (B); and

24 “(ii) a person—

1 “(I) who acquires a leasehold in-
2 terest in the facility after January 11,
3 2002;

4 “(II) who establishes by a pre-
5 ponderance of the evidence that the
6 leasehold interest is not designed to
7 avoid liability under this Act by any
8 person; and

9 “(III) with respect to whom any
10 of the following conditions apply:

11 “(aa) The owner of the facil-
12 ity that is subject to the lease-
13 hold interest is a person de-
14 scribed in clause (i).

15 “(bb)(AA) The owner of the
16 facility that is subject to the
17 leasehold interest was a person
18 described in clause (i) at the time
19 the leasehold interest was ac-
20 quired, but can no longer estab-
21 lish by a preponderance of the
22 evidence each of the criteria de-
23 scribed in clauses (i) through
24 (viii) of subparagraph (B) due to
25 circumstances unrelated to any

1 action of the person who holds
2 the leasehold interest; and

3 “(BB) the person who holds
4 the leasehold interest establishes
5 by a preponderance of the evi-
6 dence each of the criteria de-
7 scribed in clauses (i), (iii), (iv),
8 (v), (vi), (vii), and (viii) of sub-
9 paragraph (B).

10 “(cc) The person who holds
11 the leasehold interest establishes
12 by a preponderance of the evi-
13 dence each of the criteria de-
14 scribed in clauses (i) through
15 (viii) of subparagraph (B).

16 “(B) CRITERIA.—The criteria described in
17 this subparagraph are as follows:

18 “(i) DISPOSAL PRIOR TO ACQUI-
19 TION.—All disposal of”.

20 (b) LIMITATION ON LIABILITY.—Section 107(r)(1) of
21 the Comprehensive Environmental Response, Compensa-
22 tion, and Liability Act of 1980 (42 U.S.C. 9607(r)(1)) is
23 amended by striking “purchaser’s” and inserting “bona
24 fide prospective purchaser”.

1 **SEC. 6. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANI-**
2 **ZATIONS.**

3 Section 104(k)(1) of the Comprehensive Environ-
4 mental Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9604(k)(1)) is amended—

6 (1) in subparagraph (G), by striking “or” after
7 the semicolon;

8 (2) in subparagraph (H), by striking the period
9 at the end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(I) an organization described in section
12 501(c)(3) of the Internal Revenue Code of 1986
13 and exempt from taxation under section 501(a)
14 of that Code;

15 “(J) a limited liability corporation in which
16 all managing members are organizations de-
17 scribed in subparagraph (I) or limited liability
18 corporations whose sole members are organiza-
19 tions described in subparagraph (I);

20 “(K) a limited partnership in which all
21 general partners are organizations described in
22 subparagraph (I) or limited liability corpora-
23 tions whose sole members are organizations de-
24 scribed in subparagraph (I); or

1 “(L) a qualified community development
2 entity (as defined in section 45D(c)(1) of the
3 Internal Revenue Code of 1986).”.

4 **SEC. 7. TREATMENT OF CERTAIN PUBLICLY OWNED**
5 **BROWNFIELD SITES.**

6 Section 104(k) of the Comprehensive Environmental
7 Response, Compensation, and Liability Act of 1980 (42
8 U.S.C. 9604(k)) is amended—

9 (1) in paragraph (2), by adding at the end the
10 following:

11 “(C) EXEMPTION FOR CERTAIN PUBLICLY
12 OWNED BROWNFIELD SITES.—Notwithstanding
13 paragraph (5)(B)(iii), an eligible entity de-
14 scribed in any of subparagraphs (A) through
15 (H) of paragraph (1) may receive a grant under
16 this paragraph for property acquired by that el-
17 igible entity prior to January 11, 2002, even if
18 the eligible entity does not qualify as a bona
19 fide prospective purchaser, so long as the eligi-
20 ble entity has not caused or contributed to a re-
21 lease or threatened release of a hazardous sub-
22 stance at the property.”; and

23 (2) in paragraph (3), by adding at the end the
24 following:

1 “(E) EXEMPTION FOR CERTAIN PUBLICLY
2 OWNED BROWNFIELD SITES.—Notwithstanding
3 paragraph (5)(B)(iii), an eligible entity de-
4 scribed in any of subparagraphs (A) through
5 (H) of paragraph (1) may receive a grant or
6 loan under this paragraph for property acquired
7 by that eligible entity prior to January 11,
8 2002, even if the eligible entity does not qualify
9 as a bona fide prospective purchaser, so long as
10 the eligible entity has not caused or contributed
11 to a release or threatened release of a haz-
12 ardous substance at the property.”.

13 **SEC. 8. INCREASED FUNDING FOR REMEDIATION GRANTS.**

14 Section 104(k)(3)(A)(ii) of the Comprehensive Envi-
15 ronmental Response, Compensation, and Liability Act of
16 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by strik-
17 ing “\$200,000 for each site to be remediated” and insert-
18 ing “\$500,000 for each site to be remediated, which limit
19 may be waived by the Administrator, but not to exceed
20 a total of \$650,000 for each site, based on the anticipated
21 level of contamination, size, or ownership status of the
22 site”.

1 **SEC. 9. MULTIPURPOSE BROWNFIELDS GRANTS.**

2 Section 104(k) of the Comprehensive Environmental
3 Response, Compensation, and Liability Act of 1980 (42
4 U.S.C. 9604(k)) is amended—

5 (1) by redesignating paragraphs (4) through
6 (12) as paragraphs (5) through (13), respectively;

7 (2) in paragraph (3)(A), in the matter pre-
8 ceding clause (i), by striking “Subject to paragraphs
9 (4) and (5)” and inserting “Subject to paragraphs
10 (5) and (6)”;

11 (3) by inserting after paragraph (3) the fol-
12 lowing:

13 “(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (D) and paragraphs (5) and (6), the Ad-
16 ministrator shall establish a program to provide
17 multipurpose grants to an eligible entity based
18 on the criteria under subparagraph (C) and the
19 considerations under paragraph (3)(C), to carry
20 out inventory, characterization, assessment,
21 planning, or remediation activities at 1 or more
22 brownfield sites in an area proposed by the eli-
23 gible entity.

24 “(B) GRANT AMOUNTS.—

1 “(i) INDIVIDUAL GRANT AMOUNTS.—
2 Each grant awarded under this paragraph
3 shall not exceed \$1,000,000.

4 “(ii) CUMULATIVE GRANT
5 AMOUNTS.—The total amount of grants
6 awarded for each fiscal year under this
7 paragraph may not exceed 15 percent of
8 the funds made available for the fiscal year
9 to carry out this subsection.

10 “(C) CRITERIA.—In awarding a grant
11 under this paragraph, the Administrator shall
12 consider the extent to which the eligible entity
13 is able—

14 “(i) to provide an overall plan for re-
15 vitalization of the 1 or more brownfield
16 sites in the proposed area in which the
17 multipurpose grant will be used;

18 “(ii) to demonstrate a capacity to con-
19 duct the range of eligible activities that
20 will be funded by the multipurpose grant;
21 and

22 “(iii) to demonstrate that a multipur-
23 pose grant will meet the needs of the 1 or
24 more brownfield sites in the proposed area.

1 “(D) CONDITION.—As a condition of re-
2 ceiving a grant under this paragraph, each eli-
3 gible entity shall expend the full amount of the
4 grant by not later than the date that is 5 years
5 after the date on which the grant is awarded to
6 the eligible entity, unless the Administrator pro-
7 vides an extension.

8 “(E) OWNERSHIP.—An eligible entity that
9 receives a grant under this paragraph may not
10 expend any of the grant funds for the remedi-
11 ation of a brownfield site unless the eligible en-
12 tity owns the brownfield site.”; and

13 (4) by striking “paragraph (2) or (3)” each
14 place it appears and inserting “paragraph (2), (3),
15 or (4)”.

16 **SEC. 10. ALLOWING ADMINISTRATIVE COSTS FOR GRANT**
17 **RECIPIENTS.**

18 Paragraph (5) of section 104(k) of the Comprehen-
19 sive Environmental Response, Compensation, and Liabil-
20 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
21 section 9 of this Act) is amended—

22 (1) by amending subparagraph (B) to read as
23 follows:

1 “(B) PROHIBITION.—No part of a grant or
2 loan under this subsection may be used for the
3 payment of—

4 “(i) a penalty or fine;

5 “(ii) a Federal cost-share require-
6 ment;

7 “(iii) a response cost at a brownfield
8 site for which the recipient of the grant or
9 loan is potentially liable under section 107;
10 or

11 “(iv) a cost of compliance with any
12 Federal law (including a Federal law speci-
13 fied in section 101(39)(B)), excluding the
14 cost of compliance with laws applicable to
15 the cleanup.”; and

16 (2) by adding at the end the following:

17 “(E) ADMINISTRATIVE COSTS.—

18 “(i) IN GENERAL.—An eligible entity
19 may use up to 5 percent of the amounts
20 made available under a grant or loan
21 under this subsection for administrative
22 costs.

23 “(ii) RESTRICTION.—For purposes of
24 clause (i), the term ‘administrative costs’
25 does not include—

1 “(I) investigation and identifica-
2 tion of the extent of contamination of
3 a brownfield site;

4 “(II) design and performance of
5 a response action; or

6 “(III) monitoring of a natural re-
7 source.”.

8 **SEC. 11. GRANT APPLICATIONS.**

9 (a) WATERFRONT BROWNFIELDS GRANTS; CLEAN
10 ENERGY ON BROWNFIELD SITES.—Paragraph (6)(C) of
11 section 104(k) of the Comprehensive Environmental Re-
12 sponse, Compensation, and Liability Act of 1980 (42
13 U.S.C. 9604(k)) (as redesignated by section 9 of this Act)
14 is amended by adding at the end the following:

15 “(xi) The extent to which a grant
16 would address a site adjacent to a body of
17 water or a federally designated flood plain.

18 “(xii) The extent to which a grant
19 would facilitate—

20 “(I) the location at a brownfield
21 site of a facility that generates renew-
22 able electricity from wind, solar, or
23 geothermal energy; or

24 “(II) any energy efficiency im-
25 provement project at a brownfield site,

1 including a project for a combined
2 heat and power system or a district
3 energy system.”.

4 (b) REPORT ON RANKING CRITERIA.—Paragraph (6)
5 of section 104(k) of the Comprehensive Environmental
6 Response, Compensation, and Liability Act of 1980 (42
7 U.S.C. 9604(k)) (as redesignated by section 9 of this Act)
8 is amended by adding at the end the following:

9 “(D) REPORT ON RANKING CRITERIA.—
10 Not later than September 30, 2022, the Admin-
11 istrator shall submit to Congress a report re-
12 garding the Administrator’s use of the ranking
13 criteria described in subparagraph (C) in
14 awarding grants under this subsection.”.

15 **SEC. 12. AUDITS.**

16 Paragraph (8) of section 104(k) of the Comprehen-
17 sive Environmental Response, Compensation, and Liabil-
18 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
19 section 9 of this Act) is amended by striking “3 years after
20 the date of the enactment of this subsection” and inserting
21 “September 30, 2022”.

22 **SEC. 13. BROWNFIELDS FUNDING.**

23 Paragraph (13) of section 104(k) of the Comprehen-
24 sive Environmental Response, Compensation, and Liabil-

1 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
2 section 9 of this Act) is amended to read as follows:

3 “(13) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this subsection \$200,000,000 for each of fiscal years
6 2019 through 2023.”.

7 **SEC. 14. SMALL COMMUNITY TECHNICAL ASSISTANCE**
8 **GRANTS.**

9 (a) IN GENERAL.—Section 128(a)(1)(B) of the Com-
10 prehensive Environmental Response, Compensation, and
11 Liability Act of 1980 (42 U.S.C. 9628(a)(1)(B)) is
12 amended—

13 (1) in clause (ii)—

14 (A) in subclause (I), by striking “; or” and
15 inserting a semicolon;

16 (B) in subclause (II), by striking the pe-
17 riod at the end and inserting “; or”; and

18 (C) by adding at the end the following:

19 “(III) assist small communities,
20 Indian tribes, rural areas, or dis-
21 advantaged areas in carrying out ac-
22 tivities described in section
23 104(k)(7)(A) with respect to
24 brownfield sites.”; and

25 (2) by adding at the end the following:

1 “(iii) SMALL COMMUNITIES, INDIAN
2 TRIBES, RURAL AREAS, AND DISADVAN-
3 TAGED AREAS.—

4 “(I) IN GENERAL.—To make
5 grants to States or Indian tribes
6 under clause (ii)(III), the Adminis-
7 trator may use, in addition to
8 amounts available to carry out this
9 subsection, not more than \$1,500,000
10 of the amounts made available to
11 carry out section 104(k)(7) in each
12 fiscal year.

13 “(II) LIMITATION.—Each grant
14 made under subclause (I) may be not
15 more than \$20,000.

16 “(III) INCLUSION IN OTHER
17 GRANTS.—The Administrator may, at
18 the request of a State or Indian tribe,
19 include a grant under this clause in
20 any other grant to the State or Indian
21 tribe made under this subsection.

22 “(iv) DEFINITIONS.—In this subpara-
23 graph:

24 “(I) DISADVANTAGED AREA.—
25 The term ‘disadvantaged area’ means

1 a community with an annual median
2 household income that is less than 80
3 percent of the statewide annual me-
4 dian household income, as determined
5 by the President based on the latest
6 available decennial census.

7 “(II) SMALL COMMUNITY.—The
8 term ‘small community’ means a com-
9 munity with a population of not more
10 than 15,000 individuals, as deter-
11 mined by the President based on the
12 latest available decennial census.”.

13 (b) CONFORMING AMENDMENT.—Section 104(g)(1)
14 of the Comprehensive Environmental Response, Com-
15 pensation, and Liability Act of 1980 (42 U.S.C.
16 9604(g)(1)) is amended by inserting “or section
17 128(a)(1)(B)(ii)(III)” after “under this section”.

18 **SEC. 15. STATE RESPONSE PROGRAM FUNDING.**

19 Section 128(a)(3) of the Comprehensive Environ-
20 mental Response, Compensation, and Liability Act of
21 1980 (42 U.S.C. 9628(a)(3)) is amended to read as fol-
22 lows:

23 “(3) FUNDING.—There is authorized to be ap-
24 propriated to carry out this subsection \$50,000,000
25 for each of fiscal years 2019 through 2023.”.

1 **DIVISION O—WILDFIRE SUP-**
2 **PRESSION FUNDING AND**
3 **FOREST MANAGEMENT AC-**
4 **TIVITIES ACT**

5 **SEC. 101. SHORT TITLE.**

6 This division may be cited as the “Wildfire Suppres-
7 sion Funding and Forest Management Activities Act”.

8 **TITLE I—WILDFIRE AND DIS-**
9 **ASTER FUNDING ADJUST-**
10 **MENT**

11 **SEC. 102. WILDFIRE AND DISASTER FUNDING ADJUST-**
12 **MENT.**

13 (a) Section 251(b)(2) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985 (2 U.S.C.
15 901(b)(2)) is amended—

16 (1) in subparagraph (D)(i), by striking sub-
17 clauses (I) and (II) and inserting the following—

18 “(I) the average over the pre-
19 vious 10 years (excluding the highest
20 and lowest years) of the sum of the
21 funding provided for disaster relief (as
22 that term is defined on the date im-
23 mediately before the date of enact-
24 ment of the Wildfire Suppression

1 Funding and Forest Management Ac-
2 tivities Act);

3 “(II) notwithstanding clause (iv),
4 starting in fiscal year 2018, five per-
5 cent of the total appropriations pro-
6 vided after fiscal year 2011 or in the
7 previous 10 years, whichever is less,
8 net of any rescissions of budget au-
9 thority enacted in the same period,
10 with respect to amounts provided for
11 major disasters declared pursuant to
12 the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act (42
14 U.S.C. 5121 et seq.) and designated
15 by the Congress and the President as
16 an emergency pursuant to subpara-
17 graph (A)(i) of this paragraph; and

18 “(III) the cumulative net total of
19 the unused carryover for fiscal year
20 2018 and all subsequent fiscal years,
21 where the unused carryover for each
22 fiscal year is calculated as the sum of
23 the amounts in subclauses (I) and (II)
24 less the enacted appropriations for

1 that fiscal year that have been des-
2 ignated as being for disaster relief.”;

3 (2) in subparagraph (D)(ii), by striking “not
4 later than 30 days after the date of enactment of
5 the Budget Control Act of 2011” and inserting “not
6 later than 30 days after the date of enactment of
7 the Wildfire Suppression Funding and Forest Man-
8 agement Activities Act”; and

9 (3) by adding at the end the following:

10 “(F) WILDFIRE SUPPRESSION.—

11 “(i) ADDITIONAL NEW BUDGET AU-
12 THORITY.—If, for fiscal years 2020
13 through 2027, a bill or joint resolution
14 making appropriations for a fiscal year is
15 enacted that provides an amount for wild-
16 fire suppression operations in the Wildland
17 Fire Management accounts at the Depart-
18 ment of Agriculture or the Department of
19 the Interior, then the adjustments for that
20 fiscal year shall be the amount of addi-
21 tional new budget authority provided in
22 that Act for wildfire suppression operations
23 for that fiscal year, but shall not exceed—

24 “(I) for fiscal year 2020,
25 \$2,250,000,000;

1790

1 “(II) for fiscal year 2021,
2 \$2,350,000,000;

3 “(III) for fiscal year 2022,
4 \$2,450,000,000;

5 “(IV) for fiscal year 2023,
6 \$2,550,000,000;

7 “(V) for fiscal year 2024,
8 \$2,650,000,000;

9 “(VI) for fiscal year 2025,
10 \$2,750,000,000;

11 “(VII) for fiscal year 2026,
12 \$2,850,000,000; and

13 “(VIII) for fiscal year 2027,
14 \$2,950,000,000.

15 “(ii) DEFINITIONS.—In this subpara-
16 graph:

17 “(I) ADDITIONAL NEW BUDGET
18 AUTHORITY.—The term ‘additional
19 new budget authority’ means the
20 amount provided for a fiscal year in
21 an appropriation Act that is in excess
22 of the average costs for wildfire sup-
23 pression operations as reported in the
24 budget of the President submitted
25 under section 1105(a) of title 31,

1 United States Code, for fiscal year
2 2015 and are specified to pay for the
3 costs of wildfire suppression oper-
4 ations in an amount not to exceed the
5 amount specified for that fiscal year
6 in clause (i).

7 “(II) WILDFIRE SUPPRESSION
8 OPERATIONS.—The term ‘wildfire sup-
9 pression operations’ means the emer-
10 gency and unpredictable aspects of
11 wildland firefighting, including—

12 “(aa) support, response, and
13 emergency stabilization activities;

14 “(bb) other emergency man-
15 agement activities; and

16 “(cc) the funds necessary to
17 repay any transfers needed for
18 the costs of wildfire suppression
19 operations.”.

20 (b) The amendment made by paragraph (1) of sub-
21 section (a) shall begin to apply in fiscal year 2019.

22 **SEC. 103. REQUEST FOR ADDITIONAL WILDFIRE SUPPRES-**
23 **SION FUNDS.**

24 If the amount provided for wildfire suppression oper-
25 ations for that fiscal year will be exhausted within 30 cal-

1 endar days, the Secretary of the Interior or the Secretary
2 of Agriculture (as applicable), in consultation with the Di-
3 rector of the Office of Management and Budget, shall
4 promptly submit a request to Congress for supplemental
5 appropriations.

6 **SEC. 104. REPORTING REQUIREMENTS.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 end of the fiscal year for which additional new budget au-
9 thority is used, pursuant to section 251(b)(2)(F)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985 (2 U.S.C. 901(b)(2)(F)(i)), as added by section 102
12 of this division, the Secretary of the Interior or the Sec-
13 retary of Agriculture (as applicable), in consultation with
14 the Director of the Office of Management and Budget,
15 shall—

16 (1) prepare an annual report with respect to
17 the additional new budget authority;

18 (2) submit to the Committees on Appropria-
19 tions, the Budget, and Natural Resources of the
20 House of Representatives and the Committees on
21 Appropriations, the Budget, and Energy and Nat-
22 ural Resources of the Senate the annual report pre-
23 pared under paragraph (1); and

24 (3) make the report prepared under paragraph
25 (1) available to the public.

1 (b) COMPONENTS.—The annual report prepared
2 under subsection (a)(1) shall—

3 (1) document obligations and outlays of the ad-
4 ditional new budget authority for wildfire suppres-
5 sion operations;

6 (2) identify risk-based factors that influenced
7 management decisions with respect to wildfire sup-
8 pression operations;

9 (3) analyze a statistically significant sample of
10 large fires, including an analysis for each fire of—

11 (A) cost drivers;

12 (B) the effectiveness of risk management
13 techniques and whether fire operations strategy
14 tracked the risk assessment;

15 (C) any resulting ecological or other bene-
16 fits to the landscape;

17 (D) the impact of investments in wildfire
18 suppression operations preparedness;

19 (E) effectiveness of wildfire suppression
20 operations, including an analysis of resources
21 lost versus dollars invested;

22 (F) effectiveness of any fuel treatments on
23 fire behavior and suppression expenditures;

24 (G) levels of exposure experienced by fire-
25 fighters;

1 (H) suggested corrective actions; and

2 (I) any other factors the Secretary of the
3 Interior or Secretary of Agriculture (as applica-
4 ble) determines to be appropriate;

5 (4) include an accounting of overall fire man-
6 agement and spending by the Department of the In-
7 terior or the Department of Agriculture, which shall
8 be analyzed by fire size, cost, regional location, and
9 other factors;

10 (5) describe any lessons learned in the conduct
11 of wildfire suppression operations; and

12 (6) include any other elements that the Sec-
13 retary of the Interior or the Secretary of Agriculture
14 (as applicable) determines to be necessary.

15 **TITLE II—FOREST MANAGEMENT** 16 **ACTIVITIES**

17 **SEC. 201. DEFINITIONS.**

18 In this title:

19 (1) NATIONAL FOREST SYSTEM.—The term
20 “National Forest System” has the meaning given
21 the term in section 11(a) of the Forest and Range-
22 land Renewable Resources Planning Act of 1974 (16
23 U.S.C. 1609(a)).

24 (2) PUBLIC LAND.—The term “public land”
25 has the meaning given the term “public lands” in

1 section 103 of the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 1702).

3 (3) SECRETARY CONCERNED.—The term “Sec-
4 retary concerned” means—

5 (A) the Secretary of Agriculture, with re-
6 spect to National Forest System land; and

7 (B) the Secretary of the Interior, with re-
8 spect to public land.

9 **SEC. 202. WILDFIRE RESILIENCE PROJECTS.**

10 Insert at the end of the Healthy Forests Restoration
11 Act of 2003 (16 U.S.C. 6511) the following new section:

12 **“SEC. 605. WILDFIRE RESILIENCE PROJECTS.**

13 “(a) IN GENERAL.—Hazardous fuels reduction
14 projects, as defined in the Healthy Forests Restoration
15 Act of 2003 (16 U.S.C. 6511(2)) may be—

16 “(1) carried out in accordance with subsections
17 (b), (c), and (d) of section 102 and sections 104 and
18 105;

19 “(2) considered an action categorically excluded
20 from the requirements of Public Law 91–190 (42
21 U.S.C. 4321 et seq.); and

22 “(3) exempt from the special administrative re-
23 view process under section 105.

24 “(b) COLLABORATIVE RESTORATION PROJECT.—

1 “(1) IN GENERAL.—A project referred to in
2 subsection (a) is a project to carry out forest res-
3 toration treatments that—

4 “(A) maximizes the retention of old-growth
5 and large trees, as appropriate for the forest
6 type, to the extent that the trees promote
7 stands that are resilient to insects and disease,
8 and reduce the risk or extent of, or increase the
9 resilience to, wildfires;

10 “(B) considers the best available scientific
11 information to maintain or restore the ecologi-
12 cal integrity, including maintaining or restoring
13 structure, function, composition, and
14 connectivity; and

15 “(C) is developed and implemented
16 through a collaborative process that—

17 “(i) includes multiple interested per-
18 sons representing diverse interests; and

19 “(ii)(I) is transparent and nonexclu-
20 sive; or

21 “(II) meets the requirements for
22 a resource advisory committee under
23 subsections (e) through (f) of section
24 205 of the Secure Rural Schools and

1 Community Self-Determination Act of
2 2000 (16 U.S.C. 7125).

3 “(2) INCLUSION.—A project under this sub-
4 section may carry out part of a proposal that com-
5 plies with the eligibility requirements of the Collabo-
6 rative Forest Landscape Restoration Program under
7 section 4003(b) of the Omnibus Public Land Man-
8 agement Act of 2009 (16 U.S.C. 7303(b)).

9 “(c) LIMITATIONS.—

10 “(1) PROJECT SIZE.—A project under this sec-
11 tion may not exceed 3000 acres.

12 “(2) LOCATION.—A project under this section
13 shall be—

14 “(A) Prioritized within the wildland-urban
15 interface;

16 “(B) If located outside the wildland-urban
17 interface, limited to areas within Condition
18 Classes 2 or 3 in Fire Regime Groups I, II, or
19 III that contain very high wildfire hazard po-
20 tential; and

21 “(C) Limited to areas designated under
22 section 602(b) as of the date of enactment of
23 this Act.

24 “(3) ROADS.—

25 “(A) PERMANENT ROADS.—

1 “(i) PROHIBITION ON ESTABLISH-
2 MENT.—A project under this section shall
3 not include the establishment of permanent
4 roads.

5 “(ii) EXISTING ROADS.—The Sec-
6 retary may carry out necessary mainte-
7 nance and repairs on existing permanent
8 roads for the purposes of this section.

9 “(B) TEMPORARY ROADS.—The Secretary
10 shall decommission any temporary road con-
11 structed under a project under this section not
12 later than 3 years after the date on which the
13 project is completed.

14 “(4) EXTRAORDINARY CIRCUMSTANCES.—The
15 Secretary shall apply the extraordinary cir-
16 cumstances procedures under section 220.6 of title
17 36, code of Federal regulations (or successor regula-
18 tions), when using the categorical exclusion under
19 this section.

20 “(d) EXCLUSIONS.—This section does not apply to—

21 “(1) a component of the National Wilderness
22 Preservation System;

23 “(2) any Federal land on which, by Act of Con-
24 gress or Presidential proclamation, the removal of
25 vegetation is restricted or prohibited;

1 “(3) a congressionally designated wilderness
2 study area; or

3 “(4) an area in which activities under sub-
4 section (a) would be inconsistent with the applicable
5 land and resource management plan.

6 “(e) FOREST MANAGEMENT PLANS.—All projects
7 and activities carried out under this section shall be con-
8 sistent with the land and resource management plan es-
9 tablished under section 6 of the Forest and Rangeland Re-
10 newable Resources Planning Act of 1974 (16 U.S.C.
11 1604) for the unit of the National Forest System con-
12 taining the projects and activities.

13 “(f) PUBLIC NOTICE AND SCOPING.—The Secretary
14 shall conduct public notice and scoping for any project or
15 action proposed in accordance with this section.

16 “(g) ACCOUNTABILITY.—

17 “(1) IN GENERAL.—The Secretary shall pre-
18 pare an annual report on the use of categorical ex-
19 clusions under this section that includes a descrip-
20 tion of all acres (or other appropriate unit) treated
21 through projects carried out under this section.

22 “(2) SUBMISSION.—Not later than 1 year after
23 the date of enactment of this section, and each year
24 thereafter, the Secretary shall submit the reports re-
25 quired under paragraph (1) to—

1 “(A) the Committee on Agriculture, Nutri-
2 tion, and Forestry of the Senate;

3 “(B) the Committee on Environment and
4 Public Works of the Senate;

5 “(C) the Committee on Agriculture of the
6 House of Representatives;

7 “(D) the Committee on Natural Resources
8 of the House of Representatives; and

9 “(E) the Government Accountability Of-
10 fice.”.

11 **SEC. 203. INSTALLATION OF FUEL BREAKS AND**
12 **FIREBREAKS FOR HAZARDOUS FUEL REDUC-**
13 **TION ON FEDERAL LAND.**

14 Section 101(2) of the Healthy Forests Restoration
15 Act of 2003 (16 U.S.C. 6511(2)) is amended—

16 (1) by striking “The term” and inserting the
17 following:

18 “(A) IN GENERAL.—The term”; and

19 (2) by adding at the end the following:

20 “(B) INCLUSION.—The term ‘authorized
21 hazardous fuel reduction project’ includes,
22 using the measures and methods described in
23 subparagraph (A), the installation of—

24 “(i) a natural or manmade change in
25 fuel characteristics that affects fire behav-

1 ior such that a fire can be more readily
2 controlled (commonly known as a ‘fuel
3 break’); and

4 “(ii) a natural or constructed barrier
5 used to stop or check a fire or to provide
6 a control line from which to work to stop
7 or check a fire (commonly known as a
8 ‘firebreak’).”.

9 **SEC. 204. CANCELLATION CEILINGS FOR STEWARDSHIP**
10 **END RESULT CONTRACTING PROJECTS.**

11 Section 604 of the Healthy Forests Restoration Act
12 of 2003 (16 U.S.C. 6591c) is amended—

13 (1) by redesignating subsections (h) and (i) as
14 subsections (i) and (j), respectively; and

15 (2) by inserting after subsection (g) the fol-
16 lowing:

17 “(h) CANCELLATION CEILINGS.—

18 “(1) IN GENERAL.—Notwithstanding section
19 3903(b)(1) of title 41, United States Code, the Chief
20 and the Director may obligate funds in stages that
21 are economically or programmatically viable to cover
22 any potential cancellation or termination costs for an
23 agreement or contract under subsection (b).

24 “(2) ADVANCE NOTICE TO CONGRESS OF CAN-
25 CELLATION CEILING IN EXCESS OF \$25,000,000.—Not

1 later than 30 days before entering into a multiyear
2 agreement or contract under subsection (b) that in-
3 cludes a cancellation ceiling in excess of
4 \$25,000,000, but does not include proposed funding
5 for the costs of cancelling the agreement or contract
6 up to that cancellation ceiling, the Chief or the Di-
7 rector, as applicable, shall submit to the Committee
8 on Energy and Natural Resources and the Com-
9 mittee on Agriculture, Nutrition, and Forestry of
10 the Senate and the Committee on Natural Resources
11 and the Committee on Agriculture of the House of
12 Representatives a written notice that includes—

13 “(A) a description of the cancellation ceil-
14 ing amounts proposed for each program year in
15 the agreement or contract;

16 “(B) the reasons why the cancellation ceil-
17 ing amounts described under subparagraph (A)
18 were selected;

19 “(C) a description of the extent to which
20 the costs of contract cancellation are not in-
21 cluded in the budget for the agreement or con-
22 tract; and

23 “(D) an assessment of the financial risk of
24 not including budgeting for the costs of agree-
25 ment or contract cancellation.

1 “(3) TRANSMITTAL OF NOTICE TO OMB.—Not
2 later than 14 days after the date on which written
3 notice is provided under paragraph (2), the Chief or
4 the Director, as appropriate, shall transmit a copy
5 of the notice to the Director of the Office of Man-
6 agement and Budget.”.

7 **SEC. 205. EXCESS OFFSET VALUE.**

8 Section 604(g)(2) of the Healthy Forests Restoration
9 Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by strik-
10 ing subparagraphs (A) and (B) and inserting the fol-
11 lowing:

12 “(A) use the excess to satisfy any out-
13 standing liabilities for cancelled agreements or
14 contracts; or

15 “(B) if there are no outstanding liabilities
16 described in subparagraph (A), apply the excess
17 to other authorized stewardship projects.”.

18 **SEC. 206. SUBMISSION OF EXISTING ANNUAL REPORT.**

19 Subsection (j) of section 604 of the Healthy Forests
20 Restoration Act of 2003 (16 U.S.C. 6591c) (as redesign-
21 nated by section 204 of this Act), is amended by striking
22 “report to the Committee on Agriculture, Nutrition, and
23 Forestry of the Senate and the Committee on Agriculture
24 of the House of Representatives” and inserting “submit

1 to the congressional committees described in subsection
2 (h)(2) a report”.

3 **SEC. 207. 20-YEAR STEWARDSHIP CONTRACTING.**

4 (a) IN GENERAL.—The Secretary of Agriculture and
5 the Secretary of the Interior may award contracts or
6 agreements under section 604 of the Healthy Forests Res-
7 toration Act of 2003 (16 U.S.C. 6511), for terms not to
8 exceed 20 years on areas where the majority of Federal
9 lands are in Fire Regime Groups I, II, or III.

10 (b) PREFERENCE.—In awarding a contract under
11 this section, the Secretary concerned may, notwith-
12 standing the Federal Acquisition Regulations, give a pro-
13 curement preference to a contractor that would, as part
14 of the contract, promote an innovative use of forest prod-
15 ucts, including cross-laminated timber.

16 **SEC. 208. CONSULTATION UNDER FOREST AND RANGELAND**
17 **RENEWABLE RESOURCES PLANNING ACT OF**
18 **1974.**

19 (a) CONSULTATION REGARDING LAND MANAGEMENT
20 PLANS.—Section 6(d) of the Forest and Rangeland Re-
21 newable Resources Planning Act of 1974 (16 U.S.C.
22 1604(d)) is amended—

23 (1) by striking “(d) The Secretary” and insert-
24 ing the following:

25 “(d) PUBLIC PARTICIPATION AND CONSULTATION.—

1 “(1) IN GENERAL.—The Secretary”; and

2 (2) by adding at the end the following:

3 “(2) NO ADDITIONAL CONSULTATION RE-
4 QUIRED AFTER APPROVAL OF LAND MANAGEMENT
5 PLANS.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), notwithstanding any other
8 provision of law, the Secretary shall not be re-
9 quired to engage in consultation under this sec-
10 tion or any other provision of law (including
11 section 7 of Public Law 93–205 (16 U.S.C.
12 1536) and section 402.16 of title 50, Code of
13 Federal Regulations (or a successor regulation))
14 with respect to—

15 “(i) the listing of a species as threat-
16 ened or endangered, or a designation of
17 critical habitat pursuant to Public Law
18 93–205 (16 U.S.C. 1531 et seq.), if a land
19 management plan has been adopted by the
20 Secretary as of the date of listing or des-
21 ignation; and

22 “(ii) any provision of a land manage-
23 ment plan adopted as described in clause
24 (i).

1 “(B) EXCEPTION.—Subparagraph (A)
2 shall not apply if—

3 “(i) 15 years have passed since the
4 date on which the Secretary adopted the
5 land management plan described in clause
6 (i) of that subparagraph; and

7 “(ii) 5 years have passed since the
8 date of enactment of this section or the
9 date of the listing of a species as threat-
10 ened or endangered for a species known to
11 occur on the unit or the designation of
12 critical habitat within the unit as described
13 in clause (i) of that subparagraph, which-
14 ever is later.

15 “(C) EFFECT OF PARAGRAPH.—Nothing in
16 this paragraph affects any applicable require-
17 ment of the Secretary to consult with the head
18 of any other Federal department or agency—

19 “(i) regarding any project carried out,
20 or proposed to be carried out, to imple-
21 ment a land management plan pursuant to
22 Public Law 93–205 (16 U.S.C. 1531 et
23 seq.), including any requirement to consult
24 regarding the consideration of cumulative

1 impacts of completed, ongoing, and
2 planned projects; or

3 “(ii) with respect to—

4 “(I) the development of a modi-
5 fication to a land management plan;
6 or

7 “(II) an amendment or revision
8 to a land management plan in accord-
9 ance with paragraph (4) or (5) of sub-
10 section (f).”.

11 (b) DEFINITION OF SECRETARY; CONFORMING
12 AMENDMENTS.—

13 (1) DEFINITION OF SECRETARY.—Section 3(a)
14 of the Forest and Rangeland Renewable Resources
15 Planning Act of 1974 (16 U.S.C. 1601(a)) is
16 amended, in the first sentence of the matter pre-
17 ceding paragraph (1), by inserting “(referred to in
18 this Act as the ‘Secretary’)” after “Secretary of Ag-
19 riculture”.

20 (2) CONFORMING AMENDMENTS.—The Forest
21 and Rangeland Renewable Resources Planning Act
22 of 1974 (16 U.S.C. 1600 et seq.) is amended, in sec-
23 tions 4 through 9, 12, 13, and 15, by striking “Sec-
24 retary of Agriculture” each place it appears and in-
25 serting “Secretary”.

1 **SEC. 209. OREGON AND CALIFORNIA RAILROAD REVESTED**
2 **LANDS AND COOS BAY WAGON ROAD RECON-**
3 **VEYED LANDS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, with respect to the Oregon and California
6 Railroad grant land revested in the United States by the
7 Act of June 9, 1916 (39 Stat. 218, chapter 137), and the
8 Coos Bay Wagon Road grant land reconveyed to the
9 United States by the first section of the Act of February
10 26, 1919 (40 Stat. 1179, chapter 47), that is managed
11 under the Act of August 28, 1937 (43 U.S.C. 2601 et
12 seq.), the Secretary of the Interior, acting through the Di-
13 rector of the Bureau of Land Management, shall not be
14 required to engage in consultation under any law (includ-
15 ing section 7 of Public Law 93–205 (16 U.S.C. 1536) and
16 section 402.16 of title 50, Code of Federal Regulations
17 (or a successor regulation)), with respect to—

18 (1) the listing of a species as threatened or en-
19 dangered, or a designation of critical habitat, pursu-
20 ant to Public Law 93–205 (16 U.S.C. 1531 et seq.),
21 if a land use plan has been adopted by the Secretary
22 of the Interior as of the date of listing or designa-
23 tion; and

24 (2) any provision of a land use plan adopted as
25 described in paragraph (1).

1 (b) EFFECT OF SECTION.—Nothing in this section
2 affects any applicable requirement of the Secretary of the
3 Interior to consult with the head of any other Federal de-
4 partment or agency—

5 (1) regarding a project carried out, or proposed
6 to be carried out, pursuant to Public Law 93–205
7 (16 U.S.C. 1531 et seq.), including any requirement
8 to consult regarding the consideration of the cumu-
9 lative impacts of completed, ongoing, and planned
10 projects; or

11 (2) with respect to the development of a new
12 land use plan or the revision of or other significant
13 change to an existing land use plan.

14 **SEC. 210. WILDFIRE HAZARD SEVERITY MAPPING FOR COM-**
15 **MUNITIES.**

16 (a) MAP REQUIRED.—Not later than 2 years after
17 the date of the enactment of this section, the Secretary
18 of Agriculture, acting through the Chief of the Forest
19 Service, shall—

20 (1) develop and publish a geospatial map appro-
21 priate for community-level use that depicts wildfire
22 hazard severity to inform at-risk communities that
23 are—

24 (A) adjacent to National Forest System
25 lands; or

1 (B) affected by wildland fire, as deter-
2 mined by the Secretary; and

3 (2) disseminate the information under para-
4 graph (1) in an appropriate, web-based format for
5 use by such communities to—

6 (A) improve understanding of their risk
7 profile;

8 (B) clarify thinking on the nature and ef-
9 fect of wildfire risks; and

10 (C) develop plans to manage and mitigate
11 those risks.

12 (b) PURPOSES OF MAP.—The purposes of the map
13 required under subsection (a) are as follows:

14 (1) To inform evaluations of wildfire risk.

15 (2) To prioritize fuels management needs.

16 (3) To depict the relative potential for wildfire
17 that could be difficult for suppression resources to
18 contain and that could cause ignitions to structures.

19 (c) CONSULTATION.—In carrying out subsection (a),
20 the Secretary of Agriculture and Chief of the Forest Serv-
21 ice shall consult with—

22 (1) the Secretary of the Interior;

23 (2) the Administrator of the Federal Emer-
24 gency Management Agency;

25 (3) other appropriate Federal agencies;

1 (4) States;

2 (5) relevant colleges, universities, and institu-
3 tions of higher education with relevant expertise;
4 and

5 (6) other entities, as appropriate.

6 (d) AT-RISK COMMUNITY DEFINED.—The term “at-
7 risk community” has the meaning given the term in sec-
8 tion 101 of the Healthy Forests Restoration Act of 2003
9 (16 U.S.C. 6511).

10 **SEC. 211. VEGETATION MANAGEMENT, FACILITY INSPEC-**
11 **TION, AND OPERATION AND MAINTENANCE**
12 **RELATING TO ELECTRIC TRANSMISSION AND**
13 **DISTRIBUTION FACILITY RIGHTS OF WAY.**

14 (a) IN GENERAL.—Title V of the Federal Land Pol-
15 icy and Management Act of 1976 (43 U.S.C. 1761 et seq.)
16 is amended by adding at the end the following:

17 **“SEC. 512. VEGETATION MANAGMENT, FACILITY INSPEC-**
18 **TION, AND OPERATION AND MAINTENANCE**
19 **RELATING TO ELECTRIC TRANSMISSION AND**
20 **DISTRIBUTION FACILITY RIGHTS OF WAY.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) HAZARD TREE.—The term ‘hazard tree’
23 means any tree or part thereof (whether located in-
24 side or outside a right-of-way) that has been des-
25 ignated, prior to tree failure, by a certified or li-

1 censed arborist or forester under the supervision of
2 the Secretary concerned or the owner or operator of
3 a transmission or distribution facility to be—

4 “(A) dead, likely to die within the routine
5 vegetation management cycle, or likely to fail
6 within the routine vegetation management
7 cycle; and

8 “(B) if the tree or part of the tree failed,
9 likely to—

10 “(i) cause substantial damage or dis-
11 ruption to a transmission or distribution
12 facility; or

13 “(ii) come within 10 feet of an electric
14 power line.

15 “(2) OWNER; OPERATOR.—The terms ‘owner’
16 and ‘operator’ include contractors or other agents
17 engaged by the owner or operator of an electric
18 transmission or distribution facility.

19 “(3) PLAN.—The term ‘plan’ means a vegeta-
20 tion management, facility inspection, and operation
21 and maintenance plan that—

22 “(A) is prepared by the owner or operator
23 of 1 or more electric transmission or distribu-
24 tion facilities to cover 1 or more electric trans-
25 mission and distribution rights-of-way; and

1 “(B) provides for the long-term, cost-effec-
2 tive, efficient, and timely management of facili-
3 ties and vegetation within the width of the
4 right-of-way and abutting Federal land, includ-
5 ing hazard trees, to enhance electric reliability,
6 promote public safety, and avoid fire hazards.

7 “(4) SECRETARY CONCERNED.—The term ‘Sec-
8 retary concerned’ means—

9 “(A) the Secretary, with respect to public
10 lands; and

11 “(B) the Secretary of Agriculture, with re-
12 spect to National Forest System land.

13 “(b) GUIDANCE.—

14 “(1) IN GENERAL.—To enhance the reliability
15 of the electric grid and reduce the threat of wildfire
16 damage to, and wildfire caused by vegetation-related
17 conditions within, electric transmission and distribu-
18 tion rights-of-way and abutting Federal land, includ-
19 ing hazard trees, the Secretary concerned shall issue
20 and periodically update guidance to ensure that pro-
21 visions are appropriately developed and implemented
22 for utility vegetation management, facility inspec-
23 tion, and operation and maintenance of rights-of-
24 way, regardless of the means by which the rights-of-

1 way are established (including by grant, special use
2 authorization, and easement).

3 “(2) LIMITATION.—The guidance issued under
4 paragraph (1) shall be compatible with mandatory
5 reliability standards established by the Electric Reli-
6 ability Organization.

7 “(3) CONSIDERATIONS.—The guidance issued
8 under paragraph (1) shall take into account—

9 “(A) all applicable law, including fire safe-
10 ty and electric system reliability requirements
11 (including reliability standards established by
12 the Electric Reliability Organization under sec-
13 tion 215 of the Federal Power Act (16 U.S.C.
14 824o)); and

15 “(B) the Memorandum of Understanding
16 on Vegetation Management for Powerline
17 Rights-of-Way between the Edison Electric In-
18 stitute, Utility Arborist Association, the Depart-
19 ment of the Interior, the Department of Agri-
20 culture, and the Environmental Protection
21 Agency signed in 2016.

22 “(4) REQUIREMENTS.—The guidance issued
23 under paragraph (1) shall—

1 “(A) be developed in consultation with the
2 owners of transmission and distribution facili-
3 ties that hold rights-of-way;

4 “(B) seek to minimize the need for case-
5 by-case approvals for —

6 “(i) routine vegetation management,
7 facility inspection, and operation and
8 maintenance activities; and

9 “(ii) utility vegetation management
10 activities that are necessary to control haz-
11 ard trees; and

12 “(C) provide for prompt and timely review
13 of requests to conduct vegetation management
14 activities that require approval of the Secretary
15 concerned, especially activities requiring expe-
16 dited or immediate action.

17 “(c) VEGETATION MANAGEMENT, FACILITY INSPEC-
18 TION, AND OPERATION AND MAINTENANCE PLANS.—

19 “(1) DEVELOPMENT AND SUBMISSION.—Con-
20 sistent with subsection (b), the Secretary concerned
21 shall provide owners and operators of electric trans-
22 mission or distribution facilities located on public
23 lands and National Forest System land, as applica-
24 ble, with the option to develop and submit a plan.

1 “(2) ERO STANDARDS.—Owners and operators
2 subject to mandatory reliability standards estab-
3 lished by the Electric Reliability Organization (or
4 superseding standards) may use those standards as
5 part of the plan.

6 “(3) PLAN REQUIREMENTS.—A plan developed
7 under paragraph (1) shall—

8 “(A) identify the applicable transmission
9 or distribution facilities to be maintained;

10 “(B) take into account operations and
11 maintenance plans for the applicable trans-
12 mission or distribution line;

13 “(C) describe the vegetation management,
14 inspection, and operation and maintenance
15 methods that may be used to comply with all
16 applicable law, including fire safety require-
17 ments and reliability standards established by
18 the Electric Reliability Organization;

19 “(D) include schedules for—

20 “(i) the applicable owner or operator
21 to notify the Secretary concerned about
22 routine and major maintenance;

23 “(ii) the applicable owner or operator
24 to request approval from the Secretary

1 concerned about undertaking routine and
2 major maintenance; and

3 “(iii) the Secretary concerned to re-
4 spond to a request by an owner or operator
5 under clause (ii); and

6 “(E) describe processes for—

7 “(i) identifying changes in conditions;
8 and

9 “(ii) modifying the approved plan, if
10 necessary.

11 “(4) REVIEW AND APPROVAL PROCESS.—

12 “(A) IN GENERAL.—The Secretary con-
13 cerned shall jointly develop a consolidated and
14 coordinated process for the review and approval
15 of plans submitted under paragraph (1) that—

16 “(i) includes timelines and bench-
17 marks for—

18 “(I) the submission of agency
19 comments on the plans and schedules
20 for final decision; and

21 “(II) the timely review of modi-
22 fications of the plans in cases in
23 which modifications are necessary;

24 “(ii) is consistent with applicable law;
25 and

1 “(iii) includes a process for modifica-
2 tions to a plan in a prompt manner if
3 changed conditions necessitate a modifica-
4 tion to a plan; and

5 “(iv) ensures, to the maximum extent
6 practicable, a prompt review and approval
7 process not to exceed 120 days.

8 “(B) PLAN MODIFICATION.—Upon reason-
9 able advance notice to an owner or operator of
10 an electric transmission or distribution facility
11 of any changed conditions that warrant a modi-
12 fication to a plan, the Secretary concerned
13 shall—

14 “(i) provide an opportunity for the
15 owner or operator to submit a proposed
16 plan modification, consistent with the proc-
17 ess described under subparagraph (A)(iii),
18 to address the changed condition identified
19 by the Secretary concerned;

20 “(ii) consider the proposed plan modi-
21 fication consistent with the process de-
22 scribed under paragraph (4)(A); and

23 “(iii) allow the owner or operator to
24 continue to implement any element of the
25 approved plan that does not directly and

1 adversely affect the condition precipitating
2 the need for modification.

3 “(5) CATEGORIES OF ACTIONS NOT REQUIRING
4 ENVIRONMENTAL ANALYSIS.—With respect to the
5 development and approval of plans submitted under
6 paragraph (1), as well as with respect to actions car-
7 ried out under such plans, the Secretary concerned
8 shall identify categories of actions for which neither
9 an environmental impact statement nor an environ-
10 mental assessment shall be required under section
11 1508.4 of title 40, Code of Federal Regulations (or
12 a successor regulation).

13 “(d) CERTAIN OWNERS AND OPERATORS.—

14 “(1) IN GENERAL.—The owner or operator of
15 an electric transmission or distribution facility that
16 is not subject to the mandatory reliability standards
17 established by the Electric Reliability Organization
18 or that sold less than or equal to 1,000,000 mega-
19 watt hours of electric energy for purposes other than
20 resale during each of the 3 calendar years imme-
21 diately preceding the date of enactment of this sec-
22 tion may enter into an agreement with the Secretary
23 concerned in lieu of a plan under subsection (c).

1 “(2) MINIMUM REQUIREMENTS.—The Secretary
2 concerned shall ensure that the minimum require-
3 ments for an agreement under paragraph (1)—

4 “(A) reflect the relative financial resources
5 of the applicable owner or operator compared to
6 other owners or operators of an electric trans-
7 mission or distribution facility;

8 “(B) include schedules as described in sub-
9 section (c)(3)(D);

10 “(C) are subject to modification require-
11 ments as described in subsection (c)(4)(B); and

12 “(D) comply with applicable law.

13 “(e) EMERGENCY CONDITIONS.—If vegetation or
14 hazard trees have contacted or present an imminent dan-
15 ger of contacting an electric transmission or distribution
16 line from within or adjacent to an electric transmission
17 or distribution right-of-way, the owner or operator of the
18 electric transmission or distribution lines—

19 “(1) may prune or remove the vegetation or
20 hazard tree—

21 “(A) to avoid the disruption of electric
22 service; and

23 “(B) to eliminate immediate fire and safe-
24 ty hazards; and

1 “(2) shall notify the appropriate local agent of
2 the Secretary concerned not later than 1 day after
3 the date of the response to emergency conditions.

4 “(f) ACTIVITIES THAT REQUIRE APPROVAL.—

5 “(1) IN GENERAL.—Except as provided under
6 paragraph (3), the owner or operator of an electric
7 transmission or distribution facility may conduct
8 vegetation management activities that require ap-
9 proval of the Secretary concerned in accordance with
10 a plan approved under subsection (c) or an agree-
11 ment entered into under subsection (d) only with the
12 approval of the Secretary concerned.

13 “(2) REQUIREMENT TO RESPOND.—The Sec-
14 retary concerned shall respond to a request for ap-
15 proval to conduct vegetation management activities
16 in accordance with the applicable schedules in a plan
17 approved under subsection (c) or an agreement en-
18 tered into under subsection (d).

19 “(3) AUTHORIZED ACTIVITIES.—The owner or
20 operator of an electric transmission or distribution
21 facility may conduct vegetation management activi-
22 ties that require approval of the Secretary concerned
23 in accordance with a plan approved under subsection
24 (c) or an agreement entered into under subsection

1 (d) without the approval of the Secretary concerned
2 if—

3 “(A) the owner or operator submitted a re-
4 quest to the Secretary concerned in accordance
5 with the applicable schedule in a plan approved
6 under subsection (c) or an agreement entered
7 into under subsection (d);

8 “(B) the vegetation management activities,
9 including the removal of hazard trees, proposed
10 in the request under subparagraph (A) are in
11 accordance with a plan approved under sub-
12 section (c) or an agreement entered into under
13 subsection (d); and

14 “(C) the Secretary concerned fails to re-
15 spond to the request under subparagraph (A) in
16 accordance with the applicable schedule in a
17 plan approved under subsection (c) or an agree-
18 ment entered into under subsection (d).

19 “(g) LIABILITY.—

20 “(1) IN GENERAL.—The Secretary concerned
21 shall not impose strict liability for damages or injury
22 resulting from—

23 “(A) the Secretary concerned unreasonably
24 withholding or delaying—

1 “(i) approval of a plan under sub-
2 section (c); or

3 “(ii) entrance into an agreement
4 under subsection (d); or

5 “(B) the Secretary concerned unreasonably
6 failing to adhere to an applicable schedule in a
7 plan approved under subsection (c) or an agree-
8 ment entered into under subsection (d).

9 “(2) DAMAGES.—For the period ending 10
10 years after the date of the enactment of this sub-
11 section, the Secretary concerned shall not impose
12 strict liability in an amount greater than \$500,000
13 per incident for damages or injury resulting from ac-
14 tivities conducted by an owner or operator in accord-
15 ance with an approved agreement under subsection
16 (d).

17 “(3) RULE OF CONSTRUCTION.—Nothing in
18 paragraph (2) shall be construed to effect any liabil-
19 ity imposed by the Secretary concerned under sec-
20 tion 251.56(d) of title 36, Code of Federal Regula-
21 tions (as in effect on the date of the enactment of
22 this section) and section 2807.12 of title 43, Code
23 of Federal Regulations (as in effect on the date of
24 the enactment of this section), for activities con-

1 ducted by an owner or operator in accordance with
2 an approved plan under subsection (c).

3 “(h) REPORTING REQUIREMENT.—

4 “(1) ACTIVITIES THAT REQUIRE APPROVAL.—

5 The Secretary concerned shall report requests and
6 actions made under subsection (f) annually on the
7 website of the Secretary concerned.

8 “(2) LIABILITY.—Not later than four years
9 after the date of enactment of this subsection, the
10 Secretary concerned shall prepare and submit a re-
11 port to the Committee on Natural Resources of the
12 House of Representatives and the Committee on En-
13 ergy and Natural Resources of the Senate that de-
14 scribes the effect on the Treasury of the strict liabil-
15 ity limitation established by subsection (g)(2).

16 “(i) TRAINING AND GUIDANCE.—In consultation with
17 the electric utility industry, the Secretary concerned is en-
18 couraged to develop a program to train personnel of the
19 Department of the Interior and the Forest Service in-
20 volved in vegetation management decisions relating to
21 electric transmission and distribution facilities to ensure
22 that the personnel—

23 “(1) understand electric system reliability re-
24 quirements as the requirements relate to vegetation
25 management of transmission and distribution rights-

1 of-way on Federal land, including reliability stand-
2 ards established by the Electric Reliability Organiza-
3 tion and fire safety requirements;

4 “(2) assist owners and operators of electric
5 transmission and distribution facilities in complying
6 with applicable electric reliability and fire safety re-
7 quirements;

8 “(3) encourage and assist willing owners and
9 operators of electric transmission and distribution
10 facilities to incorporate on a voluntary basis vegeta-
11 tion management practices to enhance habitats and
12 forage for pollinators and for other wildlife if the
13 practices are compatible with the integrated vegeta-
14 tion management practices necessary for reliability
15 and safety; and

16 “(4) understand how existing and emerging un-
17 manned technologies can help electric utilities, the
18 Federal Government, State and local governments,
19 and private landowners—

20 “(A) to more efficiently identify vegetation
21 management needs;

22 “(B) to reduce the risk of wildfires; and

23 “(C) to lower ratepayer energy costs.

24 “(j) IMPLEMENTATION.—The Secretary concerned
25 shall—

1 “(1) not later than 1 year after the date of en-
2 actment of this section, propose regulations, or
3 amend existing regulations, to implement this sec-
4 tion; and

5 “(2) not later than 2 years after the date of en-
6 actment of this section, finalize regulations, or
7 amend existing regulations, to implement this sec-
8 tion.

9 “(k) **EXISTING VEGETATION MANAGEMENT, FACIL-
10 ITY INSPECTION, AND OPERATION AND MAINTENANCE
11 PLANS.**—Nothing in this section requires an owner or op-
12 erator to develop and submit a new plan under this section
13 if a plan consistent with this section has already been ap-
14 proved by the Secretary concerned before the date of en-
15 actment of this section.”.

16 (b) **CLERICAL AMENDMENT.**—The table of sections
17 for the Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1761 et seq.), is amended by inserting after
19 the item relating to section 511 the following new item:

 “Sec. 512. Vegetation management, facility inspection, and operation and main-
 tenance relating to electric transmission and distribution facil-
 ity rights-of-way.”.

20 **SEC. 212. GOOD NEIGHBOR AUTHORITY IMPROVEMENT.**

21 Section 8206(a) of the Agricultural Act of 2014 (16
22 U.S.C. 2113a(a)) is amended—

23 (1) in paragraph (3)(B)(i), by striking “areas;
24 or” and inserting the following: “areas, other than

1 the reconstruction, repair, or restoration of a Na-
2 tional Forest System road that is—

3 “(I) necessary to carry out au-
4 thorized restoration services pursuant
5 to a good neighbor agreement; and

6 “(II) in the case of a National
7 Forest System road that is deter-
8 mined to be unneeded in accordance
9 with section 212.5(b)(2) of title 36,
10 Code of Federal Regulations (as in ef-
11 fect on the date of enactment of the
12 Good Neighbor Authority Improve-
13 ment Act), decommissioned in accord-
14 ance with subparagraph (A)(iii)—

15 “(aa) in a manner that is
16 consistent with the applicable
17 travel management plan; and

18 “(bb) not later than 3 years
19 after the date on which the appli-
20 cable authorized restoration serv-
21 ices project is completed; or”;

22 (2) by redesignating paragraphs (6) and (7) as
23 paragraphs (7) and (8), respectively; and

24 (3) by inserting after paragraph (5) the fol-
25 lowing:

1 “(A) a national monument, area of critical
2 environmental concern, national conservation
3 area, national riparian conservation area, na-
4 tional recreation area, national scenic area, re-
5 search natural area, national outstanding nat-
6 ural area, priority species and habitats des-
7 igned in a land use plan in accordance with
8 subpart E (entitled “Fish and Wildlife”) of part
9 I of Appendix C of Bureau of Land Manage-
10 ment Land Use Planning Handbook H-1601-1
11 (Rel 1-1693), a special recreation management
12 area, or a national natural landmark managed
13 by the Bureau of Land Management;” and

14 (C) by amending subparagraph (D) to read
15 as follows:

16 “(D) a National Forest or National Grass-
17 land in the National Forest System; or”;

18 (3) in section 203 (43 U.S.C. 2302), by insert-
19 ing the following paragraph after section 203(2)
20 (and redesignating the following paragraphs accord-
21 ingly):

22 “(3) INACCESSIBLE LANDS THAT ARE OPEN TO
23 PUBLIC HUNTING, FISHING, RECREATIONAL SHOOT-
24 ING, OR OTHER RECREATIONAL PURPOSES.—The
25 term ‘inaccessible lands that are open to public

1 hunting, fishing, recreational shooting, or other rec-
2 reational purposes’ means public lands in Alaska
3 and the eleven contiguous Western States (as de-
4 fined in section 103 of the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C. 1702)) con-
6 sisting of at least 640 contiguous acres on which the
7 public is allowed under Federal or State law to hunt,
8 fish, target shoot or use the land for other rec-
9 reational purposes but—

10 “(A) to which there is no public access or
11 egress; or

12 “(B) to which public access or egress to
13 the land is significantly restricted, as deter-
14 mined by the Secretary.”; and

15 (4) in section 205 (43 U.S.C. 2304)—

16 (A) in subsection (a), by striking “section
17 206” and all that follows through the period
18 and inserting the following: “section 206—

19 “(1) to complete appraisals and satisfy other
20 legal requirements for the sale or exchange of public
21 land identified for disposal under approved land use
22 plans under section 202 of the Federal Land Policy
23 and Management Act of 1976 (43 U.S.C. 1712);

24 “(2) not later than 180 days after the date of
25 the enactment of the Federal Land Transaction Fa-

1 cilitation Act Reauthorization of 2018, to establish
2 and make available to the public, on the website of
3 the Department of the Interior, a database con-
4 taining a comprehensive list of all the land referred
5 to in paragraph (1); and

6 “(3) to maintain the database referred to in
7 paragraph (2).”; and

8 (B) by striking subsection (d);

9 (5) in section 206(c)(2) (43 U.S.C.
10 2305(c)(2))—

11 (A) in subparagraph(A)(i), by striking
12 “inholdings; and” and inserting “inholdings;”;

13 (B) in subparagraph (A)(ii), by striking
14 “exceptional resources.” and inserting “excep-
15 tional resources; or”;

16 (C) in subparagraph (A), by inserting after
17 clause (ii), “(iii) adjacent to inaccessible lands
18 open to public hunting, fishing, recreational
19 shooting, or other recreational purposes.”; and

20 (D) by adding at the end the following:

21 “(E) Any funds made available under sub-
22 paragraph (D) that are not obligated or ex-
23 pended by the end of the fourth full fiscal year
24 after the date of the sale or exchange of land

1 that generated the funds may be expended in
2 any State.”;

3 (6) in section 206(c)(3) (43 U.S.C.
4 2305(c)(3))—

5 (A) by inserting after subparagraph (A)
6 the following:

7 “(B) the extent to which the acquisition of
8 the land or interest therein will increase the
9 public availability of resources for, and facilitate
10 public access to, hunting, fishing, and other rec-
11 reational activities;”;

12 (B) by redesignating subparagraphs (B)
13 and (C) as subparagraphs (C) and (D);

14 (7) by striking section 206(f) (43 U.S.C.
15 2305(f)); and

16 (8) in section 207(b) (43 U.S.C. 2306(b))—

17 (A) in paragraph (1)—

18 (i) by striking “96–568” and insert-
19 ing “96–586”; and

20 (ii) by striking “; or” and inserting a
21 semicolon;

22 (B) in paragraph (2)—

23 (i) by inserting “Public Law 105–
24 263;” before “112 Stat.”; and

1 (ii) by striking the period at the end
2 and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(3) the White Pine County Conservation,
5 Recreation, and Development Act of 2006 (Public
6 Law 109–432; 120 Stat. 3028);

7 “(4) the Lincoln County Conservation, Recre-
8 ation, and Development Act of 2004 (Public Law
9 108–424; 118 Stat. 2403);

10 “(5) subtitle F of title I of the Omnibus Public
11 Land Management Act of 2009 (16 U.S.C. 1132
12 note; Public Law 111–11);

13 “(6) subtitle O of title I of the Omnibus Public
14 Land Management Act of 2009 (16 U.S.C. 460www
15 note, 1132 note; Public Law 111–11);

16 “(7) section 2601 of the Omnibus Public Land
17 Management Act of 2009 (Public Law 111–11; 123
18 Stat. 1108); or

19 “(8) section 2606 of the Omnibus Public Land
20 Management Act of 2009 (Public Law 111–11; 123
21 Stat. 1121).”.

1 **TITLE IV—EXTENSION OF SE-**
2 **CURE RURAL SCHOOLS AND**
3 **COMMUNITY SELF-DETER-**
4 **MINATION ACT OF 2000**

5 **SEC. 401. EXTENSION OF SECURE RURAL SCHOOLS AND**
6 **COMMUNITY SELF-DETERMINATION ACT OF**
7 **2000.**

8 (a) SECURE PAYMENTS FOR STATES AND COUNTIES
9 CONTAINING FEDERAL LAND.—

10 (1) FULL FUNDING AMOUNT.—Section 3(11) of
11 the Secure Rural Schools and Community Self-De-
12 termination Act (16 U.S.C. 7102(11)) is amended—

13 (A) in subparagraph (B), by striking
14 “and”;

15 (B) in subparagraph (C)—

16 (i) by striking “and each fiscal year
17 thereafter” and inserting “through fiscal
18 year 2015”; and

19 (ii) by striking the period and insert-
20 ing a semi-colon; and

21 (C) by adding at the end the following:

22 “(D) for fiscal year 2017, the amount that
23 is equal to 95 percent of the full funding
24 amount for fiscal year 2015; and

1 “(E) for fiscal year 2018 and each fiscal
2 year thereafter, the amount that is equal to 95
3 percent of the full funding amount for the pre-
4 ceding fiscal year.”.

5 (2) SECURE PAYMENTS.—

6 (A) IN GENERAL.—Section 101 of the Se-
7 cure Rural Schools and Community Self-Deter-
8 mination Act of 2000 (16 U.S.C. 7111) is
9 amended, in subsections (a) and (b), by striking
10 “2015” each place it appears and inserting
11 “2015, 2017, and 2018”.

12 (B) SPECIAL RULE FOR FISCAL YEAR 2017
13 PAYMENTS.—Section 101 of the Secure Rural
14 Schools and Community Self-Determination Act
15 of 2000 (16 U.S.C. 7111) is amended by add-
16 ing at the end the following:

17 “(d) SPECIAL RULE FOR FISCAL YEAR 2017 PAY-
18 MENTS.—

19 “(1) STATE PAYMENT.—If an eligible county in
20 a State that will receive a share of the State pay-
21 ment for fiscal year 2017 has already received, or
22 will receive, a share of the 25-percent payment for
23 fiscal year 2017 distributed to the State before the
24 date of enactment of this subsection, the amount of
25 the State payment shall be reduced by the amount

1 of the share of the eligible county of the 25-percent
2 payment.

3 “(2) COUNTY PAYMENT.—If an eligible county
4 that will receive a county payment for fiscal year
5 2017 has already received a 50-percent payment for
6 fiscal year 2017, the amount of the county payment
7 shall be reduced by the amount of the 50-percent
8 payment.

9 “(3) PROMPT PAYMENT.—Not later than 45
10 days after the date of enactment of this subsection,
11 the Secretary of the Treasury shall make all pay-
12 ments under this title for fiscal year 2017.”.

13 (3) PAYMENTS TO STATES AND COUNTIES.—

14 (A) ELECTION TO RECEIVE PAYMENT
15 AMOUNT.—Section 102(b) of the Secure Rural
16 Schools and Community Self-Determination Act
17 of 2000 (16 U.S.C. 7112(b)) is amended—

18 (i) in paragraph (1), by adding after
19 subparagraph (C) the following:

20 “(D) PAYMENTS FOR FISCAL YEARS 2017
21 AND 2018.—The election otherwise required by
22 subparagraph (A) shall not apply for fiscal
23 years 2017 or 2018.”; and

24 (ii) in paragraph (2)—

1 (I) in subparagraph (A), by in-
2 serting “and for fiscal years 2017 and
3 2018” after “2015”; and

4 (II) in subparagraph (B), by in-
5 serting “and for fiscal years 2017 and
6 2018” after “2015”.

7 (B) EXPENDITURE RULES FOR ELIGIBLE
8 COUNTIES.—Section 102(d) of the Secure Rural
9 Schools and Community Self-Determination Act
10 of 2000 (16 U.S.C. 7112(d)) is amended—

11 (i) in paragraph (1), by adding after
12 subparagraph (E) the following:

13 “(F) PAYMENTS FOR FISCAL YEARS 2017
14 AND 2018.—The election made by an eligible
15 county under subparagraph (B), (C), or (D) for
16 fiscal year 2013, or deemed to be made by the
17 county under paragraph (3)(B) for that fiscal
18 year, shall be effective for fiscal years 2017 and
19 2018.”; and

20 (ii) in paragraph (3)—

21 (I) in subparagraph (B)(ii), by
22 striking “purpose described in section
23 202(b)” and inserting “purposes de-
24 scribed in section 202(b), section
25 203(c), or section 204(a)(5)”; and

1 (II) by adding after subpara-
2 graph (C) the following:

3 “(D) PAYMENTS FOR FISCAL YEARS 2017
4 AND 2018.—This paragraph does not apply for
5 fiscal years 2017 and 2018.”.

6 (C) ELECTIONS AS TO ALLOCATION OF
7 BALANCE.—Section 102(d)(1) of the Secure
8 Rural Schools and Community Self-Determina-
9 tion Act of 2000 (16 U.S.C. 7112(d)(1)) is
10 amended—

11 (i) in subparagraph (B)(ii), by strik-
12 ing “not more than 7 percent of the total
13 share for the eligible county of the State
14 payment or the county payment” and in-
15 serting “any portion of the balance”; and

16 (ii) by striking subparagraph (C) and
17 inserting the following:

18 “(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to
19 which \$350,000 or more is distributed for any
20 fiscal year pursuant to paragraph (1)(B) or
21 (2)(B) of subsection (a), the eligible county
22 shall elect to do 1 or more of the following with
23 the balance of any funds not expended pursuant
24 to subparagraph (A):
25

1 “(i) Reserve any portion of the bal-
2 ance for projects in accordance with title
3 II.

4 “(ii) Reserve not more than 7 percent
5 of the total share for the eligible county of
6 the State payment or the county payment
7 for projects in accordance with title III.

8 “(iii) Return the portion of the bal-
9 ance not reserved under clauses (i) and (ii)
10 to the Treasury of the United States.”.

11 (D) TREATMENT AS SUPPLEMENTAL
12 FUNDING.—Section 102 of the Secure Rural
13 Schools and Community Self-Determination Act
14 of 2000 (16 U.S.C. 7112) is amended by add-
15 ing at the end the following:

16 “(f) TREATMENT AS SUPPLEMENTAL FUNDING.—

17 “(1) IN GENERAL.—None of the funds made
18 available to an eligible county under this Act may be
19 used in lieu of, or to otherwise offset, a State fund-
20 ing source for a local school, facility, or educational
21 purpose.

22 “(2) CONTINUATION OF DIRECT PAYMENTS.—
23 Payments to States made under the Secure Rural
24 Schools and Community Self-Determination Act of
25 2000 (16 U.S.C. 7101 et seq.) and 25-percent pay-

1 ments made to States and Territories under the
2 Acts of May 23, 1908, and March 1, 1911 (16
3 U.S.C. 500), shall continue to be made as direct
4 payments and not as Federal financial assistance.”.

5 (E) DISTRIBUTION OF PAYMENTS TO ELI-
6 GIBLE COUNTIES.—Section 103(d)(2) of the Se-
7 cure Rural Schools and Community Self-Deter-
8 mination Act of 2000 (16 U.S.C. 7113(d)(2)) is
9 amended by striking “2015” and inserting “and
10 for fiscal years 2017 and 2018”.

11 (b) CONTINUATION OF AUTHORITY TO CONDUCT
12 SPECIAL PROJECTS ON FEDERAL LAND.—

13 (1) REPEAL OF CONTRACTING PILOT PRO-
14 GRAM.—Section 204(e) of the Secure Rural Schools
15 and Community Self-Determination Act of 2000 (16
16 U.S.C. 7124(e)) is amended by striking paragraph
17 (3).

18 (2) RESOURCE ADVISORY COMMITTEES.—Sec-
19 tion 205(a)(4) of the Secure Rural Schools and
20 Community Self-Determination Act of 2000 (16
21 U.S.C. 7125(a)(4)) is amended by striking “2012”
22 each place it appears and inserting “2018”.

23 (3) AVAILABILITY OF PROJECT FUNDS.—Sec-
24 tion 207(d)(2) of the Secure Rural Schools and
25 Community Self-Determination Act of 2000 (16

1 U.S.C. 7127(d)(2)) is amended by striking “sub-
2 paragraph (B)” and inserting “subparagraph (B)(i),
3 (B)(ii),”.

4 (4) TERMINATION OF AUTHORITY.—Section
5 208 of the Secure Rural Schools and Community
6 Self-Determination Act of 2000 (16 U.S.C. 7128) is
7 amended—

8 (A) in subsection (a), by striking “2017”
9 and inserting “2020”; and

10 (B) in subsection (b), by striking “2018”
11 and inserting “2021”.

12 (c) TERMINATION OF AUTHORITY.—Section 304 of
13 the Secure Rural Schools and Community Self-Determina-
14 tion Act of 2000 (16 U.S.C. 7144) is amended—

15 (1) in subsection (a), by striking “2017” and
16 inserting “2020”; and

17 (2) in subsection (b), by striking “2018” and
18 inserting “2021”.

19 **SEC. 402. ADDITIONAL AUTHORIZED USE OF RESERVED**
20 **FUNDS FOR TITLE III COUNTY PROJECTS.**

21 Section 302(a) of the Secure Rural Schools and Com-
22 munity Self-Determination Act of 2000 (16 U.S.C.
23 7142(a)) is amended—

24 (1) in paragraph (2)—

1 (A) by inserting “and law enforcement pa-
2 trols” after “including firefighting”; and

3 (B) by striking “and” at the end;

4 (2) in paragraph (3), by inserting “and carry
5 out” after “develop”;

6 (3) by redesignating paragraph (3) as para-
7 graph (4); and

8 (4) by inserting after paragraph (2) the fol-
9 lowing new paragraph (3):

10 “(3) to cover training costs and equipment pur-
11 chases directly related to the emergency services de-
12 scribed in paragraph (2); and”.

13 **TITLE V—STRATEGIC PETRO-**
14 **LEUM RESERVE DRAWDOWN**

15 **SEC. 501. STRATEGIC PETROLEUM RESERVE DRAWDOWN.**

16 (a) DRAWDOWN AND SALE.—

17 (1) IN GENERAL.—Notwithstanding section 161
18 of the Energy Policy and Conservation Act (42
19 U.S.C. 6241), except as provided in subsection (b),
20 the Secretary of Energy shall draw down and sell
21 10,000,000 barrels of crude oil from the Strategic
22 Petroleum Reserve during the period of fiscal years
23 2020 through 2021.

24 (2) DEPOSIT OF AMOUNTS RECEIVED FROM
25 SALE.—Amounts received from a sale under para-

1 graph (1) shall be deposited in the general fund of
2 the Treasury during the fiscal year in which the sale
3 occurs.

4 (b) EMERGENCY PROTECTION.—The Secretary of
5 Energy may not draw down and sell crude oil under this
6 section in quantities that would limit the authority to sell
7 petroleum products under subsection (h) of section 161
8 of the Energy Policy and Conservation Act (42 U.S.C.
9 6241) in the full quantity authorized by that subsection.

10 (c) STRATEGIC PETROLEUM DRAWDOWN LIMITA-
11 TIONS.—Section 161(h)(2) of the Energy Policy and Con-
12 servation Act (42 U.S.C. 6241(h)(2)) is amended by strik-
13 ing “350,000,000” each place it appears and inserting
14 “340,000,000”.

- Sec. 510. Joint board recommendation.
- Sec. 511. Disclaimer for press releases regarding notices of apparent liability.
- Sec. 512. Reports related to spectrum auctions.

TITLE VI—MOBILE NOW

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Identifying 255 megahertz.
- Sec. 604. Millimeter wave spectrum.
- Sec. 605. 3 gigahertz spectrum.
- Sec. 606. Communications facilities deployment on Federal property.
- Sec. 607. Broadband infrastructure deployment.
- Sec. 608. Communications facilities installation.
- Sec. 609. Reallocation incentives.
- Sec. 610. Bidirectional sharing study.
- Sec. 611. Unlicensed services in guard bands.
- Sec. 612. Pre-auction funding.
- Sec. 613. Immediate transfer of funds.
- Sec. 614. Amendments to the Spectrum Pipeline Act of 2015.
- Sec. 615. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
- Sec. 616. Rulemaking related to partitioning or disaggregating licenses.
- Sec. 617. Unlicensed spectrum policy.
- Sec. 618. National plan for unlicensed spectrum.
- Sec. 619. Spectrum challenge prize.
- Sec. 620. Wireless telecommunications tax and fee collection fairness.
- Sec. 621. Rules of construction.
- Sec. 622. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.
- Sec. 623. No additional funds authorized.

1 **SEC. 2. COMMISSION DEFINED.**

2 In this division, the term “Commission” means the
3 Federal Communications Commission.

4 **TITLE I—FCC**
5 **REAUTHORIZATION**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—Section 6 of the Communications
8 Act of 1934 (47 U.S.C. 156) is amended to read as fol-
9 lows:

1 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AUTHORIZATION.—There are authorized to be
3 appropriated to the Commission to carry out the functions
4 of the Commission \$333,118,000 for fiscal year 2019 and
5 \$339,610,000 for fiscal year 2020.

6 “(b) OFFSETTING COLLECTIONS.—The sum appro-
7 priated in any fiscal year to carry out the activities de-
8 scribed in subsection (a), to the extent and in the amounts
9 provided for in Appropriations Acts, shall be derived from
10 fees authorized by section 9.”.

11 (b) DEPOSITS OF BIDDERS TO BE DEPOSITED IN
12 TREASURY.—Section 309(j)(8)(C) of the Communications
13 Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—

14 (1) in the first sentence, by striking “an inter-
15 est bearing account” and all that follows and insert-
16 ing “the Treasury.”;

17 (2) in clause (i)—

18 (A) by striking “paid to the Treasury” and
19 inserting “deposited in the general fund of the
20 Treasury (where such deposits shall be used for
21 the sole purpose of deficit reduction)”; and

22 (B) by striking the semicolon and inserting
23 “; and”;

24 (3) in clause (ii), by striking “; and” and in-
25 sserting “, and payments representing the return of
26 such deposits shall not be subject to administrative

1 offset under section 3716(c) of title 31, United
2 States Code.”; and

3 (4) by striking clause (iii).

4 (c) ELIMINATION OF DUPLICATIVE AUTHORIZATION
5 OF APPROPRIATIONS.—

6 (1) IN GENERAL.—Section 710 of the Tele-
7 communications Act of 1996 (Public Law 104–104)
8 is repealed.

9 (2) CONFORMING AMENDMENT.—The table of
10 contents in section 2 of such Act is amended by
11 striking the item relating to section 710.

12 (d) TRANSFER OF FUNDS.—On the effective date de-
13 scribed in section 103 of this title, any amounts in the
14 account providing appropriations to carry out the func-
15 tions of the Commission that were collected in excess of
16 the amounts provided for in Appropriations Acts in any
17 fiscal year prior to such date shall be transferred to the
18 general fund of the Treasury of the United States for the
19 sole purpose of deficit reduction.

20 **SEC. 102. APPLICATION AND REGULATORY FEES.**

21 (a) APPLICATION FEES.—Section 8 of the Commu-
22 nications Act of 1934 (47 U.S.C. 158) is amended to read
23 as follows:

1 **“SEC. 8. APPLICATION FEES.**

2 “(a) GENERAL AUTHORITY; ESTABLISHMENT OF
3 SCHEDULE.—The Commission shall assess and collect ap-
4 plication fees at such rates as the Commission shall estab-
5 lish in a schedule of application fees to recover the costs
6 of the Commission to process applications.

7 “(b) ADJUSTMENT OF SCHEDULE.—

8 “(1) IN GENERAL.—In every even-numbered
9 year, the Commission shall review the schedule of
10 application fees established under this section and,
11 except as provided in paragraph (2), set a new
12 amount for each fee in the schedule that is equal to
13 the amount of the fee on the date when the fee was
14 established or the date when the fee was last amend-
15 ed under subsection (c), whichever is later—

16 “(A) increased or decreased by the per-
17 centage change in the Consumer Price Index
18 during the period beginning on such date and
19 ending on the date of the review; and

20 “(B) rounded to the nearest \$5 increment.

21 “(2) THRESHOLD FOR ADJUSTMENT.—The
22 Commission may not adjust a fee under paragraph
23 (1) if—

24 “(A) in the case of a fee the current
25 amount of which is less than \$200, the adjust-

1 ment would result in a change in the current
2 amount of less than \$10; or

3 “(B) in the case of a fee the current
4 amount of which is \$200 or more, the adjust-
5 ment would result in a change in the current
6 amount of less than 5 percent.

7 “(3) CURRENT AMOUNT DEFINED.—In para-
8 graph (2), the term ‘current amount’ means, with
9 respect to a fee, the amount of the fee on the date
10 when the fee was established, the date when the fee
11 was last adjusted under paragraph (1), or the date
12 when the fee was last amended under subsection (c),
13 whichever is latest.

14 “(c) AMENDMENTS TO SCHEDULE.—In addition to
15 the adjustments required by subsection (b), the Commis-
16 sion shall by rule amend the schedule of application fees
17 established under this section if the Commission deter-
18 mines that the schedule requires amendment—

19 “(1) so that such fees reflect increases or de-
20 creases in the costs of processing applications at the
21 Commission; or

22 “(2) so that such schedule reflects the consoli-
23 dation or addition of new categories of applications.

24 “(d) EXCEPTIONS.—

1 “(1) PARTIES TO WHICH FEES ARE NOT APPLI-
2 CABLE.—The application fees established under this
3 section shall not be applicable to—

4 “(A) a governmental entity;

5 “(B) a nonprofit entity licensed in the
6 Local Government, Police, Fire, Highway Main-
7 tenance, Forestry-Conservation, Public Safety,
8 or Special Emergency Radio radio services; or

9 “(C) a noncommercial radio station or
10 noncommercial television station.

11 “(2) COST OF COLLECTION.—If, in the judg-
12 ment of the Commission, the cost of collecting an
13 application fee established under this section would
14 exceed the amount collected, the Commission may by
15 rule eliminate such fee.

16 “(e) DEPOSIT OF COLLECTIONS.—Moneys received
17 from application fees established under this section shall
18 be deposited in the general fund of the Treasury.”.

19 (b) REGULATORY FEES.—Section 9 of the Commu-
20 nications Act of 1934 (47 U.S.C. 159) is amended to read
21 as follows:

22 **“SEC. 9. REGULATORY FEES.**

23 “(a) GENERAL AUTHORITY.—The Commission shall
24 assess and collect regulatory fees to recover the costs of
25 carrying out the activities described in section 6(a) only

1 to the extent, and in the total amounts, provided for in
2 Appropriations Acts.

3 “(b) ESTABLISHMENT OF SCHEDULE.—The Com-
4 mission shall assess and collect regulatory fees at such
5 rates as the Commission shall establish in a schedule of
6 regulatory fees that will result in the collection, in each
7 fiscal year, of an amount that can reasonably be expected
8 to equal the amounts described in subsection (a) with re-
9 spect to such fiscal year.

10 “(c) ADJUSTMENT OF SCHEDULE.—

11 “(1) IN GENERAL.—For each fiscal year, the
12 Commission shall by rule adjust the schedule of reg-
13 ulatory fees established under this section to—

14 “(A) reflect unexpected increases or de-
15 creases in the number of units subject to the
16 payment of such fees; and

17 “(B) result in the collection of the amount
18 required by subsection (b).

19 “(2) ROUNDING.—In making adjustments
20 under this subsection, the Commission may round
21 fees to the nearest \$5 increment.

22 “(d) AMENDMENTS TO SCHEDULE.—In addition to
23 the adjustments required by subsection (c), the Commis-
24 sion shall by rule amend the schedule of regulatory fees
25 established under this section if the Commission deter-

1 mines that the schedule requires amendment so that such
2 fees reflect the full-time equivalent number of employees
3 within the bureaus and offices of the Commission, ad-
4 justed to take into account factors that are reasonably re-
5 lated to the benefits provided to the payor of the fee by
6 the Commission's activities. In making an amendment
7 under this subsection, the Commission may not change the
8 total amount of regulatory fees required by subsection (b)
9 to be collected in a fiscal year.

10 “(e) EXCEPTIONS.—

11 “(1) PARTIES TO WHICH FEES ARE NOT APPLI-
12 CABLE.—The regulatory fees established under this
13 section shall not be applicable to—

14 “(A) a governmental entity or nonprofit
15 entity;

16 “(B) an amateur radio operator licensee
17 under part 97 of the Commission's rules (47
18 CFR part 97); or

19 “(C) a noncommercial radio station or
20 noncommercial television station.

21 “(2) COST OF COLLECTION.—If, in the judg-
22 ment of the Commission, the cost of collecting a reg-
23 ulatory fee established under this section from a
24 party would exceed the amount collected from such

1 party, the Commission may exempt such party from
2 paying such fee.

3 “(f) DEPOSIT OF COLLECTIONS.—

4 “(1) IN GENERAL.—Amounts received from fees
5 authorized by this section shall be deposited as an
6 offsetting collection in, and credited to, the account
7 through which funds are made available to carry out
8 the activities described in section 6(a).

9 “(2) DEPOSIT OF EXCESS COLLECTIONS.—Any
10 regulatory fees collected in excess of the total
11 amount of fees provided for in Appropriations Acts
12 for a fiscal year shall be deposited in the general
13 fund of the Treasury of the United States for the
14 sole purpose of deficit reduction.”.

15 (c) PROVISIONS APPLICABLE TO APPLICATION AND
16 REGULATORY FEES.—Title I of the Communications Act
17 of 1934 (47 U.S.C. 151 et seq.) is amended by inserting
18 after section 9 the following:

19 **“SEC. 9A. PROVISIONS APPLICABLE TO APPLICATION AND**
20 **REGULATORY FEES.**

21 “(a) JUDICIAL REVIEW PROHIBITED.—Any adjust-
22 ment or amendment to a schedule of fees under subsection
23 (b) or (c) of section 8 or subsection (c) or (d) of section
24 9 is not subject to judicial review.

1 “(b) NOTICE TO CONGRESS.—The Commission shall
2 transmit to Congress notification—

3 “(1) of any adjustment under section 8(b) or
4 9(c) immediately upon the adoption of such adjust-
5 ment; and

6 “(2) of any amendment under section 8(c) or
7 9(d) not later than 90 days before the effective date
8 of such amendment.

9 “(c) ENFORCEMENT.—

10 “(1) PENALTIES FOR LATE PAYMENT.—The
11 Commission shall by rule prescribe an additional
12 penalty for late payment of fees under section 8 or
13 9. Such additional penalty shall be 25 percent of the
14 amount of the fee that was not paid in a timely
15 manner.

16 “(2) INTEREST ON UNPAID FEES AND PEN-
17 ALTIES.—The Commission shall charge interest, at a
18 rate determined under section 3717 of title 31,
19 United States Code, on a fee under section 8 or 9
20 or an additional penalty under this subsection that
21 is not paid in a timely manner. Such section 3717
22 shall not otherwise apply with respect to such a fee
23 or penalty.

24 “(3) DISMISSAL OF APPLICATIONS OR FIL-
25 INGS.—The Commission may dismiss any applica-

1 tion or other filing for failure to pay in a timely
2 manner any fee under section 8 or 9 or any interest
3 or additional penalty under this subsection.

4 “(4) REVOCATIONS.—

5 “(A) IN GENERAL.—In addition to or in
6 lieu of the penalties and dismissals authorized
7 by this subsection, the Commission may revoke
8 any instrument of authorization held by any li-
9 censee that has not paid in a timely manner a
10 regulatory fee assessed under section 9 or any
11 related interest or penalty.

12 “(B) NOTICE.—Revocation action may be
13 taken by the Commission under this paragraph
14 after notice of the Commission’s intent to take
15 such action is sent to the licensee by registered
16 mail, return receipt requested, at the licensee’s
17 last known address. The notice shall provide the
18 licensee at least 30 days to either pay the fee,
19 interest, and any penalty or show cause why the
20 fee, interest, or penalty does not apply to the li-
21 censee or should otherwise be waived or pay-
22 ment deferred.

23 “(C) HEARING.—

24 “(i) GENERALLY NOT REQUIRED.—A
25 hearing is not required under this para-

1 graph unless the licensee’s response pre-
2 sents a substantial and material question
3 of fact.

4 “(ii) EVIDENCE AND BURDENS.—In
5 any case where a hearing is conducted
6 under this paragraph, the hearing shall be
7 based on written evidence only, and the
8 burden of proceeding with the introduction
9 of evidence and the burden of proof shall
10 be on the licensee.

11 “(iii) COSTS.—Unless the licensee
12 substantially prevails in the hearing, the
13 Commission may assess the licensee for the
14 costs of such hearing.

15 “(D) OPPORTUNITY TO PAY PRIOR TO
16 REVOCATION.—Any Commission order adopted
17 under this paragraph shall determine the
18 amount due, if any, and provide the licensee
19 with at least 30 days to pay that amount or
20 have its authorization revoked.

21 “(E) FINALITY.—No order of revocation
22 under this paragraph shall become final until
23 the licensee has exhausted its right to judicial
24 review of such order under section 402(b)(5).

1 “(d) WAIVER, REDUCTION, AND DEFERMENT.—The
2 Commission may waive, reduce, or defer payment of a fee
3 under section 8 or 9 or an interest charge or penalty under
4 this section in any specific instance for good cause shown,
5 where such action would promote the public interest.

6 “(e) PAYMENT RULES.—The Commission shall by
7 rule permit payment—

8 “(1) in the case of fees under section 8 or 9 in
9 large amounts, by installments; and

10 “(2) in the case of fees under section 8 or 9 in
11 small amounts, in advance for a number of years not
12 to exceed the term of the license held by the payor.

13 “(f) ACCOUNTING SYSTEM.—The Commission shall
14 develop accounting systems necessary to make the amend-
15 ments authorized by sections 8(c) and 9(d).”.

16 (d) TRANSITIONAL RULES.—

17 (1) APPLICATION FEES.—An application fee es-
18 tablished under section 8 of the Communications Act
19 of 1934, as such section is in effect on the day be-
20 fore the effective date described in section 103 of
21 this title, shall remain in effect under section 8 of
22 the Communications Act of 1934, as amended by
23 subsection (a) of this section, until such time as the
24 Commission adjusts or amends such fee under sub-
25 section (b) or (c) of such section 8, as so amended.

1 (2) REGULATORY FEES.—A regulatory fee es-
2 tablished under section 9 of the Communications Act
3 of 1934, as such section is in effect on the day be-
4 fore the effective date described in section 103 of
5 this title, shall remain in effect under section 9 of
6 the Communications Act of 1934, as amended by
7 subsection (b) of this section, until such time as the
8 Commission adjusts or amends such fee under sub-
9 section (c) or (d) of such section 9, as so amended.
10 (e) RULEMAKING TO AMEND SCHEDULE OF REGU-
11 LATORY FEES.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the effective date described in section 103 of this
14 title, the Commission shall complete a rulemaking
15 proceeding under subsection (d) of section 9 of the
16 Communications Act of 1934, as amended by sub-
17 section (b) of this section.

18 (2) REPORT TO CONGRESS.—If the Commission
19 has not completed the rulemaking proceeding re-
20 quired by paragraph (1) by the date that is 6
21 months after the effective date described in section
22 103 of this title, the Commission shall submit to
23 Congress a report on the progress of such rule-
24 making proceeding.

1 **SEC. 103. EFFECTIVE DATE.**

2 This title and the amendments made by this title
3 shall take effect on October 1, 2018.

4 **TITLE II—APPLICATION OF**
5 **ANTIDEFICIENCY ACT**

6 **SEC. 201. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**
7 **VERSAL SERVICE PROGRAM.**

8 Section 302 of Public Law 108–494 (118 Stat. 3998)
9 is amended by striking “December 31, 2018” each place
10 it appears and inserting “December 31, 2019”.

11 **TITLE III—SECURING ACCESS TO**
12 **NETWORKS IN DISASTERS**

13 **SEC. 301. STUDY ON NETWORK RESILIENCY.**

14 Not later than 36 months after the date of enactment
15 of this Act, the Commission shall submit to Congress, and
16 make publically available on the Commission’s website, a
17 study on the public safety benefits and technical feasibility
18 and cost of—

19 (1) making telecommunications service pro-
20 vider-owned WiFi access points, and other commu-
21 nications technologies operating on unlicensed spec-
22 trum, available to the general public for access to 9–
23 1–1 services, without requiring any login credentials,
24 during times of emergency when mobile service is
25 unavailable;

1 (2) the provision by non-telecommunications
2 service provider-owned WiFi access points of public
3 access to 9–1–1 services during times of emergency
4 when mobile service is unavailable; and

5 (3) other alternative means of providing the
6 public with access to 9–1–1 services during times of
7 emergency when mobile service is unavailable.

8 **SEC. 302. ACCESS TO ESSENTIAL SERVICE PROVIDERS DUR-**
9 **ING FEDERALLY DECLARED EMERGENCIES.**

10 Section 427(a) of the Robert T. Stafford Disaster Re-
11 lief and Emergency Assistance Act (42 U.S.C. 5189e(a))
12 is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (A), by striking “tele-
15 communications service” and inserting “wireline
16 or mobile telephone service, Internet access
17 service, radio or television broadcasting, cable
18 service, or direct broadcast satellite service”;

19 (B) in subparagraph (E), by striking the
20 semicolon and inserting “; or”;

21 (C) by redesignating subparagraphs (A)
22 through (E) as clauses (i) through (v), respec-
23 tively; and

24 (D) by adding at the end of the following:

25 “(B) is a tower owner or operator;” and

1 (2) by striking “(1) provides” and inserting
2 “(1)(A) provides”.

3 **SEC. 303. DEFINITIONS.**

4 As used in this title—

5 (1) the term “mobile service” means commer-
6 cial mobile service (as defined in section 332 of the
7 Communications Act of 1934 (47 U.S.C. 332)) or
8 commercial mobile data service (as defined in section
9 6001 of the Middle Class Tax Relief and Job Cre-
10 ation Act of 2012 (47 U.S.C. 1401));

11 (2) the term “WiFi access point” means wire-
12 less Internet access using the standard designated as
13 802.11 or any variant thereof; and

14 (3) the term “times of emergency” means ei-
15 ther an emergency as defined in section 102 of the
16 Robert T. Stafford Disaster Relief and Emergency
17 Assistance Act (42 U.S.C. 5122), or an emergency
18 as declared by the governor of a State or territory
19 of the United States.

20 **TITLE IV—FCC CONSOLIDATED**
21 **REPORTING**

22 **SEC. 401. COMMUNICATIONS MARKETPLACE REPORT.**

23 Title I of the Communications Act of 1934 (47
24 U.S.C. 151 et seq.) is amended by adding at the end the
25 following:

1 **“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.**

2 “(a) IN GENERAL.—In the last quarter of every even-
3 numbered year, the Commission shall publish on its
4 website and submit to the Committee on Energy and Com-
5 merce of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation of the Senate
7 a report on the state of the communications marketplace.

8 “(b) CONTENTS.—Each report required by sub-
9 section (a) shall—

10 “(1) assess the state of competition in the com-
11 munications marketplace, including competition to
12 deliver voice, video, audio, and data services among
13 providers of telecommunications, providers of com-
14 mercial mobile service (as defined in section 332),
15 multichannel video programming distributors (as de-
16 fined in section 602), broadcast stations, providers
17 of satellite communications, Internet service pro-
18 viders, and other providers of communications serv-
19 ices;

20 “(2) assess the state of deployment of commu-
21 nications capabilities, including advanced tele-
22 communications capability (as defined in section 706
23 of the Telecommunications Act of 1996 (47 U.S.C.
24 1302)), regardless of the technology used for such
25 deployment;

1 “(3) assess whether laws, regulations, regu-
2 latory practices (whether those of the Federal Gov-
3 ernment, States, political subdivisions of States, In-
4 dian tribes or tribal organizations (as such terms are
5 defined in section 4 of the Indian Self-Determination
6 and Education Assistance Act (25 U.S.C. 5304)), or
7 foreign governments), or demonstrated marketplace
8 practices pose a barrier to competitive entry into the
9 communications marketplace or to the competitive
10 expansion of existing providers of communications
11 services;

12 “(4) describe the agenda of the Commission for
13 the next 2-year period for addressing the challenges
14 and opportunities in the communications market-
15 place that were identified through the assessments
16 under paragraphs (1) through (3); and

17 “(5) describe the actions that the Commission
18 has taken in pursuit of the agenda described pursu-
19 ant to paragraph (4) in the previous report sub-
20 mitted under this section.

21 “(c) EXTENSION.—If the President designates a
22 Commissioner as Chairman of the Commission during the
23 last quarter of an even-numbered year, the portion of the
24 report required by subsection (b)(4) may be published on
25 the website of the Commission and submitted to the Com-

1 mittee on Energy and Commerce of the House of Rep-
2 resentatives and the Committee on Commerce, Science,
3 and Transportation of the Senate as an addendum during
4 the first quarter of the following odd-numbered year.

5 “(d) SPECIAL REQUIREMENTS.—

6 “(1) ASSESSING COMPETITION.—In assessing
7 the state of competition under subsection (b)(1), the
8 Commission shall consider all forms of competition,
9 including the effect of intermodal competition, facili-
10 ties-based competition, and competition from new
11 and emergent communications services, including the
12 provision of content and communications using the
13 Internet.

14 “(2) ASSESSING DEPLOYMENT.—In assessing
15 the state of deployment under subsection (b)(2), the
16 Commission shall compile a list of geographical
17 areas that are not served by any provider of ad-
18 vanced telecommunications capability.

19 “(3) CONSIDERING SMALL BUSINESSES.—In as-
20 sassing the state of competition under subsection
21 (b)(1) and regulatory barriers under subsection
22 (b)(3), the Commission shall consider market entry
23 barriers for entrepreneurs and other small busi-
24 nesses in the communications marketplace in accord-
25 ance with the national policy under section 257(b).”.

1 **SEC. 402. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
2 **FORMING AMENDMENTS.**

3 (a) ORBIT ACT REPORT.—Section 646 of the Com-
4 munications Satellite Act of 1962 (47 U.S.C. 765e; 114
5 Stat. 57) is repealed.

6 (b) SATELLITE COMPETITION REPORT.—Section 4 of
7 Public Law 109–34 (47 U.S.C. 703) is repealed.

8 (c) INTERNATIONAL BROADBAND DATA REPORT.—
9 Section 103(b)(1) of the Broadband Data Improvement
10 Act (47 U.S.C. 1303(b)(1)) is amended by striking “the
11 assessment and report” and all that follows through “Fed-
12 eral Communications Commission” and inserting “its re-
13 port under section 13 of the Communications Act of 1934,
14 the Federal Communications Commission”.

15 (d) STATUS OF COMPETITION IN THE MARKET FOR
16 THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Sec-
17 tion 628 of the Communications Act of 1934 (47 U.S.C.
18 548) is amended—

19 (1) by striking subsection (g);

20 (2) by redesignating subsection (j) as sub-
21 section (g); and

22 (3) by transferring subsection (g) (as redesign-
23 nated) so that it appears after subsection (f).

24 (e) REPORT ON CABLE INDUSTRY PRICES.—Section
25 623(k) of the Communications Act of 1934 (47 U.S.C.
26 543(k)) is amended—

1 (1) in paragraph (1), by striking “annually
2 publish” and inserting “publish with its report
3 under section 13”; and

4 (2) in the heading of paragraph (2), by striking
5 “ANNUAL”.

6 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
7 NATING MARKET ENTRY BARRIERS FOR ENTRE-
8 PRENEURS AND OTHER SMALL BUSINESSES.—Section
9 257 of the Communications Act of 1934 (47 U.S.C. 257)
10 is amended by striking subsection (c).

11 (g) STATE OF COMPETITIVE MARKET CONDITIONS
12 WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-
13 ICES.—Section 332(c)(1)(C) of the Communications Act
14 of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking
15 the first and second sentences.

16 (h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

17 (1) IN GENERAL.—Section 4 of the Commu-
18 nications Act of 1934 (47 U.S.C. 154) is amended—

19 (A) by striking subsection (k); and

20 (B) by redesignating subsections (l)
21 through (o) as subsections (k) through (n), re-
22 spectively.

23 (2) CONFORMING AMENDMENT.—Section
24 309(j)(8)(B) of the Communications Act of 1934

1 (47 U.S.C. 309(j)(8)(B)) is amended by striking the
2 last sentence.

3 (i) ADDITIONAL OUTDATED REPORTS.—The Com-
4 munications Act of 1934 is further amended—

5 (1) in section 4—

6 (A) in subsection (b)(2)(B)(ii), by striking
7 “and shall furnish notice of such action” and
8 all that follows through “subject of the waiver”;
9 and

10 (B) in subsection (g), by striking para-
11 graph (2);

12 (2) in section 215—

13 (A) by striking subsection (b); and

14 (B) by redesignating subsection (c) as sub-
15 section (b);

16 (3) in section 227(e), by striking paragraph (4);

17 (4) in section 309(j)—

18 (A) by striking paragraph (12); and

19 (B) in paragraph (15)(C), by striking
20 clause (iv);

21 (5) in section 331(b), by striking the last sen-
22 tence;

23 (6) in section 336(e), by amending paragraph
24 (4) to read as follows:

1 “(4) REPORT.—The Commission shall annually
2 advise the Congress on the amounts collected pursu-
3 ant to the program required by this subsection.”;
4 (7) in section 339(c), by striking paragraph (1);
5 (8) in section 396—
6 (A) by striking subsection (i);
7 (B) in subsection (k)—
8 (i) in paragraph (1), by striking sub-
9 paragraph (F); and
10 (ii) in paragraph (3)(B)(iii), by strik-
11 ing subclause (V);
12 (C) in subsection (l)(1)(B), by striking
13 “shall be included” and all that follows through
14 “The audit report”; and
15 (D) by striking subsection (m);
16 (9) in section 398(b)(4), by striking the third
17 sentence;
18 (10) in section 624A(b)(1)—
19 (A) by striking “REPORT; REGULATIONS”
20 and inserting “REGULATIONS”;
21 (B) by striking “Within 1 year after” and
22 all that follows through “on means of assuring”
23 and inserting “The Commission shall issue such
24 regulations as are necessary to assure”; and

1 (C) by striking “Within 180 days after”
2 and all that follows through “to assure such
3 compatibility.”; and
4 (11) in section 713, by striking subsection (a).

5 **SEC. 403. EFFECT ON AUTHORITY.**

6 Nothing in this title or the amendments made by this
7 title shall be construed to expand or contract the authority
8 of the Commission.

9 **SEC. 404. OTHER REPORTS.**

10 Nothing in this title or the amendments made by this
11 title shall be construed to prohibit or otherwise prevent
12 the Commission from producing any additional reports
13 otherwise within the authority of the Commission.

14 **TITLE V—ADDITIONAL**
15 **PROVISIONS**

16 **SEC. 501. INDEPENDENT INSPECTOR GENERAL FOR FCC.**

17 (a) AMENDMENTS.—The Inspector General Act of
18 1978 (5 U.S.C. App.) is amended—

19 (1) in section 8G(a)(2), by striking “the Fed-
20 eral Communications Commission,”; and

21 (2) in section 12—

22 (A) in paragraph (1), by inserting “, the
23 Federal Communications Commission,” after
24 “the Chairman of the Nuclear Regulatory Com-
25 mission”; and

1 (B) in paragraph (2), by inserting “the
2 Federal Communications Commission,” after
3 “the Environmental Protection Agency,”.

4 (b) **TRANSITION RULE.**—An individual serving as In-
5 spector General of the Commission on the date of the en-
6 actment of this Act pursuant to an appointment made
7 under section 8G of the Inspector General Act of 1978
8 (5 U.S.C. App.)—

9 (1) may continue so serving until the President
10 makes an appointment under section 3(a) of such
11 Act with respect to the Commission consistent with
12 the amendments made by subsection (a); and

13 (2) shall, while serving under paragraph (1), re-
14 main subject to the provisions of section 8G of such
15 Act which, immediately before the date of the enact-
16 ment of this Act, applied with respect to the Inspec-
17 tor General of the Commission and suffer no reduc-
18 tion in pay.

19 **SEC. 502. AUTHORITY OF CHIEF INFORMATION OFFICER.**

20 (a) **IN GENERAL.**—The Commission shall ensure that
21 the Chief Information Officer of the Commission has a
22 significant role in—

23 (1) the decision-making process for annual and
24 multi-year planning, programming, budgeting, and

1 execution decisions, related reporting requirements,
2 and reports related to information technology;

3 (2) the management, governance, and oversight
4 processes related to information technology; and

5 (3) the hiring of personnel with information
6 technology responsibilities.

7 (b) CIO APPROVAL.—The Chief Information Officer
8 of the Commission, in consultation with the Chief Finan-
9 cial Officer of the Commission and budget officials, shall
10 specify and approve the allocation of amounts appro-
11 priated to the Commission for information technology,
12 consistent with the provisions of appropriations Acts,
13 budget guidelines, and recommendations from the Direc-
14 tor of the Office of Management and Budget.

15 **SEC. 503. SPOOFING PREVENTION.**

16 (a) EXPANDING AND CLARIFYING PROHIBITION ON
17 MISLEADING OR INACCURATE CALLER IDENTIFICATION
18 INFORMATION.—

19 (1) COMMUNICATIONS FROM OUTSIDE THE
20 UNITED STATES.—Section 227(e)(1) of the Commu-
21 nications Act of 1934 (47 U.S.C. 227(e)(1)) is
22 amended by striking “in connection with any tele-
23 communications service or IP-enabled voice service”
24 and inserting “or any person outside the United
25 States if the recipient is within the United States,

1 in connection with any voice service or text mes-
2 saging service”.

3 (2) COVERAGE OF TEXT MESSAGES AND VOICE
4 SERVICES.—Section 227(e)(8) of the Communica-
5 tions Act of 1934 (47 U.S.C. 227(e)(8)) is amend-
6 ed—

7 (A) in subparagraph (A), by striking “tele-
8 communications service or IP-enabled voice
9 service” and inserting “voice service or a text
10 message sent using a text messaging service”;

11 (B) in the first sentence of subparagraph
12 (B), by striking “telecommunications service or
13 IP-enabled voice service” and inserting “voice
14 service or a text message sent using a text mes-
15 saging service”; and

16 (C) by striking subparagraph (C) and in-
17 serting the following:

18 “(C) TEXT MESSAGE.—The term ‘text
19 message’—

20 “(i) means a message consisting of
21 text, images, sounds, or other information
22 that is transmitted to or from a device that
23 is identified as the receiving or transmit-
24 ting device by means of a 10-digit tele-
25 phone number or N11 service code;

1 “(ii) includes a short message service
2 (commonly referred to as ‘SMS’) message
3 and a multimedia message service (com-
4 monly referred to as ‘MMS’) message; and

5 “(iii) does not include—

6 “(I) a real-time, two-way voice or
7 video communication; or

8 “(II) a message sent over an IP-
9 enabled messaging service to another
10 user of the same messaging service,
11 except a message described in clause
12 (ii).

13 “(D) TEXT MESSAGING SERVICE.—The
14 term ‘text messaging service’ means a service
15 that enables the transmission or receipt of a
16 text message, including a service provided as
17 part of or in connection with a voice service.

18 “(E) VOICE SERVICE.—The term ‘voice
19 service’—

20 “(i) means any service that is inter-
21 connected with the public switched tele-
22 phone network and that furnishes voice
23 communications to an end user using re-
24 sources from the North American Num-
25 bering Plan or any successor to the North

1 American Numbering Plan adopted by the
2 Commission under section 251(e)(1); and

3 “(ii) includes transmissions from a
4 telephone facsimile machine, computer, or
5 other device to a telephone facsimile ma-
6 chine.”.

7 (3) TECHNICAL AMENDMENT.—Section 227(e)
8 of the Communications Act of 1934 (47 U.S.C.
9 227(e)) is amended in the heading by inserting
10 “MISLEADING OR” before “INACCURATE”.

11 (4) REGULATIONS.—

12 (A) IN GENERAL.—Section 227(e)(3)(A) of
13 the Communications Act of 1934 (47 U.S.C.
14 227(e)(3)(A)) is amended by striking “Not
15 later than 6 months after the date of enactment
16 of the Truth in Caller ID Act of 2009, the
17 Commission” and inserting “The Commission”.

18 (B) DEADLINE.—The Commission shall
19 prescribe regulations to implement the amend-
20 ments made by this subsection not later than
21 18 months after the date of enactment of this
22 Act.

23 (5) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect on the date that

1 is 6 months after the date on which the Commission
2 prescribes regulations under paragraph (4).

3 (b) CONSUMER EDUCATION MATERIALS ON HOW TO
4 AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-
5 CURATE CALLER IDENTIFICATION INFORMATION.—

6 (1) DEVELOPMENT OF MATERIALS.—Not later
7 than 1 year after the date of enactment of this Act,
8 the Commission, in coordination with the Federal
9 Trade Commission, shall develop consumer edu-
10 cation materials that provide information about—

11 (A) ways for consumers to identify scams
12 and other fraudulent activity that rely upon the
13 use of misleading or inaccurate caller identifica-
14 tion information; and

15 (B) existing technologies, if any, that a
16 consumer can use to protect against such scams
17 and other fraudulent activity.

18 (2) CONTENTS.—In developing the consumer
19 education materials under paragraph (1), the Com-
20 mission shall—

21 (A) identify existing technologies, if any,
22 that can help consumers guard themselves
23 against scams and other fraudulent activity
24 that rely upon the use of misleading or inac-

1 curate caller identification information, includ-
2 ing—

3 (i) descriptions of how a consumer
4 can use the technologies to protect against
5 such scams and other fraudulent activity;
6 and

7 (ii) details on how consumers can ac-
8 cess and use the technologies; and

9 (B) provide other information that may
10 help consumers identify and avoid scams and
11 other fraudulent activity that rely upon the use
12 of misleading or inaccurate caller identification
13 information.

14 (3) UPDATES.—The Commission shall ensure
15 that the consumer education materials required
16 under paragraph (1) are updated on a regular basis.

17 (4) WEBSITE.—The Commission shall include
18 the consumer education materials developed under
19 paragraph (1) on its website.

20 (c) GAO REPORT ON COMBATING THE FRAUDULENT
21 PROVISION OF MISLEADING OR INACCURATE CALLER
22 IDENTIFICATION INFORMATION.—

23 (1) IN GENERAL.—The Comptroller General of
24 the United States shall conduct a study of the ac-
25 tions the Commission and the Federal Trade Com-

1 mission have taken to combat the fraudulent provi-
2 sion of misleading or inaccurate caller identification
3 information, and the additional measures that could
4 be taken to combat such activity.

5 (2) REQUIRED CONSIDERATIONS.—In con-
6 ducting the study under paragraph (1), the Comp-
7 troller General shall examine—

8 (A) trends in the types of scams that rely
9 on misleading or inaccurate caller identification
10 information;

11 (B) previous and current enforcement ac-
12 tions by the Commission and the Federal Trade
13 Commission to combat the practices prohibited
14 by section 227(e)(1) of the Communications Act
15 of 1934 (47 U.S.C. 227(e)(1));

16 (C) current efforts by industry groups and
17 other entities to develop technical standards to
18 deter or prevent the fraudulent provision of
19 misleading or inaccurate caller identification in-
20 formation, and how such standards may help
21 combat the current and future provision of mis-
22 leading or inaccurate caller identification infor-
23 mation; and

24 (D) whether there are additional actions
25 the Commission, the Federal Trade Commis-

1 sion, and Congress should take to combat the
2 fraudulent provision of misleading or inaccurate
3 caller identification information.

4 (3) REPORT.—Not later than 18 months after
5 the date of enactment of this Act, the Comptroller
6 General shall submit to the Committee on Energy
7 and Commerce of the House of Representatives and
8 the Committee on Commerce, Science, and Trans-
9 portation of the Senate a report on the findings of
10 the study under paragraph (1), including any rec-
11 ommendations regarding combating the fraudulent
12 provision of misleading or inaccurate caller identi-
13 fication information.

14 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion, or the amendments made by this section, shall be
16 construed to modify, limit, or otherwise affect any rule or
17 order adopted by the Commission in connection with—

18 (1) the Telephone Consumer Protection Act of
19 1991 (Public Law 102–243; 105 Stat. 2394) or the
20 amendments made by that Act; or

21 (2) the CAN–SPAM Act of 2003 (15 U.S.C.
22 7701 et seq.).

1 **SEC. 504. REPORT ON PROMOTING BROADBAND INTERNET**
2 **ACCESS SERVICE FOR VETERANS.**

3 (a) VETERAN DEFINED.—In this section, the term
4 “veteran” has the meaning given the term in section 101
5 of title 38, United States Code.

6 (b) REPORT REQUIRED.—Not later than 1 year after
7 the date of the enactment of this Act, the Commission
8 shall submit to Congress a report on promoting broadband
9 Internet access service for veterans, in particular low-in-
10 come veterans and veterans residing in rural areas. In
11 such report, the Commission shall—

12 (1) examine such access and how to promote
13 such access; and

14 (2) provide findings and recommendations for
15 Congress with respect to such access and how to
16 promote such access.

17 (c) PUBLIC NOTICE AND OPPORTUNITY TO COM-
18 MENT.—In preparing the report required by subsection
19 (b), the Commission shall provide the public with notice
20 and an opportunity to comment on broadband Internet ac-
21 cess service for veterans, in particular low-income veterans
22 and veterans residing in rural areas, and how to promote
23 such access.

24 **SEC. 505. METHODOLOGY FOR COLLECTION OF MOBILE**
25 **SERVICE COVERAGE DATA.**

26 (a) DEFINITIONS.—In this section—

1 (1) the term “commercial mobile data service”
2 has the meaning given the term in section 6001 of
3 the Middle Class Tax Relief and Job Creation Act
4 of 2012 (47 U.S.C. 1401);

5 (2) the term “commercial mobile service” has
6 the meaning given the term in section 332(d) of the
7 Communications Act of 1934 (47 U.S.C. 332(d));

8 (3) the term “coverage data” means, if com-
9 mercial mobile service or commercial mobile data
10 service is available, general information about the
11 service, which may include available speed tiers,
12 radio frequency signal levels, and network and per-
13 formance characteristics; and

14 (4) the term “Universal Service program”
15 means the universal service support mechanisms es-
16 tablished under section 254 of the Communications
17 Act of 1934 (47 U.S.C. 254) and the regulations
18 issued under that section.

19 (b) **METHODOLOGY ESTABLISHED.**—Not later than
20 180 days after the conclusion of the Mobility Fund Phase
21 II Auction, the Commission shall promulgate regulations
22 to establish a methodology that shall apply to the collec-
23 tion of coverage data by the Commission for the purposes
24 of—

25 (1) the Universal Service program; or

1 (2) any other similar program.

2 (c) REQUIREMENTS.—The methodology established
3 under subsection (b) shall—

4 (1) contain standard definitions for different
5 available technologies such as 2G, 3G, 4G, and 4G
6 LTE;

7 (2) enhance the consistency and robustness of
8 how the data are collected by different parties;

9 (3) improve the validity and reliability of cov-
10 erage data; and

11 (4) increase the efficiency of coverage data col-
12 lection.

13 **SEC. 506. ACCURACY OF DISPATCHABLE LOCATION FOR 9-**
14 **1-1 CALLS.**

15 (a) PROCEEDING REQUIRED.—Not later than 18
16 months after the date of the enactment of this Act, the
17 Commission shall conclude a proceeding to consider adopt-
18 ing rules to ensure that the dispatchable location is con-
19 veyed with a 9–1–1 call, regardless of the technological
20 platform used and including with calls from multi-line
21 telephone systems (as defined in section 6502 of the Mid-
22 dle Class Tax Relief and Job Creation Act of 2012 (47
23 U.S.C. 1471)).

24 (b) RELATIONSHIP TO OTHER PROCEEDINGS.—In
25 conducting the proceeding required by subsection (a), the

1 Commission may consider information and conclusions
2 from other Commission proceedings regarding the accu-
3 racy of the dispatchable location for a 9–1–1 call, but
4 nothing in this section shall be construed to require the
5 Commission to reconsider any information or conclusion
6 from a proceeding regarding the accuracy of the
7 dispatchable location for a 9–1–1 call in which the Com-
8 mission has adopted rules or issued an order before the
9 date of the enactment of this Act.

10 (c) DEFINITIONS.—In this section:

11 (1) 9–1–1 CALL.—The term “9–1–1 call”
12 means a voice call that is placed, or a message that
13 is sent by other means of communication, to a public
14 safety answering point (as defined in section 222 of
15 the Communications Act of 1934 (47 U.S.C. 222))
16 for the purpose of requesting emergency services.

17 (2) DISPATCHABLE LOCATION.—The term
18 “dispatchable location” means the street address of
19 the calling party, and additional information such as
20 room number, floor number, or similar information
21 necessary to adequately identify the location of the
22 calling party.

1 **SEC. 507. NTIA STUDY ON INTERAGENCY PROCESS FOL-**
2 **LOWING CYBERSECURITY INCIDENTS.**

3 (a) IN GENERAL.—The Assistant Secretary of Com-
4 merce for Communications and Information shall complete
5 a study on how the National Telecommunications and In-
6 formation Administration can best coordinate the inter-
7 agency process following cybersecurity incidents.

8 (b) REPORT TO CONGRESS.—Not later than 18
9 months after the date of the enactment of this Act, the
10 Assistant Secretary shall submit to the Committee on En-
11 ergy and Commerce of the House of Representatives and
12 the Committee on Commerce, Science, and Transportation
13 of the Senate a report detailing the findings and rec-
14 ommendations of the study conducted under subsection
15 (a).

16 **SEC. 508. TRIBAL DIGITAL ACCESS.**

17 (a) TRIBAL BROADBAND DATA REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of the enactment of this Act, the Commis-
20 sion shall submit to the Committee on Energy and
21 Commerce of the House of Representatives and the
22 Committee on Commerce, Science, and Transpor-
23 tation of the Senate a report evaluating broadband
24 coverage in Indian country (as defined in section
25 1151 of title 18, United States Code) and on land

1 held by a Native Corporation pursuant to the Alaska
2 Native Claims Settlement Act.

3 (2) REQUIRED ASSESSMENTS.—The report re-
4 quired by paragraph (1) shall include the following:

5 (A) An assessment of areas of Indian
6 country (as so defined) and land held by a Na-
7 tive Corporation pursuant to the Alaska Native
8 Claims Settlement Act that have adequate
9 broadband coverage.

10 (B) An assessment of unserved areas of
11 Indian country (as so defined) and land held by
12 a Native Corporation pursuant to the Alaska
13 Native Claims Settlement Act.

14 (b) TRIBAL BROADBAND PROCEEDING.—Not later
15 than 30 months after the date of the enactment of this
16 Act, the Commission shall complete a proceed-
17 ing to address the unserved areas identified in the report under
18 subsection (a).

19 **SEC. 509. TERMS OF OFFICE AND VACANCIES.**

20 Section 4(c) of the Communications Act of 1934 (47
21 U.S.C. 154(c)) is amended to read as follows:

22 “(c)(1) A commissioner—

23 “(A) shall be appointed for a term of 5 years;

24 “(B) except as provided in subparagraph (C),

25 may continue to serve after the expiration of the

1 fixed term of office of the commissioner until a suc-
2 cessor is appointed and has been confirmed and
3 taken the oath of office; and

4 “(C) may not continue to serve after the expira-
5 tion of the session of Congress that begins after the
6 expiration of the fixed term of office of the commis-
7 sioner.

8 “(2) Any person chosen to fill a vacancy in the Com-
9 mission—

10 “(A) shall be appointed for the unexpired term
11 of the commissioner that the person succeeds;

12 “(B) except as provided in subparagraph (C),
13 may continue to serve after the expiration of the
14 fixed term of office of the commissioner that the
15 person succeeds until a successor is appointed and
16 has been confirmed and taken the oath of office; and

17 “(C) may not continue to serve after the expira-
18 tion of the session of Congress that begins after the
19 expiration of the fixed term of office of the commis-
20 sioner that the person succeeds.

21 “(3) No vacancy in the Commission shall impair the
22 right of the remaining commissioners to exercise all the
23 powers of the Commission.”

1 **SEC. 510. JOINT BOARD RECOMMENDATION.**

2 The Commission may not modify, amend, or change
3 its rules or regulations for universal service support pay-
4 ments to implement the February 27, 2004, recommenda-
5 tions of the Federal-State Joint Board on Universal Serv-
6 ice regarding single connection or primary line restrictions
7 on universal service support payments.

8 **SEC. 511. DISCLAIMER FOR PRESS RELEASES REGARDING**
9 **NOTICES OF APPARENT LIABILITY.**

10 The Commission shall include in any press release re-
11 garding the issuance of a notice of apparent liability under
12 section 503(b)(4) of the Communications Act of 1934 (47
13 U.S.C. 503(b)(4)) a disclaimer informing consumers
14 that—

15 (1) the issuance of a notice of apparent liability
16 should be treated only as allegations; and

17 (2) the amount of any forfeiture penalty pro-
18 posed in a notice of apparent liability represents the
19 maximum penalty that the Commission may impose
20 for the violations alleged in the notice of apparent
21 liability.

22 **SEC. 512. REPORTS RELATED TO SPECTRUM AUCTIONS.**

23 (a) ESTIMATE OF UPCOMING AUCTIONS.—Section
24 309(j) of the Communications Act of 1934 (47 U.S.C.
25 309(j)) is amended by adding at the end the following:

26 “(18) ESTIMATE OF UPCOMING AUCTIONS.—

1 “(A) Not later than September 30, 2018,
2 and annually thereafter, the Commission shall
3 make publicly available an estimate of what sys-
4 tems of competitive bidding authorized under
5 this subsection may be initiated during the up-
6 coming 12-month period.

7 “(B) The estimate under subparagraph
8 (A) shall, to the extent possible, identify the
9 bands of frequencies the Commission expects to
10 be included in each such system of competitive
11 bidding.”.

12 (b) AUCTION EXPENDITURE JUSTIFICATION RE-
13 PORT.—Not later than April 1, 2019, and annually there-
14 after, the Commission shall provide to the appropriate
15 committees of Congress a report containing a detailed jus-
16 tification for the use of proceeds retained by the Commis-
17 sion under section 309(j)(8)(B) of the Communications
18 Act of 1934 (47 U.S.C. 309(j)(8)(B)) for the costs of de-
19 veloping and implementing the program required by sec-
20 tion 309(j) of that Act.

21 (c) DEFINITION.—For purposes of this section, the
22 term “appropriate committees of Congress” means—

23 (1) the Committee on Commerce, Science, and
24 Transportation of the Senate;

1 (2) the Committee on Appropriations of the
2 Senate;

3 (3) the Committee on Energy and Commerce of
4 the House of Representatives; and

5 (4) the Committee on Appropriations of the
6 House of Representatives.

7 **TITLE VI—MOBILE NOW**

8 **SEC. 601. SHORT TITLE.**

9 This title may be cited as the “Making Opportunities
10 for Broadband Investment and Limiting Excessive and
11 Needless Obstacles to Wireless Act” or the “MOBILE
12 NOW Act”.

13 **SEC. 602. DEFINITIONS.**

14 In this title:

15 (1) **APPROPRIATE COMMITTEES OF CON-**
16 **GRESS.**—The term “appropriate committees of Con-
17 gress” means—

18 (A) the Committee on Commerce, Science,
19 and Transportation of the Senate;

20 (B) the Committee on Energy and Com-
21 merce of the House of Representatives; and

22 (C) each committee of the Senate or of the
23 House of Representatives with jurisdiction over
24 a Federal entity affected by the applicable sec-
25 tion in which the term appears.

1 (2) COMMISSION.—The term “Commission”
2 means the Federal Communications Commission.

3 (3) FEDERAL ENTITY.—The term “Federal en-
4 tity” has the meaning given the term in section
5 113(l) of the National Telecommunications and In-
6 formation Administration Organization Act (47
7 U.S.C. 923(l)).

8 (4) NTIA.—The term “NTIA” means the Na-
9 tional Telecommunications and Information Admin-
10 istration of the Department of Commerce.

11 (5) OMB.—The term “OMB” means the Office
12 of Management and Budget.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of Commerce.

15 **SEC. 603. IDENTIFYING 255 MEGAHERTZ.**

16 (a) REQUIREMENTS.—

17 (1) IN GENERAL.—Not later than December 31,
18 2022, the Secretary, working through the NTIA,
19 and the Commission shall identify a total of at least
20 255 megahertz of Federal and non-Federal spectrum
21 for mobile and fixed wireless broadband use.

22 (2) UNLICENSED AND LICENSED USE.—Of the
23 spectrum identified under paragraph (1), not less
24 than—

1 (A) 100 megahertz below the frequency of
2 8000 megahertz shall be identified for use on
3 an unlicensed basis;

4 (B) 100 megahertz below the frequency of
5 6000 megahertz shall be identified for use on
6 an exclusive, licensed basis for commercial mo-
7 bile use, pursuant to the Commission’s author-
8 ity to implement such licensing in a flexible
9 manner, and subject to potential continued use
10 of such spectrum by incumbent Federal entities
11 in designated geographic areas indefinitely or
12 for such length of time stipulated in transition
13 plans approved by the Technical Panel under
14 section 113(h) of the National Telecommuni-
15 cations and Information Administration Organi-
16 zation Act (47 U.S.C. 923(h)) for those incum-
17 bent entities to be relocated to alternate spec-
18 trum; and

19 (C) 55 megahertz below the frequency of
20 8000 megahertz shall be identified for use on
21 either a licensed or unlicensed basis, or a com-
22 bination of licensed and unlicensed.

23 (3) NON-ELIGIBLE SPECTRUM.—For purposes
24 of satisfying the requirement under paragraph (1),
25 the following spectrum shall not be counted:

1 (A) The frequencies between 1695 and
2 1710 megahertz.

3 (B) The frequencies between 1755 and
4 1780 megahertz.

5 (C) The frequencies between 2155 and
6 2180 megahertz.

7 (D) The frequencies between 3550 and
8 3700 megahertz.

9 (E) Spectrum that the Commission deter-
10 mines had more than de minimis mobile or
11 fixed wireless broadband operations within the
12 band on the day before the date of enactment
13 of this Act.

14 (4) TREATMENT OF CERTAIN OTHER SPEC-
15 TRUM.—Spectrum identified pursuant to this section
16 may include eligible spectrum, if any, identified after
17 the date of enactment of this Act pursuant to title
18 X of the Bipartisan Budget Act of 2015 (Public
19 Law 114–74).

20 (5) SPECTRUM MADE AVAILABLE ON AND
21 AFTER FEBRUARY 11, 2016.—Any spectrum that
22 has been made available for licensed or unlicensed
23 use on and after February 11, 2016, and that other-
24 wise satisfies the requirements of this section may

1 be counted towards the requirements of this sub-
2 section.

3 (6) RELOCATION PRIORITIZED OVER SHAR-
4 ING.—This section shall be carried out in accordance
5 with section 113(j) of the National Telecommuni-
6 cations and Information Administration Organiza-
7 tion Act (47 U.S.C. 923(j)).

8 (7) CONSIDERATIONS.—In identifying spectrum
9 for use under this section, the Secretary, working
10 through the NTIA, and Commission shall consider—

11 (A) the need to preserve critical existing
12 and planned Federal Government capabilities;

13 (B) the impact on existing State, local, and
14 tribal government capabilities;

15 (C) the international implications;

16 (D) the need for appropriate enforcement
17 mechanisms and authorities; and

18 (E) the importance of the deployment of
19 wireless broadband services in rural areas of the
20 United States.

21 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed—

23 (1) to impair or otherwise affect the functions
24 of the Director of OMB relating to budgetary, ad-
25 ministrative, or legislative proposals;

1 (2) to require the disclosure of classified infor-
2 mation, law enforcement sensitive information, or
3 other information that must be protected in the in-
4 terest of national security; or

5 (3) to affect any requirement under section 156
6 of the National Telecommunications and Informa-
7 tion Administration Organization Act (47 U.S.C.
8 921 note), as added by section 1062(a) of the Na-
9 tional Defense Authorization Act for Fiscal Year
10 2000, or any other relevant statutory requirement
11 applicable to the reallocation of Federal spectrum.

12 **SEC. 604. MILLIMETER WAVE SPECTRUM.**

13 (a) FCC PROCEEDING.—Not later than 2 years after
14 the date of enactment of this Act, the Commission shall
15 publish a notice of proposed rulemaking to consider service
16 rules to authorize mobile or fixed terrestrial wireless oper-
17 ations, including for advanced mobile service operations,
18 in the radio frequency band between 42000 and 42500
19 megahertz.

20 (b) CONSIDERATIONS.—In conducting a rulemaking
21 under subsection (a), the Commission shall—

22 (1) consider how the band described in sub-
23 section (a) may be used to provide commercial wire-
24 less broadband service, including whether—

1 (A) such spectrum may be best used for li-
2 censed or unlicensed services, or some combina-
3 tion thereof; and

4 (B) to permit additional licensed oper-
5 ations in such band on a shared basis; and

6 (2) include technical characteristics under
7 which the band described in subsection (a) may be
8 employed for mobile or fixed terrestrial wireless op-
9 erations, including any appropriate coexistence re-
10 quirements.

11 (c) SPECTRUM MADE AVAILABLE ON AND AFTER
12 FEBRUARY 11, 2016.—Any spectrum that has been made
13 available for licensed or unlicensed use on or after Feb-
14 ruary 11, 2016, and that otherwise satisfies the require-
15 ments of section 603 of this title may be counted towards
16 the requirements of section 603(a) of this title.

17 **SEC. 605. 3 GIGAHERTZ SPECTRUM.**

18 (a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGA-
19 HERTZ.—Not later than 24 months after the date of en-
20 actment of this Act, and in consultation with the Commis-
21 sion and the head of each affected Federal agency (or a
22 designee thereof), the Secretary, working through the
23 NTIA, shall submit to the Commission and the appro-
24 priate committees of Congress a report evaluating the fea-
25 sibility of allowing commercial wireless services, licensed

1 or unlicensed, to share use of the frequencies between
2 3100 megahertz and 3550 megahertz.

3 (b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-
4 HERTZ.—Not later than 18 months after the date of en-
5 actment of this Act, after notice and an opportunity for
6 public comment, and in consultation with the Secretary,
7 working through the NTIA, and the head of each affected
8 Federal agency (or a designee thereof), the Commission
9 shall submit to the Secretary and the appropriate commit-
10 tees of Congress a report evaluating the feasibility of al-
11 lowing commercial wireless services, licensed or unli-
12 censed, to use or share use of the frequencies between
13 3700 megahertz and 4200 megahertz.

14 (c) REQUIREMENTS.—A report under subsection (a)
15 or (b) shall include the following:

16 (1) An assessment of the operations of Federal
17 entities that operate Federal Government stations
18 authorized to use the frequencies described in that
19 subsection.

20 (2) An assessment of the possible impacts of
21 such sharing on Federal and non-Federal users al-
22 ready operating on the frequencies described in that
23 subsection.

24 (3) The criteria that may be necessary to en-
25 sure shared licensed or unlicensed services would not

1 son, firm, or organization applies for the grant of an
2 easement, right-of-way, or lease to, in, over, or on a
3 building or other property owned by the Federal
4 Government for the right to install, construct, mod-
5 ify, or maintain a communications facility installa-
6 tion, the executive agency having control of the
7 building or other property may grant to the appli-
8 cant, on behalf of the Federal Government, subject
9 to paragraph (3), an easement, right-of-way, or lease
10 to perform such installation, construction, modifica-
11 tion, or maintenance.

12 “(2) APPLICATION.—

13 “(A) IN GENERAL.—The Administrator of
14 General Services shall develop a common form
15 for applications for easements, rights-of-way,
16 and leases under paragraph (1) for all executive
17 agencies that, except as provided in subpara-
18 graph (B), shall be used by all executive agen-
19 cies and applicants with respect to the buildings
20 or other property of each such agency.

21 “(B) EXCEPTION.—The requirement under
22 subparagraph (A) for an executive agency to
23 use the common form developed by the Admin-
24 istrator of General Services shall not apply to
25 an executive agency if the head of an executive

1 agency notifies the Administrator that the execu-
2 tive agency uses a substantially similar appli-
3 cation.

4 “(3) TIMELY CONSIDERATION OF APPLICA-
5 TIONS.—

6 “(A) IN GENERAL.—Not later than 270
7 days after the date on which an executive agen-
8 cy receives a duly filed application for an ease-
9 ment, right-of-way, or lease under this sub-
10 section, the executive agency shall—

11 “(i) grant or deny, on behalf of the
12 Federal Government, the application; and

13 “(ii) notify the applicant of the grant
14 or denial.

15 “(B) EXPLANATION OF DENIAL.—If an ex-
16 ecutive agency denies an application under sub-
17 paragraph (A), the executive agency shall notify
18 the applicant in writing, including a clear state-
19 ment of the reasons for the denial.

20 “(C) APPLICABILITY OF ENVIRONMENTAL
21 LAWS.—Nothing in this paragraph shall be con-
22 strued to relieve an executive agency of the re-
23 quirements of division A of subtitle III of title
24 54, United States Code, or the National Envi-

1 ronmental Policy Act of 1969 (42 U.S.C. 4321
2 et seq.).

3 “(D) POINT OF CONTACT.—Upon receiving
4 an application under subparagraph (A), an ex-
5 ecutive agency shall designate one or more ap-
6 propriate individuals within the executive agen-
7 cy to act as a point of contact with the appli-
8 cant.

9 “(c) MASTER CONTRACTS FOR COMMUNICATIONS
10 FACILITY INSTALLATION SITINGS.—

11 “(1) IN GENERAL.—Notwithstanding section
12 704 of the Telecommunications Act of 1996 (Public
13 Law 104–104; 110 Stat. 151) or any other provision
14 of law, the Administrator of General Services shall—

15 “(A) develop one or more master contracts
16 that shall govern the placement of communica-
17 tions facility installations on buildings and
18 other property owned by the Federal Govern-
19 ment; and

20 “(B) in developing the master contract or
21 contracts, standardize the treatment of the
22 placement of communications facility installa-
23 tions on building rooftops or facades, the place-
24 ment of communications facility installations on
25 rooftops or inside buildings, the technology used

1900

1 in connection with communications facility in-
2 stallations placed on Federal buildings and
3 other property, and any other key issues the
4 Administrator of General Services considers ap-
5 propriate.

6 “(2) APPLICABILITY.—The master contract or
7 contracts developed by the Administrator of General
8 Services under paragraph (1) shall apply to all pub-
9 licly accessible buildings and other property owned
10 by the Federal Government, unless the Adminis-
11 trator of General Services decides that issues with
12 respect to the siting of a communications facility in-
13 stallation on a specific building or other property
14 warrant nonstandard treatment of such building or
15 other property.

16 “(3) APPLICATION.—

17 “(A) IN GENERAL.—The Administrator of
18 General Services shall develop a common form
19 or set of forms for communications facility in-
20 stallation siting applications that, except as pro-
21 vided in subparagraph (B), shall be used by all
22 executive agencies and applicants with respect
23 to the buildings and other property of each such
24 agency.

1 “(B) EXCEPTION.—The requirement under
2 subparagraph (A) for an executive agency to
3 use the common form or set of forms developed
4 by the Administrator of General Services shall
5 not apply to an executive agency if the head of
6 the executive agency notifies the Administrator
7 that the executive agency uses a substantially
8 similar application.

9 “(d) DEFINITIONS.—In this section:

10 “(1) COMMUNICATIONS FACILITY INSTALLA-
11 TION.—The term ‘communications facility installa-
12 tion’ includes—

13 “(A) any infrastructure, including any
14 transmitting device, tower, or support structure,
15 and any equipment, switches, wiring, cabling,
16 power sources, shelters, or cabinets, associated
17 with the licensed or permitted unlicensed wire-
18 less or wireline transmission of writings, signs,
19 signals, data, images, pictures, and sounds of
20 all kinds; and

21 “(B) any antenna or apparatus that—

22 “(i) is designed for the purpose of
23 emitting radio frequency;

24 “(ii) is designed to be operated, or is
25 operating, from a fixed location pursuant

1 to authorization by the Federal Commu-
2 nications Commission or is using duly au-
3 thorized devices that do not require indi-
4 vidual licenses; and

5 “(iii) is added to a tower, building, or
6 other structure.

7 “(2) EXECUTIVE AGENCY.—The term ‘executive
8 agency’ has the meaning given such term in section
9 102 of title 40, United States Code.”.

10 (b) SAVINGS PROVISION.—An application for an
11 easement, right-of-way, or lease that was made or granted
12 under section 6409 of the Middle Class Tax Relief and
13 Job Creation Act of 2012 (47 U.S.C. 1455) before the
14 date of enactment of this Act shall continue, subject to
15 that section as in effect on the day before such date of
16 enactment.

17 (c) STREAMLINING BROADBAND FACILITY APPLICA-
18 TIONS.—

19 (1) DEFINITION OF COMMUNICATIONS FACILITY
20 INSTALLATION.—In this subsection, the term “com-
21 munications facility installation” has the meaning
22 given the term in section 6409(d) of the Middle
23 Class Tax Relief and Job Creation Act of 2012 (47
24 U.S.C. 1455(d)), as amended by subsection (a).

25 (2) RECOMMENDATIONS.—

1 (A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this Act, the
3 NTIA, in coordination with the Department of
4 the Interior, the Department of Agriculture, the
5 Department of Defense, the Department of
6 Transportation, OMB, and the General Services
7 Administration, shall develop recommendations
8 to streamline the process for considering appli-
9 cations by those agencies under section 6409(b)
10 of the Middle Class Tax Relief and Job Cre-
11 ation Act of 2012 (47 U.S.C. 1455(b)), as
12 amended by subsection (a).

13 (B) REQUIREMENTS FOR RECOMMENDA-
14 TIONS.—The recommendations developed under
15 subparagraph (A) shall include—

16 (i) procedures for the tracking of ap-
17 plications described in subparagraph (A);

18 (ii) methods by which to reduce the
19 amount of time between the receipt of an
20 application and the issuance of a final de-
21 cision on an application;

22 (iii) policies to expedite renewals of an
23 easement, license, or other authorization to
24 locate communications facility installations

1 on land managed by the agencies described
2 in subparagraph (A); and

3 (iv) policies that would prioritize or
4 streamline a permit for construction in a
5 previously-disturbed right-of-way.

6 (C) REPORT TO CONGRESS.—Not later
7 than 2 years after the date on which the rec-
8 ommendations required under subparagraph
9 (A) are developed, the NTIA shall submit to the
10 Committee on Commerce, Science, and Trans-
11 portation of the Senate, the Committee on
12 Homeland Security and Governmental Affairs
13 of the Senate, the Committee on Energy and
14 Commerce of the House of Representatives, the
15 Committee on Transportation and Infrastruc-
16 ture of the House of Representatives, and the
17 Committee on Oversight and Government Re-
18 form of the House of Representatives a report
19 that describes—

20 (i) the status of the implementation of
21 the recommendations developed under sub-
22 paragraph (A); and

23 (ii) any improvements to the process
24 for considering applications described in
25 subparagraph (A) that have resulted from

1 those recommendations, including in par-
2 ticular the speed at which such applica-
3 tions are reviewed and a final determina-
4 tion is issued.

5 (d) ADDITIONAL SAVINGS PROVISIONS.—

6 (1) REAL PROPERTY AUTHORITIES.—Nothing
7 in this section, or the amendments made by this sec-
8 tion, shall be construed as providing any executive
9 agency with any new leasing or other real property
10 authorities not existing prior to the date of enact-
11 ment of this Act.

12 (2) EFFECT ON OTHER LAWS.—Nothing in this
13 section, or the amendments made by this section,
14 and no actions taken pursuant to this section, or the
15 amendments made by this section, shall impact a de-
16 cision or determination by any executive agency to
17 sell, dispose of, declare excess or surplus, lease,
18 reuse, or redevelop any Federal real property pursu-
19 ant to title 40, United States Code, the Federal As-
20 sets Sale and Transfer Act of 2016 (Public Law
21 114–287), or any other law governing real property
22 activities of the Federal Government. No agreement
23 entered into pursuant to this section, or the amend-
24 ments made by this section, may obligate the Fed-
25 eral Government to hold, control, or otherwise retain

1 or use real property that may otherwise be deemed
2 as excess, surplus, or that could be otherwise sold,
3 leased, or redeveloped.

4 **SEC. 607. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPROPRIATE STATE AGENCY.—The term
7 “appropriate State agency” means a State govern-
8 mental agency that is recognized by the executive
9 branch of the State as having the experience nec-
10 essary to evaluate and carry out projects relating to
11 the proper and effective installation and operation of
12 broadband infrastructure.

13 (2) BROADBAND INFRASTRUCTURE.—The term
14 “broadband infrastructure” means any buried, un-
15 derground, or aerial facility, and any wireless or
16 wireline connection, that enables users to send and
17 receive voice, video, data, graphics, or any combina-
18 tion thereof.

19 (3) BROADBAND INFRASTRUCTURE ENTITY.—
20 The term “broadband infrastructure entity” means
21 any entity that—

22 (A) installs, owns, or operates broadband
23 infrastructure; and

24 (B) provides broadband services in a man-
25 ner consistent with the public interest, conven-

1 ience, and necessity, as determined by the
2 State.

3 (4) STATE.—The term “State” means—

4 (A) a State;

5 (B) the District of Columbia; and

6 (C) the Commonwealth of Puerto Rico.

7 (b) BROADBAND INFRASTRUCTURE DEPLOYMENT.—

8 To facilitate the installation of broadband infrastructure,
9 the Secretary of Transportation shall promulgate regula-
10 tions to ensure that each State that receives funds under
11 chapter 1 of title 23, United States Code, meets the fol-
12 lowing requirements:

13 (1) BROADBAND CONSULTATION.—The State
14 department of transportation, in consultation with
15 appropriate State agencies, shall—

16 (A) identify a broadband utility coordi-
17 nator, that may have additional responsibilities,
18 whether in the State department of transpor-
19 tation or in another State agency, that is re-
20 sponsible for facilitating the broadband infra-
21 structure right-of-way efforts within the State;

22 (B) establish a process for the registration
23 of broadband infrastructure entities that seek
24 to be included in those broadband infrastruc-

1 ture right-of-way facilitation efforts within the
2 State;

3 (C) establish a process to electronically no-
4 tify broadband infrastructure entities identified
5 under subparagraph (B) of the State transpor-
6 tation improvement program on an annual basis
7 and provide additional notifications as nec-
8 essary to achieve the goals of this section; and

9 (D) coordinate initiatives carried out under
10 this section with other statewide telecommuni-
11 cation and broadband plans and State and local
12 transportation and land use plans, including
13 strategies to minimize repeated excavations that
14 involve the installation of broadband infrastruc-
15 ture in a right-of-way.

16 (2) PRIORITY.—If a State chooses to provide
17 for the installation of broadband infrastructure in
18 the right-of-way of an applicable Federal-aid high-
19 way project under this subsection, the State depart-
20 ment of transportation shall carry out any appro-
21 priate measures to ensure that any existing
22 broadband infrastructure entities are not disadvan-
23 taged, as compared to other broadband infrastruc-
24 ture entities, with respect to the program under this
25 subsection.

1 (c) EFFECT OF SECTION.—This section applies only
2 to activities for which Federal obligations or expenditures
3 are initially approved on or after the date regulations
4 under subsection (b) become effective. Nothing in this sec-
5 tion establishes a mandate or requirement that a State
6 install or allow the installation of broadband infrastruc-
7 ture in a highway right-of-way. Nothing in this section au-
8 thorizes the Secretary of Transportation to withhold or re-
9 serve funds or approval of a project under title 23, United
10 States Code.

11 **SEC. 608. COMMUNICATIONS FACILITIES INSTALLATION.**

12 (a) IN GENERAL.—Section 21 of the Federal Assets
13 Sale and Transfer Act of 2016 (40 U.S.C. 1303 note) is
14 amended—

15 (1) in subsection (b), by adding at the end the
16 following:

17 “(8) The ability of the Federal real property to
18 support a communications facility installation.”; and

19 (2) by adding at the end the following:

20 “(f) DEFINITION OF COMMUNICATIONS FACILITY IN-
21 STALLATION.—In this section, the term ‘communications
22 facility installation’ means—

23 “(1) any infrastructure, including any transmit-
24 ting device, tower, or support structure, and any
25 equipment, switches, wiring, cabling, power sources,

1 shelters, or cabinets associated with the licensed or
2 permitted unlicensed wireless or wireline trans-
3 mission of writings, signs, signals, data, images, pic-
4 tures, and sounds of any kind; and

5 “(2) any antenna or apparatus that—

6 “(A) is designed for the purpose of emit-
7 ting radio frequency;

8 “(B) is designed to be operated, or is oper-
9 ating, from a fixed location pursuant to author-
10 ization by the Federal Communications Com-
11 mission or is using duly authorized devices that
12 do not require individual licenses; and

13 “(C) is added to a tower, building, or other
14 structure.”.

15 (b) PUBLIC COMMENT.—

16 (1) IN GENERAL.—Not later than 60 days after
17 the date of enactment of this Act, the Administrator
18 of General Services shall issue a notice for public
19 comment regarding the inclusion of a communica-
20 tions facility installation under section 21 of the
21 Federal Assets Sale and Transfer Act of 2016 (40
22 U.S.C. 1303 note), as amended by subsection (a) of
23 this section.

1 (2) CONTENTS.—In seeking public comment
2 under paragraph (1), the Administrator shall include
3 a request for recommendations on—

4 (A) the criteria that make Federal real
5 property capable of supporting communications
6 facility installations;

7 (B) the types of information related to the
8 Federal real property that should be included in
9 the database; and

10 (C) other matters that the Administrator
11 determines necessary.

12 (c) PROVISION OF INFORMATION.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the period for public comment under subsection
15 (b)(1) ends, the Administrator of General Services
16 shall notify the head of each Executive agency of the
17 manner and format for submitting such information
18 as the Administrator determines appropriate to the
19 database established under section 21 of the Federal
20 Assets Sale and Transfer Act of 2016 (40 U.S.C.
21 1303 note), as amended by subsection (a) of this
22 section.

23 (2) SUBMISSION.—Not later than 90 days after
24 the date of the notification under paragraph (1), the

1 head of an Executive agency shall submit the infor-
2 mation required under paragraph (1).

3 (d) STATE AND LOCAL GOVERNMENTS.—

4 (1) IN GENERAL.—The Administrator of Gen-
5 eral Services, in consultation with the Chairman of
6 the Commission, the Assistant Secretary of Com-
7 merce for Communications and Information, the
8 Under Secretary of Commerce for Standards and
9 Technology, and the Director of OMB, shall study—

10 (A) how to incentivize State and local gov-
11 ernments to provide the Administrator with in-
12 formation, similar to the information required
13 under subsection (c)(1), for inclusion in the
14 database described in that subsection; and

15 (B) the feasibility of establishing or oper-
16 ating a database to which State and local gov-
17 ernments can voluntarily submit such informa-
18 tion.

19 (2) REPORT ON INCENTIVIZING PARTICIPATION
20 BY STATE AND LOCAL GOVERNMENTS.—

21 (A) IN GENERAL.—Not later than 1 year
22 after the date of enactment of this Act, the Ad-
23 ministrator of General Services, in consultation
24 with the Chairman of the Commission, the As-
25 sistant Secretary of Commerce for Communica-

1 tions and Information, the Under Secretary of
2 Commerce for Standards and Technology, and
3 the Director of OMB, shall submit to the Com-
4 mittee on Commerce, Science, and Transpor-
5 tation and the Committee on Homeland Secu-
6 rity and Governmental Affairs of the Senate,
7 and the Committee on Energy and Commerce,
8 the Committee on Transportation and Infra-
9 structure, and the Committee on Oversight and
10 Government Reform of the House of Represent-
11 atives a report on the findings of the study
12 under paragraph (1), including recommenda-
13 tions, if any, consistent with this section.

14 (B) CONSIDERATIONS.—The Administrator
15 of General Services, in preparing the report
16 under subparagraph (A), shall—

17 (i) consult with State and local gov-
18 ernments, or their representatives, to iden-
19 tify for inclusion in the report the most
20 cost-effective options for State and local
21 governments to collect and provide the in-
22 formation described in paragraph (1), in-
23 cluding utilizing and leveraging State
24 broadband initiatives and programs; and

1 (ii) make recommendations on ways
2 the Federal Government can assist State
3 and local governments in collecting and
4 providing the information described in
5 paragraph (1).

6 (e) SAVINGS PROVISIONS.—

7 (1) REAL PROPERTY AUTHORITIES.—Nothing
8 in this section, or an amendment made by this sec-
9 tion, shall be construed as providing any Executive
10 agency with any new leasing or other real property
11 authority that did not exist prior to the date of en-
12 actment of this Act.

13 (2) EFFECT ON OTHER LAWS.—Nothing in this
14 section, or an amendment made by this section, and
15 no information submitted pursuant to this section,
16 or pursuant to an amendment made by this section,
17 shall be used to prevent or otherwise restrict a deci-
18 sion or determination by any Executive agency to
19 sell, dispose of, declare excess or surplus, lease,
20 reuse or redevelop any Federal real property pursu-
21 ant to—

22 (A) title 40 of the United States Code;

23 (B) the Federal Assets Sale and Transfer
24 Act of 2016 (40 U.S.C. 1303 note); or

1 (C) any other law governing real property
2 activities of the Federal Government.

3 **SEC. 609. REALLOCATION INCENTIVES.**

4 (a) IN GENERAL.—Not later than 24 months after
5 the date of enactment of this Act, the Assistant Secretary
6 of Commerce for Communications and Information, in
7 consultation with the Commission, the Director of OMB,
8 and the head of each affected Federal agency (or a des-
9 ignee thereof), after notice and an opportunity for public
10 comment, shall submit to the appropriate committees of
11 Congress a report that includes legislative or regulatory
12 recommendations to incentivize a Federal entity to relin-
13 quish, or share with Federal or non-Federal users, Federal
14 spectrum for the purpose of allowing commercial wireless
15 broadband services to operate on that Federal spectrum.

16 (b) POST-AUCTION PAYMENTS.—

17 (1) REPORT.—In preparing the report under
18 subsection (a), the Assistant Secretary of Commerce
19 for Communications and Information shall—

20 (A) consider whether permitting eligible
21 Federal entities that are implementing a transi-
22 tion plan submitted under section 113(h) of the
23 National Telecommunications and Information
24 Administration Organization Act (47 U.S.C.
25 923(h)) to accept payments could result in ac-

1 cess to the eligible frequencies that are being
2 reallocated for exclusive non-Federal use or
3 shared use sooner than would otherwise occur
4 without such payments; and

5 (B) include the findings under subpara-
6 graph (A), including the analysis under para-
7 graph (2) and any recommendations for legisla-
8 tion, in the report.

9 (2) ANALYSIS.—In considering payments under
10 paragraph (1)(A), the Assistant Secretary of Com-
11 merce for Communications and Information shall
12 conduct an analysis of whether and how such pay-
13 ments would affect—

14 (A) bidding in auctions conducted under
15 section 309(j) of the Communications Act of
16 1934 (47 U.S.C. 309(j)) of such eligible fre-
17 quencies; and

18 (B) receipts collected from the auctions de-
19 scribed in subparagraph (A).

20 (3) DEFINITIONS.—In this subsection:

21 (A) PAYMENT.—The term “payment”
22 means a payment in cash or in-kind by any
23 auction winner, or any person affiliated with an
24 auction winner, of eligible frequencies during
25 the period after eligible frequencies have been

1 reallocated by competitive bidding under section
2 309(j) of the Communications Act of 1934 (47
3 U.S.C. 309(j)) but prior to the completion of
4 relocation or sharing transition of such eligible
5 frequencies per transition plans approved by the
6 Technical Panel.

7 (B) ELIGIBLE FREQUENCIES.—The term
8 “eligible frequencies” has the meaning given
9 the term in section 113(g)(2) of the National
10 Telecommunications and Information Adminis-
11 tration Organization Act (47 U.S.C. 923(g)(2)).

12 **SEC. 610. BIDIRECTIONAL SHARING STUDY.**

13 (a) IN GENERAL.—Not later than 18 months after
14 the date of enactment of this Act, including an oppor-
15 tunity for public comment, the Commission, in collabora-
16 tion with the NTIA, shall—

17 (1) conduct a bidirectional sharing study to de-
18 termine the best means of providing Federal entities
19 flexible access to non-Federal spectrum on a shared
20 basis across a range of short-, mid-, and long-range
21 timeframes, including for intermittent purposes like
22 emergency use; and

23 (2) submit to Congress a report on the study
24 under paragraph (1), including any recommenda-
25 tions for legislation or proposed regulations.

1 (b) CONSIDERATIONS.—In conducting the study
2 under subsection (a), the Commission shall—

3 (1) consider the regulatory certainty that com-
4 mercial spectrum users and Federal entities need to
5 make longer-term investment decisions for shared
6 access to be viable; and

7 (2) evaluate any barriers to voluntary commer-
8 cial arrangements in which non-Federal users could
9 provide access to Federal entities.

10 **SEC. 611. UNLICENSED SERVICES IN GUARD BANDS.**

11 (a) IN GENERAL.—After public notice and comment,
12 and in consultation with the Assistant Secretary of Com-
13 merce for Communications and Information and the head
14 of each affected Federal agency (or a designee thereof),
15 with respect to frequencies allocated for Federal use, the
16 Commission shall adopt rules that permit unlicensed serv-
17 ices where feasible to use any frequencies that are des-
18 ignated as guard bands to protect frequencies allocated
19 after the date of enactment of this Act by competitive bid-
20 ding under section 309(j) of the Communications Act of
21 1934 (47 U.S.C. 309(j)), including spectrum that acts as
22 a duplex gap between transmit and receive frequencies.

23 (b) LIMITATION.—The Commission may not permit
24 any use of a guard band under this section that would

1 cause harmful interference to a licensed service or a Fed-
2 eral service.

3 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed as limiting the Commission or the
5 Assistant Secretary of Commerce for Communications and
6 Information from otherwise making spectrum available for
7 licensed or unlicensed use in any frequency band in addi-
8 tion to guard bands, including under section 603 of this
9 title, consistent with their statutory jurisdictions.

10 **SEC. 612. PRE-AUCTION FUNDING.**

11 Section 118(d)(3)(B)(i)(II) of the National Tele-
12 communications and Information Administration Organi-
13 zation Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by
14 striking “5 years” and inserting “8 years”.

15 **SEC. 613. IMMEDIATE TRANSFER OF FUNDS.**

16 Section 118(e)(1) of the National Telecommuni-
17 cations and Information Administration Organization Act
18 (47 U.S.C. 928(e)(1)) is amended by adding at the end
19 the following:

20 “(D) At the request of an eligible Federal
21 entity, the Director of the Office of Manage-
22 ment and Budget (in this subsection referred to
23 as ‘OMB’) may transfer the amount under sub-
24 paragraph (A) immediately—

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1 “(i) after the frequencies are reallo-
2 cated by competitive bidding under section
3 309(j) of the Communications Act of 1934
4 (47 U.S.C. 309(j)); or

5 “(ii) in the case of an incumbent Fed-
6 eral entity that is incurring relocation or
7 sharing costs to accommodate sharing
8 spectrum frequencies with another Federal
9 entity, after the frequencies from which the
10 other eligible Federal entity is relocating
11 are reallocated by competitive bidding
12 under section 309(j) of the Communica-
13 tions Act of 1934 (47 U.S.C. 309(j)), with-
14 out regard to the availability of such sums
15 in the Fund.

16 “(E) Prior to the deposit of proceeds into
17 the Fund from an auction, the Director of
18 OMB may borrow from the Treasury the
19 amount under subparagraph (A) for a transfer
20 under subparagraph (D). The Treasury shall
21 immediately be reimbursed, without interest,
22 from funds deposited into the Fund.”.

1 **SEC. 614. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**
2 **OF 2015.**

3 Section 1008 of the Spectrum Pipeline Act of 2015
4 (Public Law 114–74; 129 Stat. 584) is amended in the
5 matter preceding paragraph (1) by inserting “, after no-
6 tice and an opportunity for public comment,” after “the
7 Commission”.

8 **SEC. 615. GAO ASSESSMENT OF UNLICENSED SPECTRUM**
9 **AND WI-FI USE IN LOW-INCOME NEIGHBOR-**
10 **HOODS.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Comptroller General of
13 the United States shall conduct a study to evaluate
14 the availability of broadband Internet access using
15 unlicensed spectrum and wireless networks in low-in-
16 come neighborhoods.

17 (2) REQUIREMENTS.—In conducting the study
18 under paragraph (1), the Comptroller General shall
19 consider and evaluate—

20 (A) the availability of wireless Internet hot
21 spots and access to unlicensed spectrum in low-
22 income neighborhoods, particularly for elemen-
23 tary and secondary school-aged children in such
24 neighborhoods;

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1 (B) any barriers preventing or limiting the
2 deployment and use of wireless networks in low-
3 income neighborhoods;

4 (C) how to overcome any barriers described
5 in subparagraph (B), including through incen-
6 tives, policies, or requirements that would in-
7 crease the availability of unlicensed spectrum
8 and related technologies in low-income neigh-
9 borhoods; and

10 (D) how to encourage home broadband
11 adoption by households with elementary and
12 secondary school-age children that are in low-
13 income neighborhoods.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Comptroller General shall
16 submit to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on En-
18 ergy and Commerce of the House of Representatives a re-
19 port that—

20 (1) summarizes the findings of the study con-
21 ducted under subsection (a); and

22 (2) makes recommendations with respect to po-
23 tential incentives, policies, and requirements that
24 could help achieve the goals described in subpara-
25 graphs (C) and (D) of subsection (a)(2).

1 **SEC. 616. RULEMAKING RELATED TO PARTITIONING OR**
2 **DISAGGREGATING LICENSES.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED SMALL CARRIER.—The term
5 “covered small carrier” means a carrier (as defined
6 in section 3 of the Communications Act of 1934 (47
7 U.S.C. 153)) that—

8 (A) has not more than 1,500 employees (as
9 determined under section 121.106 of title 13,
10 Code of Federal Regulations, or any successor
11 thereto); and

12 (B) offers services using the facilities of
13 the carrier.

14 (2) RURAL AREA.—The term “rural area”
15 means any area other than—

16 (A) a city, town, or incorporated area that
17 has a population of more than 20,000 inhab-
18 itants; or

19 (B) an urbanized area contiguous and ad-
20 jacent to a city or town that has a population
21 of more than 50,000 inhabitants.

22 (b) RULEMAKING.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Commission
25 shall initiate a rulemaking proceeding to assess
26 whether to establish a program, or modify existing

1 programs, under which a licensee that receives a li-
2 cense for the exclusive use of spectrum in a specific
3 geographic area under section 301 of the Commu-
4 nications Act of 1934 (47 U.S.C. 301) may partition
5 or disaggregate the license by sale or long-term
6 lease—

7 (A) in order to—

8 (i) provide services consistent with the
9 license; and

10 (ii) make unused spectrum available
11 to—

12 (I) an unaffiliated covered small
13 carrier; or

14 (II) an unaffiliated carrier to
15 serve a rural area; and

16 (B) if the Commission finds that such a
17 program would promote—

18 (i) the availability of advanced tele-
19 communications services in rural areas; or

20 (ii) spectrum availability for covered
21 small carriers.

22 (2) CONSIDERATIONS.—In conducting the rule-
23 making proceeding under paragraph (1), the Com-
24 mission shall consider, with respect to the program
25 proposed to be established under that paragraph—

1 (A) whether reduced performance require-
2 ments with respect to spectrum obtained
3 through the program would facilitate deploy-
4 ment of advanced telecommunications services
5 in the areas covered by the program;

6 (B) what conditions may be needed on
7 transfers of spectrum under the program to
8 allow covered small carriers that obtain spec-
9 trum under the program to build out the spec-
10 trum in a reasonable period of time;

11 (C) what incentives may be appropriate to
12 encourage licensees to lease or sell spectrum, in-
13 cluding—

14 (i) extending the term of a license
15 granted under section 301 of the Commu-
16 nications Act of 1934 (47 U.S.C. 301); or

17 (ii) modifying performance require-
18 ments of the license relating to the leased
19 or sold spectrum; and

20 (D) the administrative feasibility of—

21 (i) the incentives described in sub-
22 paragraph (C); and

23 (ii) other incentives considered by the
24 Commission that further the goals of this
25 section.

1 (3) FORFEITURE OF SPECTRUM.—If a party
2 fails to meet any build out requirements set by the
3 Commission for any spectrum sold or leased under
4 this section, the right to the spectrum shall be for-
5 feited to the Commission unless the Commission
6 finds that there is good cause for the failure of the
7 party.

8 (4) REQUIREMENT.—The Commission may
9 offer a licensee incentives or reduced performance
10 requirements under this section only if the Commis-
11 sion finds that doing so would likely result in in-
12 creased availability of advanced telecommunications
13 services in a rural area.

14 **SEC. 617. UNLICENSED SPECTRUM POLICY.**

15 (a) STATEMENT OF POLICY.—It is the policy of the
16 United States—

17 (1) to maximize the benefit to the people of the
18 United States of the spectrum resources of the
19 United States;

20 (2) to advance innovation and investment in
21 wireless broadband services; and

22 (3) to promote spectrum policy that makes
23 available on an unlicensed basis radio frequency
24 bands to address consumer demand for unlicensed
25 wireless broadband operations.

1 (b) COMMISSION RESPONSIBILITIES.—The Commis-
2 sion shall ensure that the efforts of the Commission re-
3 lated to spectrum allocation and assignment made avail-
4 able on an unlicensed basis radio frequency bands to ad-
5 dress demand for unlicensed wireless broadband oper-
6 ations if doing so is, after taking into account the future
7 needs of homeland security, national security, and other
8 spectrum users—

- 9 (1) reasonable; and
10 (2) in the public interest.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion confers any additional rights on unlicensed users or
13 users licensed by rule under part 96 of title 47, Code of
14 Federal Regulations, to protection from harmful inter-
15 ference.

16 **SEC. 618. NATIONAL PLAN FOR UNLICENSED SPECTRUM.**

17 (a) DEFINITIONS.—In this section:

18 (1) SPECTRUM RELOCATION FUND.—The term
19 “Spectrum Relocation Fund” means the Fund es-
20 tablished under section 118 of the National Tele-
21 communications and Information Administration Or-
22 ganization Act (47 U.S.C. 928).

23 (2) UNLICENSED OR LICENSED BY RULE OPER-
24 ATIONS.—The term “unlicensed or licensed by rule

1 operations” means the use of spectrum on a non-ex-
2 clusive basis under—

3 (A) part 15 of title 47, Code of Federal
4 Regulations; or

5 (B) licensing by rule under part 96 of title
6 47, Code of Federal Regulations.

7 (b) NATIONAL PLAN.—Not later than 18 months
8 after the date of enactment of this Act, the Commission,
9 in consultation with the NTIA, shall develop a national
10 plan for making additional radio frequency bands available
11 for unlicensed or licensed by rule operations.

12 (c) REQUIREMENTS.—The plan developed under this
13 section shall—

14 (1) identify an approach that ensures that con-
15 sumers have access to additional spectrum to con-
16 duct unlicensed or licensed by rule operations in a
17 range of radio frequencies to meet consumer de-
18 mand;

19 (2) recommend specific actions by the Commis-
20 sion and the NTIA to permit unlicensed or licensed
21 by rule operations in additional radio frequency
22 ranges that the Commission finds—

23 (A) are consistent with the statement of
24 policy under section 617(a) of this title;

25 (B) will—

1 (i) expand opportunities for unli-
2 censed or licensed by rule operations in a
3 spectrum band; or

4 (ii) otherwise improve spectrum utili-
5 zation and intensity of use of bands where
6 unlicensed or licensed by rule operations
7 are already permitted;

8 (C) will not cause harmful interference to
9 Federal or non-Federal users of such bands;
10 and

11 (D) will not significantly impact homeland
12 security or national security communications
13 systems; and

14 (3) examine additional ways, with respect to ex-
15 isting and planned databases or spectrum access sys-
16 tems designed to promote spectrum sharing and ac-
17 cess to spectrum for unlicensed or licensed by rule
18 operations—

19 (A) to improve accuracy and efficacy;

20 (B) to reduce burdens on consumers, man-
21 ufacturers, and service providers; and

22 (C) to protect sensitive Government infor-
23 mation.

24 (d) SPECTRUM RELOCATION FUND.—To be included
25 as an appendix as part of the plan developed under this

1 section, the NTIA, in consultation with the Director of
2 the Office of Management and Budget, shall share with
3 the Commission recommendations about how to reform
4 the Spectrum Relocation Fund—

5 (1) to address costs incurred by Federal entities
6 related to sharing radio frequency bands with radio
7 technologies conducting unlicensed or licensed by
8 rule operations; and

9 (2) to ensure the Spectrum Relocation Fund
10 has sufficient funds to cover—

11 (A) the costs described in paragraph (1);
12 and

13 (B) other expenditures allowed of the
14 Spectrum Relocation Fund under section 118 of
15 the National Telecommunications and Informa-
16 tion Administration Organization Act (47
17 U.S.C. 928).

18 (e) REPORT REQUIRED.—

19 (1) IN GENERAL.—Not later than 18 months
20 after the date of enactment of this Act, the Commis-
21 sion shall submit to the appropriate committees of
22 Congress a report that describes the plan developed
23 under this section, including any recommendations
24 for legislative change.

1 (2) PUBLICATION ON COMMISSION WEBSITE.—

2 Not later than the date on which the Commission
3 submits the report under paragraph (1), the Com-
4 mission shall make the report publicly available on
5 the website of the Commission.

6 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion confers any additional rights on unlicensed users or
8 users licensed by rule under part 96 of title 47, Code of
9 Federal Regulations, to protection from harmful inter-
10 ference.

11 **SEC. 619. SPECTRUM CHALLENGE PRIZE.**

12 (a) SHORT TITLE.—This section may be cited as the
13 “Spectrum Challenge Prize Act”.

14 (b) DEFINITION OF PRIZE COMPETITION.—In this
15 section, the term “prize competition” means a prize com-
16 petition conducted by the Secretary under subsection
17 (c)(1).

18 (c) SPECTRUM CHALLENGE PRIZE.—

19 (1) IN GENERAL.—The Secretary, in consulta-
20 tion with the Assistant Secretary of Commerce for
21 Communications and Information and the Under
22 Secretary of Commerce for Standards and Tech-
23 nology, shall, subject to the availability of funds for
24 prize competitions under this section—

1 (A) conduct prize competitions to dramati-
2 cally accelerate the development and commer-
3 cialization of technology that improves spectrum
4 efficiency and is capable of cost-effective deploy-
5 ment; and

6 (B) define a measurable set of perform-
7 ance goals for participants in the prize competi-
8 tions to demonstrate their solutions on a level
9 playing field while making a significant ad-
10 vancement over the current state of the art.

11 (2) AUTHORITY OF SECRETARY.—In carrying
12 out paragraph (1), the Secretary may—

13 (A) enter into a grant, contract, coopera-
14 tive agreement, or other agreement with a pri-
15 vate sector for-profit or nonprofit entity to ad-
16 minister the prize competitions;

17 (B) invite the Defense Advanced Research
18 Projects Agency, the Commission, the National
19 Aeronautics and Space Administration, the Na-
20 tional Science Foundation, or any other Federal
21 agency to provide advice and assistance in the
22 design or administration of the prize competi-
23 tions; and

1 (C) award not more than \$5,000,000, in
2 the aggregate, to the winner or winners of the
3 prize competitions.

4 (d) CRITERIA.—Not later than 180 days after the
5 date on which funds for prize competitions are made avail-
6 able pursuant to this section, the Commission shall publish
7 a technical paper on spectrum efficiency providing criteria
8 that may be used for the design of the prize competitions.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as may be
11 necessary to carry out this section.

12 **SEC. 620. WIRELESS TELECOMMUNICATIONS TAX AND FEE**
13 **COLLECTION FAIRNESS.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “Wireless Telecommunications Tax and Fee Collection
16 Fairness Act”.

17 (b) DEFINITIONS.—In this section:

18 (1) FINANCIAL TRANSACTION.—The term “fi-
19 nancial transaction” means a transaction in which
20 the purchaser or user of a wireless telecommuni-
21 cations service upon whom a tax, fee, or surcharge
22 is imposed gives cash, credit, or any other exchange
23 of monetary value or consideration to the person
24 who is required to collect or remit the tax, fee, or
25 surcharge.

1 (2) LOCAL JURISDICTION.—The term “local ju-
2 risdiction” means a political subdivision of a State.

3 (3) STATE.—The term “State” means any of
4 the several States, the District of Columbia, and any
5 territory or possession of the United States.

6 (4) STATE OR LOCAL JURISDICTION.—The term
7 “State or local jurisdiction” includes any govern-
8 mental entity or person acting on behalf of a State
9 or local jurisdiction that has the authority to assess,
10 impose, levy, or collect taxes or fees.

11 (5) WIRELESS TELECOMMUNICATIONS SERV-
12 ICE.—The term “wireless telecommunications serv-
13 ice” means a commercial mobile radio service, as de-
14 fined in section 20.3 of title 47, Code of Federal
15 Regulations, or any successor thereto.

16 (c) FINANCIAL TRANSACTION REQUIREMENT.—

17 (1) IN GENERAL.—A State, or a local jurisdic-
18 tion of a State, may not require a person who is nei-
19 ther a resident of such State or local jurisdiction nor
20 an entity having its principal place of business in
21 such State or local jurisdiction to collect from, or
22 remit on behalf of, any other person a State or local
23 tax, fee, or surcharge imposed on a purchaser or
24 user with respect to the purchase or use of any wire-
25 less telecommunications service within the State un-

1 less the collection or remittance is in connection with
2 a financial transaction.

3 (2) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to affect the right of
5 a State or local jurisdiction to require the collection
6 of any tax, fee, or surcharge in connection with a fi-
7 nancial transaction.

8 (d) ENFORCEMENT.—

9 (1) PRIVATE RIGHT OF ACTION.—Any person
10 aggrieved by a violation of subsection (c) may bring
11 a civil action in an appropriate district court of the
12 United States for equitable relief in accordance with
13 paragraph (2) of this subsection.

14 (2) JURISDICTION OF DISTRICT COURTS.—Not-
15 withstanding section 1341 of title 28, United States
16 Code, or the constitution or laws of any State, the
17 district courts of the United States shall have juris-
18 diction, without regard to the amount in controversy
19 or citizenship of the parties, to grant such manda-
20 tory or prohibitive injunctive relief, interim equitable
21 relief, and declaratory judgments as may be nec-
22 essary to prevent, restrain, or terminate any acts in
23 violation of subsection (c).

1 **SEC. 621. RULES OF CONSTRUCTION.**

2 (a) RANGES OF FREQUENCIES.—Each range of fre-
3 quencies described in this title shall be construed to be
4 inclusive of the upper and lower frequencies in the range.

5 (b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM
6 REALLOCATION.—Nothing in this title shall be construed
7 to affect any requirement under section 156 of the Na-
8 tional Telecommunications and Information Administra-
9 tion Organization Act (47 U.S.C. 921 note), as added by
10 section 1062(a) of the National Defense Authorization Act
11 for Fiscal Year 2000.

12 **SEC. 622. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF**
13 **AND JOB CREATION ACT OF 2012.**

14 Nothing in this title shall be construed to limit, re-
15 strict, or circumvent in any way the implementation of the
16 nationwide public safety broadband network defined in
17 section 6001 of title VI of the Middle Class Tax Relief
18 and Job Creation Act of 2012 (47 U.S.C. 1401) or any
19 rules implementing that network under title VI of that Act
20 (47 U.S.C. 1401 et seq.).

21 **SEC. 623. NO ADDITIONAL FUNDS AUTHORIZED.**

22 No additional funds are authorized to be appro-
23 priated to carry out this title, or the amendments made
24 by this title. This title, and the amendments made by this
25 title, shall be carried out using amounts otherwise author-
26 ized.

1937

1 **DIVISION Q—KEVIN AND**
2 **AVONTE’S LAW**

3 **SECTION 1. SHORT TITLE.**

4 This division may be cited as the “Kevin and
5 Avonte’s Law of 2018”.

6 **TITLE I—MISSING ALZHEIMER’S**
7 **DISEASE PATIENT ALERT**
8 **PROGRAM REAUTHORIZA-**
9 **TION**

10 **SEC. 101. SHORT TITLE.**

11 This title may be cited as the “Missing Americans
12 Alert Program Act of 2018”.

13 **SEC. 102. REAUTHORIZATION OF THE MISSING ALZ-**
14 **HEIMER’S DISEASE PATIENT ALERT PRO-**
15 **GRAM.**

16 (a) AMENDMENTS.—Section 240001 of the Violent
17 Crime Control and Law Enforcement Act of 1994 (34
18 U.S.C. 12621) is amended—

19 (1) in the section header, by striking “**ALZ-**
20 **HEIMER’S DISEASE PATIENT**” and inserting
21 “**AMERICANS**”;

22 (2) by striking subsection (a) and inserting the
23 following:

24 “(a) GRANT PROGRAM TO REDUCE INJURY AND
25 DEATH OF MISSING AMERICANS WITH DEMENTIA AND

1 DEVELOPMENTAL DISABILITIES.—Subject to the avail-
2 ability of appropriations to carry out this section, the At-
3 torney General, through the Bureau of Justice Assistance
4 and in consultation with the Secretary of Health and
5 Human Services—

6 “(1) shall award competitive grants to health
7 care agencies, State and local law enforcement agen-
8 cies, or public safety agencies and nonprofit organi-
9 zations to assist such entities in planning, designing,
10 establishing, or operating locally based, proactive
11 programs to prevent wandering and locate missing
12 individuals with forms of dementia, such as Alz-
13 heimer’s Disease, or developmental disabilities, such
14 as autism, who, due to their condition, wander from
15 safe environments, including programs that—

16 “(A) provide prevention and response in-
17 formation, including online training resources,
18 and referrals to families or guardians of such
19 individuals who, due to their condition, wander
20 from a safe environment;

21 “(B) provide education and training, in-
22 cluding online training resources, to first re-
23 sponders, school personnel, clinicians, and the
24 public in order to—

1 “(i) increase the safety and reduce the
2 incidence of wandering of persons, who,
3 due to their dementia or developmental
4 disabilities, may wander from safe environ-
5 ments;

6 “(ii) facilitate the rescue and recovery
7 of individuals who, due to their dementia
8 or developmental disabilities, wander from
9 safe environments; and

10 “(iii) recognize and respond to and
11 appropriately interact with endangered
12 missing individuals with dementia or devel-
13 opmental disabilities who, due to their con-
14 dition, wander from safe environments;

15 “(C) provide prevention and response
16 training and emergency protocols for school ad-
17 ministrators, staff, and families or guardians of
18 individuals with dementia, such as Alzheimer’s
19 Disease, or developmental disabilities, such as
20 autism, to help reduce the risk of wandering by
21 such individuals; and

22 “(D) develop, operate, or enhance a notifi-
23 cation or communications systems for alerts,
24 advisories, or dissemination of other informa-
25 tion for the recovery of missing individuals with

1 forms of dementia, such as Alzheimer’s Disease,
2 or with developmental disabilities, such as au-
3 tism; and

4 “(2) shall award grants to health care agencies,
5 State and local law enforcement agencies, or public
6 safety agencies to assist such agencies in designing,
7 establishing, and operating locative tracking tech-
8 nology programs for individuals with forms of de-
9 mentia, such as Alzheimer’s Disease, or children
10 with developmental disabilities, such as autism, who
11 have wandered from safe environments.”;

12 (3) in subsection (b)—

13 (A) by inserting “competitive” after “to re-
14 ceive a”;

15 (B) by inserting “agency or” before “orga-
16 nization” each place it appears; and

17 (C) by adding at the end the following:
18 “The Attorney General shall periodically solicit
19 applications for grants under this section by
20 publishing a request for applications in the
21 Federal Register and by posting such a request
22 on the website of the Department of Justice.”;
23 and

24 (4) by striking subsections (c) and (d) and in-
25 serting the following:

1 “(c) PREFERENCE.—In awarding grants under sub-
2 section (a)(1), the Attorney General shall give preference
3 to law enforcement or public safety agencies that partner
4 with nonprofit organizations that appropriately use per-
5 son-centered plans minimizing restrictive interventions
6 and that have a direct link to individuals, and families of
7 individuals, with forms of dementia, such as Alzheimer’s
8 Disease, or developmental disabilities, such as autism.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$2,000,000 for each of fiscal years 2018 through 2022.

12 “(e) GRANT ACCOUNTABILITY.—All grants awarded
13 by the Attorney General under this section shall be subject
14 to the following accountability provisions:

15 “(1) AUDIT REQUIREMENT.—

16 “(A) DEFINITION.—In this paragraph, the
17 term ‘unresolved audit finding’ means a finding
18 in the final audit report of the Inspector Gen-
19 eral of the Department of Justice that the au-
20 dited grantee has utilized grant funds for an
21 unauthorized expenditure or otherwise unallow-
22 able cost that is not closed or resolved within
23 12 months from the date when the final audit
24 report is issued.

1 “(B) AUDITS.—Beginning in the first fis-
2 cal year beginning after the date of enactment
3 of this subsection, and in each fiscal year there-
4 after, the Inspector General of the Department
5 of Justice shall conduct audits of recipients of
6 grants under this section to prevent waste,
7 fraud, and abuse of funds by grantees. The In-
8 spector General shall determine the appropriate
9 number of grantees to be audited each year.

10 “(C) MANDATORY EXCLUSION.—A recipi-
11 ent of grant funds under this section that is
12 found to have an unresolved audit finding shall
13 not be eligible to receive grant funds under this
14 section during the first 2 fiscal years beginning
15 after the end of the 12-month period described
16 in subparagraph (A).

17 “(D) PRIORITY.—In awarding grants
18 under this section, the Attorney General shall
19 give priority to eligible applicants that did not
20 have an unresolved audit finding during the 3
21 fiscal years before submitting an application for
22 a grant under this section.

23 “(E) REIMBURSEMENT.—If an entity is
24 awarded grant funds under this section during
25 the 2-fiscal-year period during which the entity

1 is barred from receiving grants under subpara-
2 graph (C), the Attorney General shall—

3 “(i) deposit an amount equal to the
4 amount of the grant funds that were im-
5 properly awarded to the grantee into the
6 General Fund of the Treasury; and

7 “(ii) seek to recoup the costs of the
8 repayment to the fund from the grant re-
9 cipient that was erroneously awarded grant
10 funds.

11 “(2) NONPROFIT ORGANIZATION REQUIRE-
12 MENTS.—

13 “(A) DEFINITION OF NONPROFIT ORGANI-
14 ZATION.—For purposes of this paragraph and
15 the grant programs under this section, the term
16 ‘nonprofit organization’ means an organization
17 that is described in section 501(c)(3) of the In-
18 ternal Revenue Code of 1986 and is exempt
19 from taxation under section 501(a) of such
20 Code.

21 “(B) PROHIBITION.—The Attorney Gen-
22 eral may not award a grant under this section
23 to a nonprofit organization that holds money in
24 offshore accounts for the purpose of avoiding

1 paying the tax described in section 511(a) of
2 the Internal Revenue Code of 1986.

3 “(C) DISCLOSURE.—Each nonprofit orga-
4 nization that is awarded a grant under this sec-
5 tion and uses the procedures prescribed in regu-
6 lations to create a rebuttable presumption of
7 reasonableness for the compensation of its offi-
8 cers, directors, trustees, and key employees,
9 shall disclose to the Attorney General, in the
10 application for the grant, the process for deter-
11 mining such compensation, including the inde-
12 pendent persons involved in reviewing and ap-
13 proving such compensation, the comparability
14 data used, and contemporaneous substantiation
15 of the deliberation and decision. Upon request,
16 the Attorney General shall make the informa-
17 tion disclosed under this subparagraph available
18 for public inspection.

19 “(3) CONFERENCE EXPENDITURES.—

20 “(A) LIMITATION.—No amounts made
21 available to the Department of Justice under
22 this section may be used by the Attorney Gen-
23 eral, or by any individual or entity awarded dis-
24 cretionary funds through a cooperative agree-
25 ment under this section, to host or support any

1 expenditure for conferences that uses more than
2 \$20,000 in funds made available by the Depart-
3 ment of Justice, unless the head of the relevant
4 agency or department, provides prior written
5 authorization that the funds may be expended
6 to host the conference.

7 “(B) WRITTEN APPROVAL.—Written ap-
8 proval under subparagraph (A) shall include a
9 written estimate of all costs associated with the
10 conference, including the cost of all food, bev-
11 erages, audio-visual equipment, honoraria for
12 speakers, and entertainment.

13 “(C) REPORT.—The Deputy Attorney Gen-
14 eral shall submit an annual report to the Com-
15 mittee on the Judiciary of the Senate and the
16 Committee on the Judiciary of the House of
17 Representatives on all conference expenditures
18 approved under this paragraph.

19 “(4) ANNUAL CERTIFICATION.—Beginning in
20 the first fiscal year beginning after the date of en-
21 actment of this subsection, the Attorney General
22 shall submit, to the Committee on the Judiciary and
23 the Committee on Appropriations of the Senate and
24 the Committee on the Judiciary and the Committee

1 on Appropriations of the House of Representatives,
2 an annual certification—

3 “(A) indicating whether—

4 “(i) all audits issued by the Office of
5 the Inspector General under paragraph (1)
6 have been completed and reviewed by the
7 appropriate Assistant Attorney General or
8 Director;

9 “(ii) all mandatory exclusions required
10 under paragraph (1)(C) have been issued;
11 and

12 “(iii) all reimbursements required
13 under paragraph (1)(E) have been made;
14 and

15 “(B) that includes a list of any grant re-
16 cipients excluded under paragraph (1) from the
17 previous year.

18 “(f) PREVENTING DUPLICATIVE GRANTS.—

19 “(1) IN GENERAL.—Before the Attorney Gen-
20 eral awards a grant to an applicant under this sec-
21 tion, the Attorney General shall compare potential
22 grant awards with other grants awarded by the At-
23 torney General to determine if grant awards are or
24 have been awarded for a similar purpose.

1947

1 “(2) REPORT.—If the Attorney General awards
2 grants to the same applicant for a similar purpose
3 the Attorney General shall submit to the Committee
4 on the Judiciary of the Senate and the Committee
5 on the Judiciary of the House of Representatives a
6 report that includes—

7 “(A) a list of all such grants awarded, in-
8 cluding the total dollar amount of any such
9 grants awarded; and

10 “(B) the reason the Attorney General
11 awarded multiple grants to the same applicant
12 for a similar purpose.”.

13 (b) ANNUAL REPORT.—Not later than 2 years after
14 the date of enactment of this Act and every year there-
15 after, the Attorney General shall submit to the Committee
16 on the Judiciary and the Committee on Appropriations of
17 the Senate and the Committee on the Judiciary and the
18 Committee on Appropriations of the House of Representa-
19 tives a report on the Missing Americans Alert Program,
20 as amended by subsection (a), which shall address—

21 (1) the number of individuals who benefitted
22 from the Missing Americans Alert Program, includ-
23 ing information such as the number of individuals
24 with reduced unsafe wandering, the number of peo-
25 ple who were trained through the program, and the

1 estimated number of people who were impacted by
2 the program;

3 (2) the number of State, local, and tribal law
4 enforcement or public safety agencies that applied
5 for funding under the Missing Americans Alert Pro-
6 gram;

7 (3) the number of State, local, and tribal local
8 law enforcement or public safety agencies that re-
9 ceived funding under the Missing Americans Alert
10 Program, including—

11 (A) the number of State, local, and tribal
12 law enforcement or public safety agencies that
13 used such funding for training; and

14 (B) the number of State, local, and tribal
15 law enforcement or public safety agencies that
16 used such funding for designing, establishing,
17 or operating locative tracking technology;

18 (4) the companies, including the location (city
19 and State) of the headquarters and local offices of
20 each company, for which their locative tracking tech-
21 nology was used by State, local, and tribal law en-
22 forcement or public safety agencies;

23 (5) the nonprofit organizations, including the
24 location (city and State) of the headquarters and
25 local offices of each organization, that State, local,

1 and tribal law enforcement or public safety agencies
2 partnered with and the result of each partnership;

3 (6) the number of missing children with autism
4 or another developmental disability with wandering
5 tendencies or adults with Alzheimer’s being served
6 by the program who went missing and the result of
7 the search for each such individual; and

8 (7) any recommendations for improving the
9 Missing Americans Alert Program.

10 (c) TABLE OF CONTENTS.—The table of contents in
11 section 2 of the Violent Crime Control and Law Enforce-
12 ment Act of 1994 is amended by striking the item relating
13 to section 240001 and inserting the following:

“Sec. 240001. Missing Americans Alert Program.”.

14 **TITLE II—EDUCATION AND**
15 **OUTREACH**

16 **SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISS-**
17 **ING AND EXPLOITED CHILDREN.**

18 Section 404(b)(1)(H) of the Missing Children’s As-
19 sistance Act (34 U.S.C. 11293(b)(1)(H)) is amended by
20 inserting “, including cases involving children with devel-
21 opmental disabilities such as autism” before the semi-
22 colon.

1950

1 **TITLE III—PRIVACY**
2 **PROTECTIONS**

3 **SEC. 301. DEFINITIONS.**

4 In this title:

5 (1) CHILD.—The term “child” means an indi-
6 vidual who is less than 18 years of age.

7 (2) INDIAN TRIBE.—The term “Indian tribe”
8 has the meaning given that term in section 4(e) of
9 the Indian Self-Determination and Education Assist-
10 ance Act (25 U.S.C. 5304(e)).

11 (3) LAW ENFORCEMENT AGENCY.—The term
12 “law enforcement agency” means an agency of a
13 State, unit of local government, or Indian tribe that
14 is authorized by law or by a government agency to
15 engage in or supervise the prevention, detection, in-
16 vestigation, or prosecution of any violation of crimi-
17 nal law.

18 (4) NON-INVASIVE AND NON-PERMANENT.—The
19 term “non-invasive and non-permanent” means, with
20 regard to any technology or device, that the proce-
21 dure to install the technology or device does not cre-
22 ate an external or internal marker or implant a de-
23 vice, such as a microchip, or other trackable items.

24 (5) STATE.—The term “State” means each of
25 the 50 States, the District of Columbia, the Com-

1 monwealth of Puerto Rico, the United States Virgin
2 Islands, American Samoa, Guam, and the Common-
3 wealth of the Northern Mariana Islands.

4 (6) UNIT OF LOCAL GOVERNMENT.—The term
5 “unit of local government” means a county, munici-
6 pality, town, township, village, parish, borough, or
7 other unit of general government below the State
8 level.

9 **SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF**
10 **NON-INVASIVE AND NON-PERMANENT TRACK-**
11 **ING DEVICES.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of this Act, the Attorney
15 General, in consultation with the Secretary of
16 Health and Human Services and leading research,
17 advocacy, self-advocacy, and service organizations,
18 shall establish standards and best practices relating
19 to the use of non-invasive and non-permanent track-
20 ing technology, where a guardian or parent has de-
21 termined that a non-invasive and non-permanent
22 tracking device is the least restrictive alternative, to
23 locate individuals as described in subsection (a)(2) of
24 section 240001 of the Violent Crime Control and

1 Law Enforcement Act of 1994 (34 U.S.C. 12621),
2 as added by this Act.

3 (2) REQUIREMENTS.—In establishing the
4 standards and best practices required under para-
5 graph (1), the Attorney General shall—

6 (A) determine—

7 (i) the criteria used to determine
8 which individuals would benefit from the
9 use of a tracking device;

10 (ii) the criteria used to determine who
11 should have direct access to the tracking
12 system; and

13 (iii) which non-invasive and non-per-
14 manent types of tracking devices can be
15 used in compliance with the standards and
16 best practices; and

17 (B) establish standards and best practices
18 the Attorney General determines are necessary
19 to the administration of a tracking system, in-
20 cluding procedures to—

21 (i) safeguard the privacy of the data
22 used by the tracking device such that—

23 (I) access to the data is re-
24 stricted to law enforcement and health

1953

1 agencies determined necessary by the
2 Attorney General; and

3 (II) collection, use, and retention
4 of the data is solely for the purpose of
5 preventing injury to or death of the
6 individual wearing the tracking device;

7 (ii) establish criteria to determine
8 whether use of the tracking device is the
9 least restrictive alternative in order to pre-
10 vent risk of injury or death before issuing
11 the tracking device, including the previous
12 consideration of less restrictive alter-
13 natives;

14 (iii) provide training for law enforce-
15 ment agencies to recognize signs of abuse
16 during interactions with applicants for
17 tracking devices;

18 (iv) protect the civil rights and lib-
19 erties of the individuals who use tracking
20 devices, including their rights under the
21 Fourth Amendment to the Constitution of
22 the United States and title VII of the Civil
23 Rights Act of 1964 (42 U.S.C. 2000e et
24 seq.);

1 (v) establish a complaint and inves-
2 tigation process to address—

3 (I) incidents of noncompliance by
4 recipients of grants under subsection
5 (a)(2) of section 240001 of the Vio-
6 lent Crime Control and Law Enforce-
7 ment Act of 1994 (34 U.S.C. 12621),
8 as added by this Act, with the best
9 practices established by the Attorney
10 General or other applicable law; and

11 (II) use of a tracking device over
12 the objection of an individual; and

13 (vi) determine the role that State
14 agencies should have in the administration
15 of a tracking system.

16 (3) EFFECTIVE DATE.—The standards and best
17 practices established pursuant to paragraph (1) shall
18 take effect 90 days after publication of such stand-
19 ards and practices by the Attorney General.

20 (b) REQUIRED COMPLIANCE.—

21 (1) IN GENERAL.—Each entity that receives a
22 grant under subsection (a)(2) of section 240001 of
23 the Violent Crime Control and Law Enforcement
24 Act of 1994 (34 U.S.C. 12621), as added by this
25 Act, shall comply with any standards and best prac-

1 tices relating to the use of tracking devices estab-
2 lished by the Attorney General in accordance with
3 subsection (a).

4 (2) DETERMINATION OF COMPLIANCE.—The
5 Attorney General, in consultation with the Secretary
6 of Health and Human Services, shall determine
7 whether an entity that receives a grant under sub-
8 section (a)(2) of section 240001 of the Violent
9 Crime Control and Law Enforcement Act of 1994
10 (34 U.S.C. 12621), as added by this Act, acts in
11 compliance with the standards and best practices de-
12 scribed in paragraph (1).

13 (c) APPLICABILITY OF STANDARDS AND BEST PRAC-
14 TICES.—The standards and best practices established by
15 the Attorney General under subsection (a) shall apply only
16 to the grant programs authorized under subsection (a)(2)
17 of section 240001 of the Violent Crime Control and Law
18 Enforcement Act of 1994 (34 U.S.C. 12621), as added
19 by this Act.

20 (d) LIMITATIONS ON PROGRAM.—

21 (1) DATA STORAGE.—Any tracking data pro-
22 vided by tracking devices issued under this program
23 may not be used by a Federal entity to create a
24 database.

1 (2) VOLUNTARY PARTICIPATION.—Nothing in
2 this Act may be construed to require that a parent
3 or guardian use a tracking device to monitor the lo-
4 cation of a child or adult under that parent or
5 guardian’s supervision if the parent or guardian
6 does not believe that the use of such device is nec-
7 essary or in the interest of the child or adult under
8 supervision.

1 **DIVISION R—TARGET ACT**

2 **SECTION 1. SHORT TITLES.**

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

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

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

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

12 (2) Trafficking in persons is increasingly per-
13 petrated by organized, sophisticated criminal enter-
14 prises.

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

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

1 **SEC. 3. REWARDS FOR JUSTICE.**

2 Section 36(k)(5) of the State Department Basic Au-
3 thorities Act of 1956 (22 U.S.C. 2708(k)(5)) is amend-
4 ed—

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

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

10 (3) by inserting before clause (i), as redesign-
11 nated, the following:

12 “(A) means—”;

13 (4) in clause (ii), as redesignated, by striking
14 the period at the end and inserting “; and”; and

15 (5) by adding at the end following:

16 “(B) includes severe forms of trafficking in
17 persons (as defined in section 103 of the Traf-
18 ficking Victims Protection Act of 2000 (22
19 U.S.C. 7102)) involving at least 1 jurisdiction
20 outside of the United States.”.

1 **DIVISION S—OTHER MATTER**
2 **TITLE I—CHILD PROTECTION**
3 **IMPROVEMENTS ACT**

4 **SEC. 101. NATIONAL CRIMINAL HISTORY BACKGROUND**
5 **CHECK AND CRIMINAL HISTORY REVIEW**
6 **PROGRAM.**

7 (a) IN GENERAL.—The National Child Protection
8 Act of 1993 (34 U.S.C. 40101 et seq.) is amended—

9 (1) in section 3 (34 U.S.C. 40102)—

10 (A) by striking “provider” each place it
11 appears and inserting “covered individual”;

12 (B) by striking “provider’s” each place it
13 appears and inserting “covered individual’s”;

14 (C) by amending subsection (a)(3) to read
15 as follows:

16 “(3)(A) The Attorney General shall establish a pro-
17 gram, in accordance with this section, to provide qualified
18 entities located in States that do not have in effect proce-
19 dures described in paragraph (1), or qualified entities lo-
20 cated in States that do not prohibit the use of the program
21 established under this paragraph, with access to national
22 criminal history background checks on, and criminal his-
23 tory reviews of, covered individuals. In any case where the
24 use of a Federal national criminal history background
25 check program is required pursuant to Federal law as of

1 the effective date of this subparagraph, the program under
2 this subparagraph may not be used.

3 “(B) A qualified entity described in subparagraph
4 (A) may submit to the appropriate designated entity a re-
5 quest for a national criminal history background check on,
6 and a criminal history review of, a covered individual.
7 Qualified entities making a request under this paragraph
8 shall comply with the guidelines set forth in subsection
9 (b), and with any additional applicable procedures set
10 forth by the Attorney General or by the State in which
11 the entity is located.”;

12 (D) in subsection (b)—

13 (i) in paragraph (1)(E), by striking
14 “unsupervised”;

15 (ii) by amending paragraph (2) to
16 read as follows:

17 “(2) that the State, or in a State that does not
18 have in effect procedures described in subsection
19 (a)(1), the designated entity, ensures that—

20 “(A) each covered individual who is the
21 subject of a background check under subsection
22 (a) is entitled to obtain a copy of any back-
23 ground check report;

24 “(B) each covered individual who is the
25 subject of a background check under subsection

1961

1 (a) is provided a process by which the covered
2 individual may appeal the results of the back-
3 ground check to challenge the accuracy or com-
4 pleteness of the information contained in the
5 background report of the covered individual and
6 obtain a prompt determination as to the validity
7 of such challenge before a final determination is
8 made by the authorized agency;

9 “(C)(i) each covered individual described in
10 subparagraph (B) is given notice of the oppor-
11 tunity to appeal;

12 “(ii) each covered individual described in
13 subparagraph (B) will receive instructions on
14 how to complete the appeals process if the cov-
15 ered individual wishes to challenge the accuracy
16 or completeness of the information contained in
17 the background report of the covered individual;
18 and

19 “(iii) the appeals process is completed in a
20 timely manner for each covered individual de-
21 scribed in subparagraph (B);

22 “(iv) the appeals process is consistent with
23 title VII of the Civil Rights Act of 1964 (42
24 U.S.C. 2000e et seq.); and

1962

1 “(D) an authorized agency, upon receipt of
2 a background check report lacking disposition
3 data, shall conduct research in whatever State
4 and local recordkeeping systems are available in
5 order to obtain complete data;”;

6 (iii) in paragraph (3), by inserting “or
7 designated entity, as applicable,” after
8 “authorized agency”; and

9 (iv) in paragraph (4), by inserting “or
10 designated entity, as applicable,” after
11 “authorized agency”;

12 (E) in subsection (d), by inserting “, nor
13 shall any designated entity nor any officer or
14 employee thereof,” after “officer or employee
15 thereof,”;

16 (F) by amending subsection (e) to read as
17 follows:

18 “(e) FEES.—

19 “(1) STATE PROGRAM.—In the case of a back-
20 ground check conducted pursuant to a State require-
21 ment adopted after December 20, 1993, conducted
22 with fingerprints on a covered individual, the fees
23 collected by authorized State agencies and the Fed-
24 eral Bureau of Investigation may not exceed the ac-

1 tual cost of the background check conducted with
2 fingerprints.

3 “(2) FEDERAL PROGRAM.—In the case of a na-
4 tional criminal history background check and crimi-
5 nal history review conducted pursuant to the proce-
6 dures established pursuant to subsection (a)(3), the
7 fees collected by a designated entity shall be set at
8 a level that will ensure the recovery of the full costs
9 of providing all such services. The designated entity
10 shall remit the appropriate portion of such fee to the
11 Attorney General, which amount is in accordance
12 with the amount published in the Federal Register
13 to be collected for the provision of a criminal history
14 background check by the Federal Bureau of Inves-
15 tigation.

16 “(3) ENSURING FEES DO NOT DISCOURAGE
17 VOLUNTEERS.—A fee system under this subsection
18 shall be established in a manner that ensures that
19 fees to qualified entities for background checks do
20 not discourage volunteers from participating in pro-
21 grams to care for children, the elderly, or individuals
22 with disabilities. A fee charged to a qualified entity
23 that is not organized under section 501(c)(3) of the
24 Internal Revenue Code of 1986 may not be less than

1964

1 the total sum of the costs of the Federal Bureau of
2 Investigation and the designated entity.”; and

3 (G) by inserting after subsection (e) the
4 following:

5 “(f) NATIONAL CRIMINAL HISTORY BACKGROUND
6 CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.—

7 “(1) NATIONAL CRIMINAL HISTORY BACK-
8 GROUND CHECK.—Upon a designated entity receiv-
9 ing notice of a request submitted by a qualified enti-
10 ty pursuant to subsection (a)(3), the designated en-
11 tity shall forward the request to the Attorney Gen-
12 eral, who shall, acting through the Director of the
13 Federal Bureau of Investigation, complete a finger-
14 print-based check of the national criminal history
15 background check system, and provide the informa-
16 tion received in response to such national criminal
17 history background check to the appropriate des-
18 ignated entity. The designated entity may, upon re-
19 quest from a qualified entity, complete a check of a
20 State criminal history database.

21 “(2) CRIMINAL HISTORY REVIEW.—

22 “(A) DESIGNATED ENTITIES.—The Attor-
23 ney General shall designate, and enter into an
24 agreement with, one or more entities to make
25 determinations described in subparagraph (B).

1965

1 The Attorney General may not designate and
2 enter into an agreement with a Federal agency
3 under this subparagraph.

4 “(B) DETERMINATIONS.—A designated en-
5 tity shall, upon the receipt of the information
6 described in paragraph (1), make a determina-
7 tion of fitness described in subsection (b)(4),
8 using the criteria described in subparagraph
9 (C).

10 “(C) CRIMINAL HISTORY REVIEW CRI-
11 TERIA.—The Attorney General shall, by rule,
12 establish the criteria for use by designated enti-
13 ties in making a determination of fitness de-
14 scribed in subsection (b)(4). Such criteria shall
15 be based on the criteria established pursuant to
16 section 108(a)(3)(G)(i) of the Prosecutorial
17 Remedies and Other Tools to end the Exploi-
18 tation of Children Today Act of 2003 (34
19 U.S.C. 40102 note) and section 658H of the
20 Child Care and Development Block Grant Act
21 of 1990 (42 U.S.C. 9858f).”; and
22 (2) in section 5 (34 U.S.C. 40104)—
23 (A) by amending paragraph (9) to read as
24 follows:

1966

1 “(9) the term ‘covered individual’ means an in-
2 dividual—

3 “(A) who has, seeks to have, or may have
4 access to children, the elderly, or individuals
5 with disabilities, served by a qualified entity;
6 and

7 “(B) who—

8 “(i) is employed by or volunteers with,
9 or seeks to be employed by or volunteer
10 with, a qualified entity; or

11 “(ii) owns or operates, or seeks to
12 own or operate, a qualified entity;”;

13 (B) in paragraph (10), by striking “and”
14 at the end;

15 (C) in paragraph (11), by striking the pe-
16 riod at the end and inserting “; and”; and

17 (D) by inserting after paragraph (11) the
18 following:

19 “(12) the term ‘designated entity’ means an en-
20 tity designated by the Attorney General under sec-
21 tion 3(f)(2)(A).”.

22 (b) IMPLEMENTATION.—The Attorney General shall
23 ensure that this section and the amendments made by this
24 section are fully implemented not later than 1 year after
25 the date of enactment of this section.

1967

1 **TITLE II—SAVE AMERICA’S**
2 **PASTIME ACT**

3 **SEC. 201. APPLICATION OF THE FAIR LABOR STANDARDS**
4 **ACT OF 1938 TO MINOR LEAGUE BASEBALL**
5 **PLAYERS.**

6 (a) IN GENERAL.—Section 13(a) of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

8 (1) in paragraph (18), by striking the period
9 and inserting “; or”; and

10 (2) by adding at the end the following:

11 “(19) any employee employed to play baseball
12 who is compensated pursuant to a contract that pro-
13 vides for a weekly salary for services performed dur-
14 ing the league’s championship season (but not
15 spring training or the off season) at a rate that is
16 not less than a weekly salary equal to the minimum
17 wage under section 6(a) for a workweek of 40 hours,
18 irrespective of the number of hours the employee de-
19 votes to baseball related activities.”.

20 (b) EFFECTIVE DATE.—This section, and the amend-
21 ments made by this section, shall take effect on the date
22 of enactment of this Act.

1968

1 **TITLE III—KEEP YOUNG**
2 **ATHLETES SAFE ACT**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Keep Young Athletes
5 Safe Act of 2018”.

6 **SEC. 302. GRANT TO PROTECT YOUNG ATHLETES FROM**
7 **ABUSE.**

8 (a) IN GENERAL.—Chapter 2205 of title 36, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 “SUBCHAPTER III—GRANT TO KEEP YOUNG
12 ATHLETES SAFE

13 **“§ 220531. Grant to protect young athletes from abuse**

14 “(a) AUTHORITY.—The Attorney General may award
15 a grant to an eligible nonprofit nongovernmental entity in
16 order to support oversight of the United States Olympic
17 Committee, each national governing body, and each
18 paralympic sports organization with regard to safe-
19 guarding amateur athletes against abuse, including emo-
20 tional, physical, and sexual abuse in sports.

21 “(b) APPLICATIONS.—To be eligible to receive a
22 grant under this section, a nonprofit nongovernmental en-
23 tity shall submit an application to the Attorney General
24 at such time, in such manner, and containing such infor-

1 mation as the Attorney General may require, including in-
2 formation that demonstrates that the entity has—

3 “(1) nationally recognized expertise in pre-
4 venting and investigating emotional, physical, and
5 sexual abuse in the athletic programs of the United
6 States Olympic Committee, each national governing
7 body, and each paralympic sports organization; and

8 “(2) the capacity to oversee regular and ran-
9 dom audits to ensure that the policies and proce-
10 dures used by the United States Olympic Com-
11 mittee, each national governing body, and each
12 paralympic sports organization to prevent and iden-
13 tify the abuse of an amateur athlete are followed
14 correctly.

15 “(c) USE OF GRANT AMOUNT.—An entity that re-
16 ceives a grant under this section may use such funds—

17 “(1) to develop and test new training materials
18 for emotional, physical, and sexual abuse prevention
19 and identification education in youth athletic pro-
20 grams;

21 “(2) for staff salaries, travel expenses, equip-
22 ment, printing, and other reasonable expenses nec-
23 essary to develop, maintain, and disseminate to the
24 United States Olympic Committee, each national
25 governing body, each paralympic sports organization,

1970

1 and other amateur sports organizations information
2 about safeguarding amateur athletes against abuse,
3 including emotional, physical, and sexual abuse in
4 sports; and

5 “(3) to oversee the administration of the proce-
6 dures described in subsection (b)(2).

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There is authorized to be
9 appropriated to carry out this section \$2,500,000 for
10 each of the fiscal years 2018 through 2022.

11 “(2) AVAILABILITY OF GRANT FUNDS.—Funds
12 appropriated under this section shall remain avail-
13 able until expended.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for chapter 2205 of title 36, United States Code, is
16 amended by inserting after the item related to section
17 220529 the following:

“SUBCHAPTER III—GRANT TO KEEP YOUNG ATHLETES SAFE
“220531. Grant to protect young athletes from abuse.”.

1971

1 **TITLE IV—CONSENT OF CON-**
2 **GRESS TO AMENDMENTS TO**
3 **THE CONSTITUTION OF THE**
4 **STATE OF ARIZONA**

5 **SEC. 401. CONSENT OF CONGRESS TO AMENDMENTS TO**
6 **THE CONSTITUTION OF THE STATE OF ARI-**
7 **ZONA.**

8 Congress consents to the amendments to the Con-
9 stitution of the State of Arizona proposed by House Con-
10 current Resolution 2001 of the 52nd Legislature of the
11 State of Arizona, First Special Session, 2015, entitled “A
12 Concurrent Resolution Proposing an Amendment to the
13 Constitution of Arizona; Amending Article X, Section 7,
14 Constitution of Arizona; Amending Article XI, Constitu-
15 tion of Arizona, by Adding Section 11; Relating to Edu-
16 cation Finance”, approved by the voters of the State of
17 Arizona at the special election held on May 17, 2016.

18 **TITLE V—STOP SCHOOL**
19 **VIOLENCE ACT**

20 **SEC. 501. SHORT TITLE.**

21 This title may be cited as the “Student, Teachers,
22 and Officers Preventing School Violence Act of 2018” or
23 the “STOP School Violence Act of 2018”.

1972

1 SEC. 502. GRANT PROGRAM FOR SCHOOL SECURITY.

2 Part AA of title I of the Omnibus Crime Control and
3 Safe Streets Act of 1968 (34 U.S.C. 10551 et seq.) is
4 amended—

5 (1) in section 2701 (34 U.S.C. 10551)—

6 (A) by striking subsection (a) and insert-
7 ing the following:

8 “(a) IN GENERAL.—

9 “(1) COPS GRANTS.—The Director of the Of-
10 fice of Community Oriented Policing Services (re-
11 ferred to in this part as the ‘COPS Director’) is au-
12 thorized to make grants to States, units of local gov-
13 ernment, and Indian tribes for the purposes de-
14 scribed in paragraphs (5) through (9) of subsection
15 (b).

16 “(2) BJA GRANTS.—The Director of the Bu-
17 reau of Justice Assistance (referred to in this part
18 as the ‘BJA Director’) is authorized to make grants
19 to States, units of local government, and Indian
20 tribes for the purposes described in paragraphs (1)
21 through (4) of subsection (b).”;

22 (B) in subsection (b)—

23 (i) in the matter preceding paragraph
24 (1), by inserting “evidence-based school
25 safety programs that may include” after
26 “through”; and

1973

1 (ii) by striking paragraphs (1)
2 through (6) and inserting the following:

3 “(1) Training school personnel and students to
4 prevent student violence against others and self.

5 “(2) The development and operation of anony-
6 mous reporting systems for threats of school vio-
7 lence, including mobile telephone applications, hot-
8 lines, and Internet websites.

9 “(3) The development and operation of—

10 “(A) school threat assessment and inter-
11 vention teams that may include coordination
12 with law enforcement agencies and school per-
13 sonnel; and

14 “(B) specialized training for school offi-
15 cials in responding to mental health crises.

16 “(4) Any other measure that, in the determina-
17 tion of the BJA Director, may provide a significant
18 improvement in training, threat assessments and re-
19 porting, and violence prevention.

20 “(5) Coordination with local law enforcement.

21 “(6) Training for local law enforcement officers
22 to prevent student violence against others and self.

23 “(7) Placement and use of metal detectors,
24 locks, lighting, and other deterrent measures.

1 “(8) Acquisition and installation of technology
2 for expedited notification of local law enforcement
3 during an emergency.

4 “(9) Any other measure that, in the determina-
5 tion of the COPS Director, may provide a significant
6 improvement in security.”;

7 (C) by redesignating subsections (c)
8 through (f) as subsections (e) through (h), re-
9 spectively;

10 (D) by inserting after subsection (b) the
11 following:

12 “(c) CONTRACTS AND SUBAWARDS.—A State, unit of
13 local government, or Indian tribe may, in using a grant
14 under this part for purposes authorized under subsection
15 (b), use the grant to contract with or make 1 or more
16 subawards to 1 or more—

17 “(1) local educational agencies;

18 “(2) nonprofit organizations, excluding schools;

19 or

20 “(3) units of local government or tribal organi-
21 zations.

22 “(d) SERVICES AND BENEFITS FOR SCHOOLS.—An
23 entity that receives a subaward or contract under sub-
24 section (c) may use such funds to provide services or bene-
25 fits described under subsection (b) to 1 or more schools.”;

1975

1 (E) in subsection (e), as so redesignated—

2 (i) by striking “Director” and insert-
3 ing “COPS Director and the BJA Direc-
4 tor”;

5 (ii) by striking “and has” and insert-
6 ing “has”; and

7 (iii) by inserting before the period at
8 the end the following: “, and will use evi-
9 dence-based strategies and programs, such
10 as those identified by the Comprehensive
11 School Safety Initiative of the Department
12 of Justice”;

13 (F) in subsection (f), as so redesignated—

14 (i) in paragraph (1), by striking “50
15 percent” and inserting “75 percent”; and

16 (ii) in paragraph (3), by striking “Di-
17 rector may” and inserting “COPS Director
18 and the BJA Director may each”;

19 (G) in subsection (g), as so redesignated,
20 by striking “Director shall” and inserting
21 “COPS Director and the BJA shall each”; and

22 (H) in subsection (h), as so redesignated,
23 by striking “Director may” and inserting
24 “COPS Director and the BJA Director may
25 each”;

1976

1 (2) in section 2702 (34 U.S.C. 10552)—

2 (A) in subsection (a)—

3 (i) in the matter preceding paragraph

4 (1)—

5 (I) by striking “the Director” the
6 first place it appears and inserting
7 “the COPS Director or the BJA Di-
8 rector, as the case may be,”; and

9 (II) by striking “the Director
10 may” and inserting “the COPS Direc-
11 tor or the BJA Director may”;

12 (ii) in paragraph (1)(B), by striking
13 “and” at the end;

14 (iii) in paragraph (2)—

15 (I) in the matter preceding sub-
16 paragraph (A), by striking “child psy-
17 chologists” and inserting “licensed
18 mental health professionals”; and

19 (II) in subparagraph (B), by
20 striking the period at the end and in-
21 serting a semicolon; and

22 (iv) by adding at the end the fol-
23 lowing:

24 “(3) include an assurance that the applicant
25 shall maintain and report such data, records, and in-

1977

1 formation (programmatic and financial) as the
2 COPS Director or the BJA Director may reasonably
3 require;

4 “(4) include a certification, made in a form ac-
5 ceptable to the COPS Director or the BJA Director,
6 as the case may be, that—

7 “(A) the programs to be funded by the
8 grant meet all the requirements of this part;

9 “(B) all the information contained in the
10 application is correct; and

11 “(C) the applicant will comply with all pro-
12 visions of this part and all other applicable Fed-
13 eral laws.”; and

14 (B) in subsection (b)—

15 (i) by striking “this part” and insert-
16 ing “the STOP School Violence Act of
17 2018”; and

18 (ii) by striking “Director shall” and
19 inserting “COPS Director and the BJA
20 Director shall each”;

21 (3) in section 2703 (34 U.S.C. 10553)—

22 (A) in the section heading, by inserting
23 after “**CONGRESS**” the following: “; **GRANT**
24 **ACCOUNTABILITY**”;

1978

1 (B) by striking “Not later” and inserting
2 the following:

3 “(a) ANNUAL REPORT.—Not later”;

4 (C) by striking “Director shall” and insert-
5 ing “COPS Director and the BJA Director
6 shall each”; and

7 (D) by adding at the end the following:

8 “(b) GRANT ACCOUNTABILITY.—Section 3026 (relat-
9 ing to grant accountability) shall apply to grants awarded
10 by the COPS Director and the BJA Director under this
11 part. For purposes of the preceding sentence, any ref-
12 erences in section 3026 to the Attorney General shall be
13 considered references to the COPS Director or the BJA
14 Director, as appropriate, and any references in that sec-
15 tion to part LL shall be considered references to part
16 AA.”;

17 (4) in section 2704 (34 U.S.C. 10554)—

18 (A) in paragraph (1)—

19 (i) by striking “a public” and insert-
20 ing “an”; and

21 (ii) by inserting “, including a Bu-
22 reau-funded school (as defined in section
23 1141 of the Education Amendments of
24 1978 (25 U.S.C. 2021))” after “secondary
25 school”;

1979

1 (B) in paragraph (2), by striking “and” at
2 the end;

3 (C) in paragraph (3), by striking the pe-
4 riod at the end and inserting a semicolon; and

5 (D) by adding at the end the following:

6 “(4) the term ‘evidence-based’ means a pro-
7 gram, practice, technology, or equipment that—

8 “(A) demonstrates a statistically signifi-
9 cant effect on relevant outcomes based on—

10 “(i) strong evidence from not less
11 than 1 well-designed and well-implemented
12 experimental study;

13 “(ii) moderate evidence from not less
14 than 1 well-designed and well-implemented
15 quasi-experimental study; or

16 “(iii) promising evidence from not less
17 than 1 well-designed and well-implemented
18 correlational study with statistical controls
19 for selection bias;

20 “(B) demonstrates a rationale based on
21 high-quality research findings or positive eval-
22 uation that such program, practice, technology,
23 or equipment is likely to improve relevant out-
24 comes, and includes ongoing efforts to examine

1980

1 the effects of the program, practice, technology,
2 or equipment; or

3 “(C) in the case of technology or equip-
4 ment, demonstrates that use of the technology
5 or equipment is—

6 “(i) consistent with best practices for
7 school security, including—

8 “(I) applicable standards for
9 school security established by a Fed-
10 eral or State government agency; and

11 “(II) findings and recommenda-
12 tions of public commissions and task
13 forces established to make rec-
14 ommendations or set standards for
15 school security; and

16 “(ii) compliant with all applicable
17 codes, including building and life safety
18 codes; and

19 “(5) the term ‘tribal organization’ has the same
20 meaning given the term in section 4(1) of the Indian
21 Self-Determination and Education Assistance Act
22 (25 U.S.C. 5304(1)).”;

23 (5) by striking section 2705 and inserting the
24 following:

1 **“SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There are authorized to be ap-
3 propriated—

4 “(1) \$75,000,000 for fiscal year 2018, of
5 which—

6 “(A) \$50,000,000 shall be made available
7 to the BJA Director to carry out this part; and

8 “(B) \$25,000,000 shall be made available
9 to the COPS Director to carry out this part;
10 and

11 “(2) \$100,000,000 for each of fiscal years 2019
12 through 2028, of which, for each fiscal year—

13 “(A) \$67,000,000 shall be made available
14 to the BJA Director to carry out this part; and

15 “(B) \$33,000,000 shall be made available
16 to the COPS Director to carry out this part.

17 “(b) OFFSET.—Any funds appropriated for the Com-
18 prehensive School Safety Initiative of the National Insti-
19 tute of Justice in fiscal year 2018 shall instead be used
20 for the purposes in subsection (a).”; and

21 (6) by adding at the end the following:

22 **“SEC. 2706. RULES OF CONSTRUCTION.**

23 “(a) NO FUNDS TO PROVIDE FIREARMS OR TRAIN-
24 ING.—No amounts provided as a grant under this part
25 may be used for the provision to any person of a firearm
26 or training in the use of a firearm.

1982

1 “(b) NO EFFECT ON OTHER LAWS.—Nothing in this
2 part may be construed to preclude or contradict any other
3 provision of law authorizing the provision of firearms or
4 training in the use of firearms.”.

5 **TITLE VI—FIX NICS ACT**

6 **SEC. 601. SHORT TITLE.**

7 This title may be cited as the “Fix NICS Act of
8 2018”.

9 **SEC. 602. ACCOUNTABILITY FOR FEDERAL DEPARTMENTS** 10 **AND AGENCIES.**

11 Section 103 of the Brady Handgun Violence Preven-
12 tion Act (34 U.S.C. 40901) is amended—

13 (1) in subsection (e)(1), by adding at the end
14 the following:

15 “(F) SEMIANNUAL CERTIFICATION AND
16 REPORTING.—

17 “(i) IN GENERAL.—The head of each
18 Federal department or agency shall submit
19 a semiannual written certification to the
20 Attorney General indicating whether the
21 department or agency is in compliance
22 with the record submission requirements
23 under subparagraph (C).

24 “(ii) SUBMISSION DATES.—The head
25 of a Federal department or agency shall

1983

1 submit a certification to the Attorney Gen-
2 eral under clause (i)—

3 “(I) not later than July 31 of
4 each year, which shall address all rel-
5 evant records, including those that
6 have not been transmitted to the At-
7 torney General, in possession of the
8 department or agency during the pe-
9 riod beginning on January 1 of the
10 year and ending on June 30 of the
11 year; and

12 “(II) not later than January 31
13 of each year, which shall address all
14 relevant records, including those that
15 have not been transmitted to the At-
16 torney General, in possession of the
17 department or agency during the pe-
18 riod beginning on July 1 of the pre-
19 vious year and ending on December
20 31 of the previous year.

21 “(iii) CONTENTS.—A certification re-
22 quired under clause (i) shall state, for the
23 applicable period—

24 “(I) the total number of records
25 of the Federal department or agency

1984

1 demonstrating that a person falls
2 within one of the categories described
3 in subsection (g) or (n) of section 922
4 of title 18, United States Code;

5 “(II) for each category of records
6 described in subclause (I), the total
7 number of records of the Federal de-
8 partment or agency that have been
9 provided to the Attorney General; and

10 “(III) the efforts of the Federal
11 department or agency to ensure com-
12 plete and accurate reporting of rel-
13 evant records, including efforts to
14 monitor compliance and correct any
15 reporting failures or inaccuracies.

16 “(G) IMPLEMENTATION PLAN.—

17 “(i) IN GENERAL.—Not later than 1
18 year after the date of enactment of this
19 subparagraph, the head of each Federal
20 department or agency, in coordination with
21 the Attorney General, shall establish a plan
22 to ensure maximum coordination and auto-
23 mated reporting or making available of
24 records to the Attorney General as re-
25 quired under subparagraph (C), and the

1985

1 verification of the accuracy of those
2 records, including the pre-validation of
3 those records, where appropriate, during a
4 4-year period specified in the plan. The
5 records shall be limited to those of an indi-
6 vidual described in subsection (g) or (n) of
7 section 922 of title 18, United States
8 Code.

9 “(ii) BENCHMARK REQUIREMENTS.—
10 Each plan established under clause (i)
11 shall include annual benchmarks to enable
12 the Attorney General to assess implemen-
13 tation of the plan, including—

14 “(I) qualitative goals and quan-
15 titative measures;

16 “(II) measures to monitor inter-
17 nal compliance, including any report-
18 ing failures and inaccuracies;

19 “(III) a needs assessment, in-
20 cluding estimated compliance costs;
21 and

22 “(IV) an estimated date by which
23 the Federal department or agency will
24 fully comply with record submission
25 requirements under subparagraph (C).

1986

1 “(iii) COMPLIANCE DETERMINA-
2 TION.—Not later than the end of each fis-
3 cal year beginning after the date of the es-
4 tablishment of a plan under clause (i), the
5 Attorney General shall determine whether
6 the applicable Federal department or agen-
7 cy has achieved substantial compliance
8 with the benchmarks included in the plan.

9 “(H) ACCOUNTABILITY.—The Attorney
10 General shall publish, including on the website
11 of the Department of Justice, and submit to the
12 Committee on the Judiciary and the Committee
13 on Appropriations of the Senate and the Com-
14 mittee on the Judiciary and the Committee on
15 Appropriations of the House of Representatives
16 a semiannual report that discloses—

17 “(i) the name of each Federal depart-
18 ment or agency that has failed to submit
19 a required certification under subpara-
20 graph (F);

21 “(ii) the name of each Federal depart-
22 ment or agency that has submitted a re-
23 quired certification under subparagraph
24 (F), but failed to certify compliance with

1 the record submission requirements under
2 subparagraph (C);

3 “(iii) the name of each Federal de-
4 partment or agency that has failed to sub-
5 mit an implementation plan under sub-
6 paragraph (G);

7 “(iv) the name of each Federal de-
8 partment or agency that is not in substan-
9 tial compliance with an implementation
10 plan under subparagraph (G);

11 “(v) a detailed summary of the data,
12 broken down by department or agency,
13 contained in the certifications submitted
14 under subparagraph (F);

15 “(vi) a detailed summary of the con-
16 tents and status, broken down by depart-
17 ment or agency, of the implementation
18 plans established under subparagraph (G);
19 and

20 “(vii) the reasons for which the Attor-
21 ney General has determined that a Federal
22 department or agency is not in substantial
23 compliance with an implementation plan
24 established under subparagraph (G).

1988

1 “(I) NONCOMPLIANCE PENALTIES.—For
2 each of fiscal years 2019 through 2022, each
3 political appointee of a Federal department or
4 agency that has failed to certify compliance
5 with the record submission requirements under
6 subparagraph (C), and is not in substantial
7 compliance with an implementation plan estab-
8 lished under subparagraph (G), shall not be eli-
9 gible for the receipt of bonus pay, excluding
10 overtime pay, until the department or agency—

11 “(i) certifies compliance with the
12 record submission requirements under sub-
13 paragraph (C); or

14 “(ii) achieves substantial compliance
15 with an implementation plan established
16 under subparagraph (G).

17 “(J) TECHNICAL ASSISTANCE.—The Attor-
18 ney General may use funds made available for
19 the national instant criminal background check
20 system established under subsection (b) to pro-
21 vide technical assistance to a Federal depart-
22 ment or agency, at the request of the depart-
23 ment or agency, in order to help the depart-
24 ment or agency comply with the record submis-
25 sion requirements under subparagraph (C).

1989

1 “(K) APPLICATION TO FEDERAL
2 COURTS.—For purposes of this paragraph—

3 “(i) the terms ‘department or agency
4 of the United States’ and ‘Federal depart-
5 ment or agency’ include a Federal court;
6 and

7 “(ii) the Director of the Administra-
8 tive Office of the United States Courts
9 shall perform, for a Federal court, the
10 functions assigned to the head of a depart-
11 ment or agency.”; and

12 (2) in subsection (g), by adding at the end the
13 following: “For purposes of the preceding sentence,
14 not later than 60 days after the date on which the
15 Attorney General receives such information, the At-
16 torney General shall determine whether or not the
17 prospective transferee is the subject of an erroneous
18 record and remove any records that are determined
19 to be erroneous. In addition to any funds made
20 available under subsection (k), the Attorney General
21 may use such sums as are necessary and otherwise
22 available for the salaries and expenses of the Federal
23 Bureau of Investigation to comply with this sub-
24 section.”.

1 **SEC. 603. REAUTHORIZATION OF NICS ACT RECORD IM-**
2 **PROVEMENT PROGRAM.**

3 (a) REQUIREMENTS TO OBTAIN WAIVER.—Section
4 102 of the NICS Improvement Amendments Act of 2007
5 (34 U.S.C. 40912) is amended—

6 (1) in subsection (a), in the first sentence—

7 (A) by striking “the Crime Identification
8 Technology Act of 1988 (42 U.S.C. 14601)”
9 and inserting “section 102 of the Crime Identi-
10 fication Technology Act of 1998 (34 U.S.C.
11 40301)”; and

12 (B) by inserting “is in compliance with an
13 implementation plan established under sub-
14 section (b) or” before “provides at least 90 per-
15 cent of the information described in subsection
16 (c)”; and

17 (2) in subsection (b)(1)(B), by inserting “or
18 has established an implementation plan under sec-
19 tion 107” after “the Attorney General”.

20 (b) IMPLEMENTATION ASSISTANCE TO STATES.—
21 Section 103 of the NICS Improvement Amendments Act
22 of 2007 (34 U.S.C. 40913) is amended—

23 (1) in subsection (b)(3), by inserting before the
24 semicolon at the end the following: “, including
25 through increased efforts to pre-validate the contents

1991

1 of those records to expedite eligibility determina-
2 tions”;

3 (2) in subsection (e)—

4 (A) in paragraph (1)—

5 (i) by striking “and”; and

6 (ii) by inserting before the period at
7 the end the following: “, and \$125,000,000
8 for each of fiscal years 2018 through
9 2022”; and

10 (B) by striking paragraph (2) and insert-
11 ing the following—

12 “(2) DOMESTIC ABUSE AND VIOLENCE PREVEN-
13 TION INITIATIVE.—

14 “(A) ESTABLISHMENT.—For each of fiscal
15 years 2018 through 2022, the Attorney General
16 shall create a priority area under the NICS Act
17 Record Improvement Program (commonly
18 known as ‘NARIP’) for a Domestic Abuse and
19 Violence Prevention Initiative that emphasizes
20 the need for grantees to identify and upload all
21 felony conviction records and domestic violence
22 records.

23 “(B) FUNDING.—The Attorney General—

24 “(i) may use not more than 50 per-
25 cent of the amounts made available under

1992

1 this subsection for each of fiscal years
2 2018 through 2022 to carry out the initia-
3 tive described in subparagraph (A); and

4 “(ii) shall give a funding preference
5 under NARIP to States that—

6 “(I) have established an imple-
7 mentation plan under section 107;
8 and

9 “(II) will use amounts made
10 available under this subparagraph to
11 improve efforts to identify and upload
12 all felony conviction records and do-
13 mestic violence records described in
14 clauses (i), (v), and (vi) of section
15 102(b)(1)(C) by not later than Sep-
16 tember 30, 2022.”; and

17 (3) by adding at the end the following:

18 “(g) TECHNICAL ASSISTANCE.—The Attorney Gen-
19 eral shall direct the Office of Justice Programs, the Bu-
20 reau of Alcohol, Tobacco, Firearms, and Explosives, and
21 the Federal Bureau of Investigation to—

22 “(1) assist States that are not currently eligible
23 for grants under this section to achieve compliance
24 with all eligibility requirements; and

1993

1 “(2) provide technical assistance and training
2 services to grantees under this section.”.

3 **SEC. 604. REAUTHORIZATION OF THE NATIONAL CRIMINAL**
4 **HISTORY IMPROVEMENT PROGRAM.**

5 (a) STATE GRANT PROGRAM FOR CRIMINAL JUSTICE
6 IDENTIFICATION, INFORMATION, AND COMMUNICA-
7 TION.—Section 102 of the Crime Identification Tech-
8 nology Act of 1998 (34 U.S.C. 40301) is amended—

9 (1) in subsection (a)(3)—

10 (A) by redesignating subparagraphs (C),
11 (D), and (E) as subparagraphs (D), (E), and
12 (F), respectively; and

13 (B) by inserting after subparagraph (B)
14 the following:

15 “(C) identification of all individuals who
16 have been convicted of a crime punishable by
17 imprisonment for a term exceeding 1 year”;

18 (2) in subsection (b)(6)—

19 (A) by striking “(18 U.S.C. 922 note)”
20 and inserting “(34 U.S.C. 40901(b))”; and

21 (B) by inserting before the semicolon at
22 the end the following: “, including through in-
23 creased efforts to pre-validate the contents of
24 felony conviction records and domestic violence
25 records to expedite eligibility determinations,

1 and measures and resources necessary to estab-
2 lish and achieve compliance with an implemen-
3 tation plan under section 107 of the NICS Im-
4 provement Amendments Act of 2007”;

5 (3) in subsection (d), by inserting after “un-
6 less” the following: “the State has achieved compli-
7 ance with an implementation plan under section 107
8 of the NICS Improvement Amendments Act of 2007
9 or”; and

10 (4) in subsection (e)(1), by striking “2002
11 through 2007” and inserting “2018 through 2022”.

12 (b) GRANTS FOR THE IMPROVEMENT OF CRIMINAL
13 RECORDS.—Section 106(b)(1) of the Brady Handgun Vio-
14 lence Prevention Act (34 U.S.C. 40302(1)) is amended—

15 (1) in the matter preceding subparagraph (A)—

16 (A) by striking “as of the date of enact-
17 ment of this Act” and inserting “, as of the
18 date of enactment of the Fix NICS Act of
19 2018,”; and

20 (B) by striking “files,” and inserting the
21 following: “files and that will utilize funding
22 under this subsection to prioritize the identifica-
23 tion and transmittal of felony conviction records
24 and domestic violence records,”;

1995

1 (2) in subparagraph (B), by striking “and” at
2 the end;

3 (3) in subparagraph (C)—

4 (A) by striking “upon establishment of the
5 national system,”; and

6 (B) by striking the period at the end and
7 inserting “; and”; and

8 (4) by adding at the end the following—

9 “(D) to establish and achieve compliance
10 with an implementation plan under section 107
11 of the NICS Improvement Amendments Act of
12 2007.”.

13 **SEC. 605. IMPROVING INFORMATION SHARING WITH THE**
14 **STATES.**

15 (a) **IN GENERAL.**—Title I of the NICS Improvement
16 Amendments Act of 2007 (34 U.S. 40911 et seq.) is
17 amended by adding at the end the following:

18 **“SEC. 107. IMPLEMENTATION PLAN.**

19 “(a) **IN GENERAL.**—Not later than 1 year after the
20 date of enactment of the Fix NICS Act of 2018, the Attor-
21 ney General, in coordination with the States and Indian
22 tribal governments, shall establish, for each State or In-
23 dian tribal government, a plan to ensure maximum coordi-
24 nation and automation of the reporting or making avail-
25 able of appropriate records to the National Instant Crimi-

1996

1 nal Background Check System established under section
2 103 of the Brady Handgun Violence Prevention Act (34
3 U.S.C. 40901) and the verification of the accuracy of
4 those records during a 4-year period specified in the plan.
5 The records shall be limited to those of an individual de-
6 scribed in subsection (g) or (n) of section 922 of title 18,
7 United States Code

8 “(b) BENCHMARK REQUIREMENTS.—Each plan es-
9 tablished under this section shall include annual bench-
10 marks to enable the Attorney General to assess the imple-
11 mentation of the plan, including—

12 “(1) qualitative goals and quantitative meas-
13 ures; and

14 “(2) a needs assessment, including estimated
15 compliance costs.

16 “(c) COMPLIANCE DETERMINATION.—Not later than
17 the end of each fiscal year beginning after the date of the
18 establishment of an implementation plan under this sec-
19 tion, the Attorney General shall determine whether each
20 State or Indian tribal government has achieved substantial
21 compliance with the benchmarks included in the plan.

22 “(d) ACCOUNTABILITY.—The Attorney General—

23 “(1) shall disclose and publish, including on the
24 website of the Department of Justice—

1997

1 “(A) the name of each State or Indian
2 tribal government that received a determination
3 of failure to achieve substantial compliance with
4 an implementation plan under subsection (c) for
5 the preceding fiscal year; and

6 “(B) a description of the reasons for which
7 the Attorney General has determined that the
8 State or Indian tribal government is not in sub-
9 stantial compliance with the implementation
10 plan, including, to the greatest extent possible,
11 a description of the types and amounts of
12 records that have not been submitted; and

13 “(2) if a State or Indian tribal government de-
14 scribed in paragraph (1) subsequently receives a de-
15 termination of substantial compliance, shall—

16 “(A) immediately correct the applicable
17 record; and

18 “(B) not later than 3 days after the deter-
19 mination, remove the record from the website of
20 the Department of Justice and any other loca-
21 tion where the record was published.

22 “(e) INCENTIVES.—For each of fiscal years 2018
23 through 2022, the Attorney General shall give affirmative
24 preference to all Bureau of Justice Assistance discre-
25 tionary grant applications of a State or Indian tribal gov-

1998

1 ernment that received a determination of substantial com-
2 pliance under subsection (c) for the fiscal year in which
3 the grant was solicited.”.

4 (b) TABLE OF CONTENTS.—The table of contents in
5 section 1(b) of the NICS Improvement Amendments Act
6 of 2007 (Public Law 110–180; 121 Stat. 2559) is amend-
7 ed by inserting after the item relating to section 106 the
8 following:

“Sec. 107. Implementation plan.”.

9 **TITLE VII—STATE SEXUAL RISK**
10 **AVOIDANCE EDUCATION PRO-**
11 **GRAM**

12 **SEC. 701. FULL PAYMENT BY SECRETARY FOR STATE SEX-**
13 **UAL RISK AVOIDANCE EDUCATION PROGRAM.**

14 (a) IN GENERAL.—Paragraph (1) of section 510(d)
15 of the Social Security Act (42 U.S.C. 710(d)) is amended
16 by inserting before the period at the end the following:
17 “, except that section 503(a) shall be applied by sub-
18 stituting ‘the total of the sums’ for ‘four-sevenths of the
19 total of the sums’ ”.

20 (b) TECHNICAL CORRECTIONS.—Section
21 510(a)(1)(A) of the Social Security Act (42 U.S.C.
22 710(a)(1)(A)) is amended—

23 (1) by striking “subsection (e)(1)” and insert-
24 ing “subsection (f)(1)”; and

1999

1 (2) by striking “subsection (e)(2)” and insert-
2 ing “subsection (f)(2)”.

3 **TITLE VIII—SMALL BUSINESS**
4 **CREDIT AVAILABILITY ACT**

5 **SEC. 801. SHORT TITLE.**

6 This title may be cited as the “Small Business Credit
7 Availability Act”.

8 **SEC. 802. EXPANDING ACCESS TO CAPITAL FOR BUSINESS**
9 **DEVELOPMENT COMPANIES.**

10 (a) IN GENERAL.—Section 61(a) of the Investment
11 Company Act of 1940 (15 U.S.C. 80a–60(a)) is amend-
12 ed—

13 (1) by redesignating paragraphs (2) through
14 (4) as paragraphs (3) through (5), respectively; and

15 (2) by striking paragraph (1) and inserting the
16 following:

17 “(1) Except as provided in paragraph (2), the
18 asset coverage requirements of subparagraphs (A)
19 and (B) of section 18(a)(1) (and any related rule
20 promulgated under this Act) applicable to business
21 development companies shall be 200 percent.

22 “(2) The asset coverage requirements of sub-
23 paragraphs (A) and (B) of section 18(a)(1) and of
24 subparagraphs (A) and (B) of section 18(a)(2) (and
25 any related rule promulgated under this Act) appli-

1 cable to a business development company shall be
2 150 percent if—

3 “(A) not later than 5 business days after
4 the date on which those asset coverage require-
5 ments are approved under subparagraph (D) of
6 this paragraph, the business development com-
7 pany discloses that the requirements were ap-
8 proved, and the effective date of the approval,
9 in—

10 “(i) any filing submitted to the Com-
11 mission under section 13(a) or 15(d) of the
12 Securities Exchange Act of 1934 (15
13 U.S.C. 78m(a); 78o(d)); and

14 “(ii) a notice on the website of the
15 business development company;

16 “(B) the business development company
17 discloses, in each periodic filing required under
18 section 13(a) of the Securities Exchange Act of
19 1934 (15 U.S.C. 78m(a))—

20 “(i) the aggregate outstanding prin-
21 cipal amount or liquidation preference, as
22 applicable, of the senior securities issued
23 by the business development company and
24 the asset coverage percentage as of the
25 date of the business development com-

2001

1 pany’s most recent financial statements in-
2 cluded in that filing;

3 “(ii) that the business development
4 company, under subparagraph (D), has ap-
5 proved the asset coverage requirements
6 under this paragraph; and

7 “(iii) the effective date of the approval
8 described in clause (ii);

9 “(C) with respect to a business develop-
10 ment company that is an issuer of common eq-
11 uity securities, each periodic filing of the com-
12 pany required under section 13(a) of the Secu-
13 rities Exchange Act of 1934 (15 U.S.C.
14 78m(a)) includes disclosures that are reason-
15 ably designed to ensure that shareholders are
16 informed of—

17 “(i) the amount of senior securities
18 (and the associated asset coverage ratios)
19 of the company, determined as of the date
20 of the most recent financial statements of
21 the company included in that filing; and

22 “(ii) the principal risk factors associ-
23 ated with the senior securities described in
24 clause (i), to the extent that risk is in-
25 curred by the company; and

2002

1 “(D) the company—

2 “(i)(I) through a vote of the required
3 majority (as defined in section 57(o)), ap-
4 proves the application of this paragraph to
5 the company, to become effective on the
6 date that is 1 year after the date of the
7 approval; or

8 “(II) obtains, at a special or annual
9 meeting of shareholders or partners at
10 which a quorum is present, the approval of
11 more than 50 percent of the votes cast for
12 the application of this paragraph to the
13 company, to become effective on the first
14 day after the date of the approval; and

15 “(ii) if the company is not an issuer
16 of common equity securities that are listed
17 on a national securities exchange, extends,
18 to each person that is a shareholder as of
19 the date of an approval described in sub-
20 clause (I) or (II) of clause (i), as applica-
21 ble, the opportunity (which may include a
22 tender offer) to sell the securities held by
23 that shareholder as of that applicable ap-
24 proval date, with 25 percent of those secu-
25 rities to be repurchased in each of the 4

2003

1 calendar quarters following the calendar
2 quarter in which that applicable approval
3 date takes place.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) INVESTMENT ADVISERS ACT OF 1940.—Sec-
6 tion 205(b)(3) of the Investment Advisers Act of
7 1940 (15 U.S.C. 80b–5(b)(3)) is amended—

8 (A) by striking “section 61(a)(3)(B)(iii)”
9 and inserting “section 61(a)(4)(B)(iii)”; and

10 (B) by striking “section 61(a)(3)(B)” and
11 inserting “section 61(a)(4)(B)”.

12 (2) INVESTMENT COMPANY ACT OF 1940.—The
13 Investment Company Act of 1940 (15 U.S.C. 80a–
14 1 et seq.) is amended—

15 (A) in section 57 (15 U.S.C. 80a–56)—

16 (i) in subsection (j)(1), by striking
17 “section 61(a)(3)(B)” and inserting “sec-
18 tion 61(a)(4)(B)”; and

19 (ii) in subsection (n)(2), by striking
20 “section 61(a)(3)(B)” and inserting “sec-
21 tion 61(a)(4)(B)”; and

22 (B) in section 63(3) (15 U.S.C. 80a–
23 62(3)), by striking “section 61(a)(3)” and in-
24 serting “section 61(a)(4)”.

1 **SEC. 803. PARITY FOR BUSINESS DEVELOPMENT COMPA-**
2 **NIES REGARDING OFFERING AND PROXY**
3 **RULES.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “business development company”
6 has the meaning given the term in section 2(a) of
7 the Investment Company Act of 1940 (15 U.S.C.
8 80a–2(a));

9 (2) the term “Commission” means the Securi-
10 ties and Exchange Commission;

11 (3) the term “Form N–2” means the form de-
12 scribed in section 239.14 of title 17, Code of Federal
13 Regulations;

14 (4) the term “Form S–3” means the form de-
15 scribed in section 239.13 of title 17, Code of Federal
16 Regulations; and

17 (5) the term “Schedule 14A” means the infor-
18 mation required under section 240.14a–101 of title
19 17, Code of Federal Regulations.

20 (b) REVISION TO RULES.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, the Commission
23 shall make the revisions described in paragraph (2)
24 to allow a business development company that has
25 filed an election under section 54 of the Investment
26 Company Act of 1940 (15 U.S.C. 80a–53) to use

2005

1 the securities offering and proxy rules that are avail-
2 able to other issuers that are required to file reports
3 under section 13(a) or section 15(d) of the Securi-
4 ties Exchange Act of 1934 (15 U.S.C. 78m(a);
5 78o(d)).

6 (2) REQUIRED REVISIONS.—The revisions de-
7 scribed in this paragraph are revisions to—

8 (A) section 230.405 of title 17, Code of
9 Federal Regulations—

10 (i) to remove the exclusion of a busi-
11 ness development company from the defini-
12 tion of the term “well-known seasoned
13 issuer” under that section; and

14 (ii) to add a registration statement
15 filed on Form N-2 to the definition of the
16 term “automatic shelf registration state-
17 ment” under that section;

18 (B) sections 230.168 and 230.169 of title
19 17, Code of Federal Regulations, to remove the
20 exclusion of a business development company
21 from an issuer that is eligible for the exemp-
22 tions under those sections;

23 (C) section 230.163 of title 17, Code of
24 Federal Regulations, to remove a business de-
25 velopment company from the list of issuers that

1 are ineligible for the exemption under that sec-
2 tion;

3 (D) section 230.163A of title 17, Code of
4 Federal Regulations, to remove the communica-
5 tions made by a business development company
6 from the list of communications that are ineli-
7 gible for the exemption under that section;

8 (E) section 230.134 of title 17, Code of
9 Federal Regulations, to remove the exclusion of
10 a communication relating to a business develop-
11 ment company from the application of that sec-
12 tion;

13 (F) sections 230.138 and 230.139 of title
14 17, Code of Federal Regulations, to specifically
15 include a business development company as an
16 issuer to which those sections apply;

17 (G) section 230.156 of title 17, Code of
18 Federal Regulations, to provide that nothing in
19 that section may be construed to prevent a
20 business development company from qualifying
21 for an exemption under section 230.168 or
22 230.169 of title 17, Code of Federal Regula-
23 tions, as amended by the Commission in accord-
24 ance with the requirements of this section;

2007

1 (H) section 230.164 of title 17, Code of
2 Federal Regulations, to remove a business de-
3 velopment company from the list of issuers that
4 are excluded under that section;

5 (I) section 230.433 of title 17, Code of
6 Federal Regulations, to specifically include a
7 business development company that is a well-
8 known seasoned issuer as an issuer to which
9 that section applies;

10 (J) section 230.415 of title 17, Code of
11 Federal Regulations to state that the registra-
12 tion for securities under section
13 230.415(a)(1)(x) of title 17, Code of Federal
14 Regulations, includes securities registered on
15 Form N-2 by a business development company
16 that would otherwise meet the eligibility re-
17 quirements of Form S-3;

18 (K) section 230.497 of title 17, Code of
19 Federal Regulations, to include a process for a
20 business development company to file a form of
21 prospectus in the same manner as the process
22 for filing a form of prospectus under section
23 230.424(b) of title 17, Code of Federal Regula-
24 tions;

2008

1 (L) sections 230.172 and 230.173 of title
2 17, Code of Federal Regulations, to remove the
3 exclusion of an offering of a business develop-
4 ment company from the application of those
5 sections;

6 (M) section 230.418 of title 17, Code of
7 Federal Regulations, to provide that a business
8 development company that would otherwise
9 meet the eligibility requirements of Form S-3
10 shall be exempt from paragraph (a)(3) of that
11 section;

12 (N) Schedule 14A to revise item 13(b)(1)
13 of that Schedule to include a business develop-
14 ment company that would otherwise meet the
15 requirements of note E of that Schedule as an
16 issuer to which that item applies;

17 (O) section 243.103 of title 17, Code of
18 Federal Regulations, to provide that paragraph
19 (a) of that section applies for the purposes of
20 Form N-2; and

21 (P) item 34 on Form N-2 to require a
22 business development company to provide un-
23 dertakings that are no more restrictive than the
24 undertakings that are required of a registrant

2009

1 under section 229.512 of title 17, Code of Fed-
2 eral Regulations.

3 (c) REVISION TO FORM N-2.—Not later than 1 year
4 after the date of enactment of this Act, the Commission
5 shall revise Form N-2—

6 (1) to include an item or instruction that is
7 similar to item 12 on Form S-3 to provide that a
8 business development company that would otherwise
9 meet the requirements of Form S-3 shall incor-
10 porate by reference the reports and documents filed
11 by the business development company under the Se-
12 curities Exchange Act of 1934 (15 U.S.C. 78a et
13 seq.) into the registration statement of the business
14 development company filed on Form N-2; and

15 (2) to include an item or instruction that is
16 similar to the instruction regarding automatic shelf
17 offerings by well-known seasoned issuers on Form
18 S-3 to provide that a business development company
19 that is a well-known seasoned issuer may file auto-
20 matic shelf offerings on Form N-2.

21 (d) TREATMENT IF REVISIONS NOT COMPLETED IN
22 TIMELY MANNER.—If the Commission fails to complete
23 the revisions required under subsections (b) and (c) by the
24 dates described in those subsections, a business develop-
25 ment company, during the period beginning on the date

2010

1 that is 1 day after 1 year after the date of enactment of
2 this Act and ending on the date that the Commission com-
3 pletes those revisions, may deem those revisions to have
4 been completed in accordance with the actions required to
5 be taken by the Commission under those subsections.

6 (e) RULES OF CONSTRUCTION.—

7 (1) TREATMENT OF SUCCESSOR REGULATIONS
8 AND FORMS.—Any reference in this section to a reg-
9 ulation or form shall be construed as a reference
10 to—

11 (A) that regulation or form, as in effect on
12 the day before the date of enactment of this
13 Act; or

14 (B) any successor to that regulation or
15 form.

16 (2) DISTRIBUTION OF SALES MATERIAL.—
17 Nothing in this section, or in the amendments made
18 pursuant to the requirements of this section, may be
19 construed to prevent a business development com-
20 pany from distributing sales material under section
21 230.482 of title 17, Code of Federal Regulations.

2011

1 **TITLE IX—SMALL BUSINESS AC-**
2 **CESS TO CAPITAL AFTER A**
3 **NATURAL DISASTER ACT**

4 **SEC. 901. SHORT TITLE.**

5 This title may be cited as the “Small Business Access
6 to Capital After a Natural Disaster Act”.

7 **SEC. 902. EXPANDING ACCESS TO CAPITAL FOR SMALL**
8 **BUSINESSES IMPACTED BY A NATURAL DIS-**
9 **ASTER.**

10 Section 4 of the Securities Exchange Act of 1934 (15
11 U.S.C. 78d) is amended—

12 (1) in subsection (j)(4)(C), by striking “minor-
13 ity-owned and women-owned small businesses” and
14 inserting “minority-owned small businesses, women-
15 owned small businesses, and small businesses af-
16 fected by hurricanes or other natural disasters”; and

17 (2) in subsection (j)(6)(B)(iii), by striking “mi-
18 nority-owned and women-owned small businesses”
19 and inserting “minority-owned small businesses,
20 women-owned small businesses, and small businesses
21 affected by hurricanes or other natural disasters”.

22 **TITLE X—TAYLOR FORCE ACT**

23 **SEC. 1001. SHORT TITLE.**

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

2012

1 SEC. 1002. FINDINGS.

2 Congress makes the following findings:

3 (1) The Palestinian Authority's practice of pay-
4 ing salaries to terrorists serving in Israeli prisons, as
5 well as to the families of deceased terrorists, is an
6 incentive to commit acts of terror.

7 (2) The United States does not provide direct
8 budgetary support to the Palestinian Authority. The
9 United States does pay certain debts held by the
10 Palestinian Authority and funds programs for which
11 the Palestinian Authority would otherwise be respon-
12 sible.

13 (3) The United States Government supports
14 community-based programs in the West Bank and
15 Gaza that provide for basic human needs, such as
16 food, water, health, shelter, protection, education,
17 and livelihoods, and that promote peace and develop-
18 ment.

19 (4) Since fiscal year 2015, annual appropria-
20 tions legislation has mandated the reduction of Eco-
21 nomic Support Fund aid for the Palestinian Author-
22 ity as a result of their payments for acts of ter-
23 rorism including, in fiscal year 2017, a reduction
24 "by an amount the Secretary determines is equiva-
25 lent to the amount expended by the Palestinian Au-
26 thority, the Palestine Liberation Organization, and

2013

1 any successor or affiliated organizations with such
2 entities as payments for acts of terrorism by individ-
3 uals who are imprisoned after being fairly tried and
4 convicted for acts of terrorism and by individuals
5 who died committing acts of terrorism during the
6 previous calendar year”.

7 **SEC. 1003. SENSE OF CONGRESS.**

8 Congress—

9 (1) calls on the Palestinian Authority, the Pal-
10 estine Liberation Organization, and any successor or
11 affiliated organizations to stop payments for acts of
12 terrorism by individuals who are imprisoned after
13 being fairly tried and convicted for acts of terrorism
14 and by individuals who died committing acts of ter-
15 rorism and to repeal the laws authorizing such pay-
16 ments;

17 (2) calls on all donor countries providing budg-
18 etary assistance to the Palestinian Authority to
19 cease direct budgetary support until the Palestinian
20 Authority stops all payments incentivizing terror;

21 (3) urges the Palestinian Authority to develop
22 programs to provide essential public services and
23 support to any individual in need within its jurisdic-
24 tional control, rather than to provide payments con-
25 tingent on perpetrating acts of violence;

2014

1 (4) urges the United States Permanent Rep-
2 resentative to the United Nations to use the voice,
3 vote, and influence of the United States at the
4 United Nations to highlight the issue of Palestinian
5 Authority payments for acts of terrorism and to
6 urge other Member States to apply pressure upon
7 the Palestinian Authority to immediately cease such
8 payments; and

9 (5) urges the Department of State to use its bi-
10 lateral and multilateral engagements with all govern-
11 ments and organizations committed to the cause of
12 peace between Israel and the Palestinians to high-
13 light the issue of Palestinian Authority payments for
14 acts of terrorism and to urge such governments and
15 organizations to join the United States in calling on
16 the Palestinian Authority to immediately cease such
17 payments.

18 **SEC. 1004. LIMITATION ON ASSISTANCE TO THE WEST BANK**

19 **AND GAZA.**

20 (a) **LIMITATION.**—

21 (1) **IN GENERAL.**—Funds authorized to be ap-
22 propriated or otherwise made available for assistance
23 under chapter 4 of part II of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2346 et seq.; relating to
25 Economic Support Fund) and available for assist-

2015

1 ance for the West Bank and Gaza that directly bene-
2 fits the Palestinian Authority may only be made
3 available for such purpose if, except as provided in
4 subsection (d), not later than 30 days after the date
5 of the enactment of this Act, and every 180 days
6 thereafter, the Secretary of State certifies in writing
7 to the appropriate congressional committees that the
8 Palestinian Authority, the Palestine Liberation Or-
9 ganization, and any successor or affiliated organiza-
10 tions—

11 (A) are taking credible steps to end acts of
12 violence against Israeli citizens and United
13 States citizens that are perpetrated or materi-
14 ally assisted by individuals under their jurisdic-
15 tional control, such as the March 2016 attack
16 that killed former United States Army officer
17 Taylor Force, a veteran of the wars in Iraq and
18 Afghanistan;

19 (B) have terminated payments for acts of
20 terrorism against Israeli citizens and United
21 States citizens to any individual, after being
22 fairly tried, who has been imprisoned for such
23 acts of terrorism and to any individual who died
24 committing such acts of terrorism, including to
25 a family member of such individuals;

2016

1 (C) have revoked any law, decree, regula-
2 tion, or document authorizing or implementing
3 a system of compensation for imprisoned indi-
4 viduals that uses the sentence or period of in-
5 carceration of an individual imprisoned for an
6 act of terrorism to determine the level of com-
7 pensation paid, or have taken comparable ac-
8 tion that has the effect of invalidating any such
9 law, decree, regulation, or document; and

10 (D) are publicly condemning such acts of
11 violence and are taking steps to investigate or
12 are cooperating in investigations of such acts to
13 bring the perpetrators to justice.

14 (2) ADDITIONAL CERTIFICATION REQUIRE-
15 MENT.—The Secretary of State shall include in the
16 certification required under paragraph (1) the defi-
17 nition of “acts of terrorism” that the Secretary used
18 for purposes of making the determination in sub-
19 paragraph (B) of such paragraph.

20 (b) EXCEPTION.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 the limitation on assistance under subsection (a)
23 shall not apply to—

24 (A) payments made to the East Jerusalem
25 Hospital Network;

2017

1 (B) assistance for wastewater projects not
2 exceeding \$5,000,000 in any one fiscal year;
3 and

4 (C) assistance for any other program,
5 project, or activity that provides vaccinations to
6 children not exceeding \$500,000 in any one fis-
7 cal year.

8 (2) NOTIFICATION.—The Secretary of State
9 shall notify in writing the appropriate congressional
10 committees not later than 15 days prior to making
11 funds available for assistance under subparagraph
12 (A), (B), or (C) of paragraph (1).

13 (c) RULE OF CONSTRUCTION.—Funds withheld pur-
14 suant to this section—

15 (1) shall be deemed to satisfy any similar with-
16 holding or reduction required under any other provi-
17 sion of law relating to the Palestinian Authority’s
18 payments for acts of terrorism; and

19 (2) shall be in an amount that is not less than
20 the total amount required by such other provision of
21 law.

22 (d) INITIAL USE AND DISPOSITION OF WITHHELD
23 FUNDS.—

24 (1) PERIOD OF AVAILABILITY.—Funds withheld
25 pursuant to this section are authorized to remain

2018

1 available for an additional 2 years from the date on
2 which the availability of such funds would otherwise
3 have expired.

4 (2) USE OF FUNDS.—Funds withheld pursuant
5 to this section may be made available for assistance
6 for the West Bank and Gaza that directly benefits
7 the Palestinian Authority upon a certification by the
8 Secretary of State that the Palestinian Authority,
9 the Palestine Liberation Organization, and any suc-
10 cessor or affiliated organizations have met the condi-
11 tions set forth in subsection (a). Except as provided
12 in paragraph (3), such funds may not be made avail-
13 able for any purpose other than for assistance for
14 the West Bank and Gaza that directly benefits the
15 Palestinian Authority.

16 (3) DISPOSITION OF UNUSED FUNDS.—Begin-
17 ning on the date that is 180 days after the last day
18 on which the initial availability of funds withheld
19 pursuant to this section would otherwise have ex-
20 pired, such funds are authorized to be made avail-
21 able to the Department of State for assistance under
22 chapter 4 of part II of the Foreign Assistance Act
23 of 1961 (22 U.S.C. 2346 et seq.; relating to Eco-
24 nomic Support Fund) in the following manner—

2019

1 (A) 50 percent for purposes of assistance
2 other than that deemed benefiting the Pales-
3 tinian Authority; and

4 (B) 50 percent for purposes other than as-
5 sistance for the West Bank and Gaza.

6 (e) REPORT.—

7 (1) IN GENERAL.—If the Secretary of State is
8 unable to certify in writing to the appropriate con-
9 gressional committees that the Palestinian Author-
10 ity, the Palestine Liberation Organization, and any
11 successor or affiliated organizations have met the
12 conditions described in subsection (a), the Secretary
13 shall, not later than 15 days after the date on which
14 the Secretary is unable to make such certification,
15 submit to the appropriate congressional committees
16 a report that contains the following:

17 (A) The reasons why the Secretary was
18 unable to certify in writing that such organiza-
19 tions have met such requirements.

20 (B) The definition of “acts of terrorism”
21 that the Secretary used for purposes of making
22 the determination in subparagraph (B) of sub-
23 section (a)(1).

24 (C) The total amount of funds to be with-
25 held.

2020

1 (2) FORM.—The report required by this sub-
2 section shall be submitted in unclassified form but
3 may include a classified annex.

4 (f) LIST OF CRITERIA.—

5 (1) IN GENERAL.—Not later than 15 days after
6 the date of the enactment of this Act, the Secretary
7 of State shall submit to the appropriate congress-
8 sional committees a list of the criteria that the Sec-
9 retary uses to determine whether assistance for the
10 West Bank and Gaza is assistance that directly ben-
11 efits the Palestinian Authority for purposes of car-
12 rying out this section.

13 (2) UPDATE.—The Secretary of State shall
14 submit to the appropriate congressional committees
15 an updated list under paragraph (1) not later than
16 15 days after the date on which the Secretary makes
17 any modification to the list.

18 **SEC. 1005. INITIAL REPORT.**

19 (a) IN GENERAL.—Not later than 60 days after the
20 date of the enactment of this Act, the Secretary of State
21 shall submit to the appropriate congressional committees
22 a report describing those programs, projects, and activities
23 funded by the United States Government that have been
24 or will be suspended by reason of withholding of funds
25 under section 1004.

2021

1 (b) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form but may include
3 a classified annex.

4 **SEC. 1006. ANNUAL REPORT.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, and annually thereafter
7 for 6 years, the Secretary of State shall submit to the ap-
8 propriate congressional committees a report including at
9 a minimum the following elements:

10 (1) An estimate of the amount expended by the
11 Palestinian Authority, the Palestine Liberation Or-
12 ganization, and any successor or affiliated organiza-
13 tions during the previous calendar year as payments
14 for acts of terrorism by individuals who are impris-
15 oned for such acts.

16 (2) An estimate of the amount expended by the
17 Palestinian Authority, the Palestine Liberation Or-
18 ganization, and any successor or affiliated organiza-
19 tions during the previous calendar year as payments
20 to the families of deceased individuals who com-
21 mitted an act of terrorism.

22 (3) An overview of Palestinian laws, decrees,
23 regulations, or documents in effect the previous cal-
24 endar year that authorize or implement any pay-
25 ments reported under paragraphs (1) and (2).

2023

1 (2) the Committee on Appropriations and the
2 Committee on Foreign Relations of the Senate.

3 **TITLE XI—FARM ACT**

4 **SEC. 1101. SHORT TITLE.**

5 This title may be cited as the “Fair Agricultural Re-
6 porting Method Act” or the “FARM Act”.

7 **SEC. 1102. EXEMPTIONS FROM CERTAIN NOTICE REQUIRE-**
8 **MENTS AND PENALTIES.**

9 Section 103 of the Comprehensive Environmental Re-
10 sponse, Compensation, and Liability Act of 1980 (42
11 U.S.C. 9603) is amended by striking subsection (e) and
12 inserting the following:

13 “(e) **APPLICABILITY TO REGISTERED PESTICIDE**
14 **PRODUCTS AND AIR EMISSIONS FROM ANIMAL WASTE AT**
15 **FARMS.—**

16 “(1) **IN GENERAL.—**This section shall not apply
17 to—

18 “(A) the application of a pesticide product
19 registered under the Federal Insecticide, Fun-
20 gicide, and Rodenticide Act (7 U.S.C. 136 et
21 seq.) or the handling and storage of such a pes-
22 ticide product by an agricultural producer; or

23 “(B) air emissions from animal waste (in-
24 cluding decomposing animal waste) at a farm.

25 “(2) **DEFINITIONS.—**In this subsection:

2024

1 “(A) ANIMAL WASTE.—

2 “(i) IN GENERAL.—The term ‘animal
3 waste’ means feces, urine, or other excre-
4 ment, digestive emission, urea, or similar
5 substances emitted by animals (including
6 any form of livestock, poultry, or fish).

7 “(ii) INCLUSIONS.—The term ‘animal
8 waste’ includes animal waste that is mixed
9 or commingled with bedding, compost,
10 feed, soil, or any other material typically
11 found with such waste.

12 “(B) FARM.—The term ‘farm’ means a
13 site or area (including associated structures)
14 that—

15 “(i) is used for—

16 “(I) the production of a crop; or

17 “(II) the raising or selling of ani-
18 mals (including any form of livestock,
19 poultry, or fish); and

20 “(ii) under normal conditions, pro-
21 duces during a farm year any agricultural
22 products with a total value equal to not
23 less than \$1,000.”.

1 **SEC. 1103. APPLICATION.**

2 Nothing in this title or an amendment made by this
3 title affects, or supersedes or modifies the responsibility
4 or authority of any Federal official or employee to comply
5 with or enforce, any requirement under the Comprehensive
6 Environmental Response, Compensation, and Liability Act
7 of 1980 (42 U.S.C. 9601 et seq.), other than the haz-
8 ardous substance notification requirements under section
9 103 of that Act (42 U.S.C. 9603) with respect to air emis-
10 sions from animal waste at farms.

11 **TITLE XII—TIPPED EMPLOYEES**

12 **SEC. 1201. TIPPED EMPLOYEES.**

13 (a) PROHIBITION ON KEEPING TIPS.—Section 3(m)
14 of the Fair Labor Standards Act of 1938 (29 U.S.C.
15 203(m)) is amended—

16 (1) by redesignating paragraphs (1) and (2) as
17 clauses (i) and (ii), respectively;

18 (2) by inserting “(1)” after “(m)”;

19 (3) by striking “any employee. In determining”
20 and inserting the following: “any employee.

21 “(2)(A) In determining”;

22 (4) in clause (ii) of paragraph (2)(A) (as so re-
23 designated), by striking “paragraph (1)” and insert-
24 ing “clause (i)”; and

25 (5) by adding at the end the following:

1 “(B) An employer may not keep tips received by its
2 employees for any purposes, including allowing managers
3 or supervisors to keep any portion of employees’ tips, re-
4 gardless of whether or not the employer takes a tip cred-
5 it.”.

6 (b) PENALTIES.—Section 16 of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 216) is amended—

8 (1) in subsection (b)—

9 (A) by inserting after the second sentence
10 the following: “Any employer who violates sec-
11 tion 3(m)(2)(B) shall be liable to the employee
12 or employees affected in the amount of the sum
13 of any tip credit taken by the employer and all
14 such tips unlawfully kept by the employer, and
15 in an additional equal amount as liquidated
16 damages.”; and

17 (B) by striking “either of”;

18 (2) in subsection (c), by adding at the end the
19 following: “The authority and requirements de-
20 scribed in this subsection shall apply with respect to
21 a violation of section 3(m)(2)(B), as appropriate,
22 and the employer shall be liable for the amount of
23 the sum of any tip credit taken by the employer and
24 all such tips unlawfully kept by the employer, and an

1 additional equal amount as liquidated damages.”;

2 and

3 (3) in subsection (e)(2), by adding at the end
4 the following: “Any person who violates section
5 3(m)(2)(B) shall be subject to a civil penalty not to
6 exceed \$1,100 for each such violation, as the Sec-
7 retary determines appropriate, in addition to being
8 liable to the employee or employees affected for all
9 tips unlawfully kept, and an additional equal amount
10 as liquidated damages, as described in subsection
11 (b).”.

12 (c) EFFECT ON REGULATIONS.—The portions of the
13 final rule promulgated by the Department of Labor enti-
14 tled “Updating Regulations Issued Under the Fair Labor
15 Standards Act” (76 Fed. Reg. 18832 (April 5, 2011)) that
16 revised sections 531.52, 531.54, and 531.59 of title 29,
17 Code of Federal Regulations (76 Fed. Reg. 18854–18856)
18 and that are not addressed by section 3(m) of the Fair
19 Labor Standards Act of 1938 (29 U.S.C. 203(m)) (as
20 such section was in effect on April 5, 2011), shall have
21 no further force or effect until any future action taken
22 by the Administrator of the Wage and Hour Division of
23 the Department of Labor.

1 **TITLE XIII—REVISIONS TO PASS-**
2 **THROUGH PERIOD AND PAY-**
3 **MENT RULES**

4 **SEC. 1301. REVISIONS TO PASS-THROUGH PERIOD AND PAY-**
5 **MENT RULES UNDER OPPTS FOR CERTAIN**
6 **NEW DRUGS AND BIOLOGICALS.**

7 (a) REVISIONS TO PASS-THROUGH PERIOD AND PAY-
8 MENT RULES.—

9 (1) IN GENERAL.—Section 1833(t)(6) of the
10 Social Security Act (42 U.S.C. 1395l(t)(6)) is
11 amended—

12 (A) in subparagraph (C)(i), in the matter
13 preceding subclause (I), by striking “The pay-
14 ment” and inserting “Subject to subparagraph
15 (G), the payment”;

16 (B) in subparagraph (D)(i), by inserting
17 “subject to subparagraph (H),” before “in the
18 case”; and

19 (C) by adding at the end the following new
20 subparagraphs:

21 “(G) PASS-THROUGH EXTENSION FOR
22 CERTAIN DRUGS AND BIOLOGICALS.—In the
23 case of a drug or biological whose period of
24 pass-through status under this paragraph ended
25 on December 31, 2017, and for which payment

2029

1 under this subsection was packaged into a pay-
2 ment for a covered OPD service (or group of
3 services) furnished beginning January 1, 2018,
4 such pass-through status shall be extended for
5 a 2-year period beginning on October 1, 2018.

6 “(H) TEMPORARY PAYMENT RULE FOR
7 CERTAIN DRUGS AND BIOLOGICALS.—In the
8 case of a drug or biological whose period of
9 pass-through status under this paragraph ended
10 on December 31, 2017, and for which payment
11 under this subsection was packaged into a pay-
12 ment for a covered OPD service (or group of
13 services) furnished beginning January 1, 2018,
14 the payment amount for such drug or biological
15 under this subsection that is furnished during
16 the period beginning on October 1, 2018, and
17 ending on March 31, 2019, shall be the greater
18 of—

19 “(i) the payment amount that would
20 otherwise apply under subparagraph (D)(i)
21 for such drug or biological during such pe-
22 riod; or

23 “(ii) the payment amount that applied
24 under such subparagraph (D)(i) for such
25 drug or biological on December 31, 2017.

2030

1 “(I) SPECIAL PAYMENT ADJUSTMENT
2 RULES FOR LAST QUARTER OF 2018.—In the
3 case of a drug or biological whose period of
4 pass-through status under this paragraph ended
5 on December 31, 2017, and for which payment
6 under this subsection was packaged into a pay-
7 ment amount for a covered OPD service (or
8 group of services) beginning January 1, 2018,
9 the following rules shall apply with respect to
10 payment amounts under this subsection for cov-
11 ered a OPD service (or group of services) fur-
12 nished during the period beginning on October
13 1, 2018, and ending on December 31, 2018:

14 “(i) The Secretary shall remove the
15 packaged costs of such drug or biological
16 (as determined by the Secretary) from the
17 payment amount under this subsection for
18 the covered OPD service (or group of serv-
19 ices) with which it is packaged.

20 “(ii) The Secretary shall not make
21 any adjustments to payment amounts
22 under this subsection for a covered OPD
23 service (or group of services) for which no
24 costs were removed under clause (i).”.

1 (2) NONAPPLICATION OF LIMIT ON AGGREGATE
2 ANNUAL ADJUSTMENT FOR 2018.—Section
3 1833(t)(6)(E)(i) of the Social Security Act (42
4 U.S.C. 1395l(t)(6)(E)(i)) is amended by adding at
5 the end the following new sentence: “This clause
6 shall not apply for 2018.”.

7 (3) IMPLEMENTATION.—Notwithstanding any
8 other provision of law, the Secretary of Health and
9 Human Services may implement the amendments
10 made by paragraphs (1) and (2) by program instruc-
11 tion or otherwise.

12 (b) GAO STUDY AND REPORT.—

13 (1) IN GENERAL.—The Comptroller General of
14 the United States (in this subsection referred to as
15 the “Comptroller General”) shall conduct a study on
16 the policy for packaging high cost drugs and
17 biologicals after their pass-through status under sub-
18 section (t)(6) of section 1833 of the Social Security
19 Act (42 U.S.C. 1395l) has expired under the pay-
20 ment systems for hospital outpatient department
21 services under section subsection (t) of such section
22 and for surgical services furnished in an ambulatory
23 surgical center under subsection (i) of such section.
24 Such study shall include an analysis of—

25 (A) the impact of such policy on—

1 (i) the utilization of such drugs and
2 biologicals;

3 (ii) the availability of treatment op-
4 tions, including consultations with physi-
5 cians and hospitals; and

6 (iii) to the extent practicable, the
7 health outcomes of Medicare beneficiaries;
8 and

9 (B) the impact of the amendments made
10 by subsection (a), including the impact on price
11 competition and cost-sharing.

12 (2) REPORT.—Not later than March 1, 2021,
13 the Comptroller General shall submit to Congress a
14 report containing the results of the study conducted
15 under paragraph (1), together with recommenda-
16 tions for such legislation and administrative action
17 as the Comptroller General determines appropriate.

1 **DIVISION T—REVENUE**
2 **PROVISIONS**

3 **SEC. 101. MODIFICATION OF DEDUCTION FOR QUALIFIED**
4 **BUSINESS INCOME OF A COOPERATIVE AND**
5 **ITS PATRONS.**

6 (a) DEDUCTION FOR QUALIFIED PRODUCTION AC-
7 TIVITIES INCOME.—

8 (1) IN GENERAL.—Subsection (g) of section
9 199A of the Internal Revenue Code of 1986 is
10 amended to read as follows:

11 “(g) DEDUCTION FOR INCOME ATTRIBUTABLE TO
12 DOMESTIC PRODUCTION ACTIVITIES OF SPECIFIED AGRI-
13 CULTURAL OR HORTICULTURAL COOPERATIVES.—

14 “(1) ALLOWANCE OF DEDUCTION.—

15 “(A) IN GENERAL.—In the case of a tax-
16 payer which is a specified agricultural or horti-
17 cultural cooperative, there shall be allowed as a
18 deduction an amount equal to 9 percent of the
19 lesser of—

20 “(i) the qualified production activities
21 income of the taxpayer for the taxable
22 year, or

23 “(ii) the taxable income of the tax-
24 payer for the taxable year.

25 “(B) LIMITATION.—

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1 “(i) IN GENERAL.—The deduction al-
2 lowable under subparagraph (A) for any
3 taxable year shall not exceed 50 percent of
4 the W-2 wages of the taxpayer for the tax-
5 able year.

6 “(ii) W-2 WAGES.—For purposes of
7 this subparagraph, the W-2 wages of the
8 taxpayer shall be determined in the same
9 manner as under subsection (b)(4) (with-
10 out regard to subparagraph (B) thereof
11 and after application of subsection (b)(5)),
12 except that such wages shall not include
13 any amount which is not properly allocable
14 to domestic production gross receipts for
15 purposes of paragraph (3)(A).

16 “(C) TAXABLE INCOME OF COOPERATIVES
17 DETERMINED WITHOUT REGARD TO CERTAIN
18 DEDUCTIONS.—For purposes of this subsection,
19 the taxable income of a specified agricultural or
20 horticultural cooperative shall be computed
21 without regard to any deduction allowable
22 under subsection (b) or (c) of section 1382 (re-
23 lating to patronage dividends, per-unit retain
24 allocations, and nonpatronage distributions).

25 “(2) DEDUCTION ALLOWED TO PATRONS.—

1 “(A) IN GENERAL.—In the case of any eli-
2 gible taxpayer who receives a qualified payment
3 from a specified agricultural or horticultural co-
4 operative, there shall be allowed as a deduction
5 for the taxable year in which such payment is
6 received an amount equal to the portion of the
7 deduction allowed under paragraph (1) to such
8 cooperative which is—

9 “(i) allowed with respect to the por-
10 tion of the qualified production activities
11 income to which such payment is attrib-
12 utable, and

13 “(ii) identified by such cooperative in
14 a written notice mailed to such taxpayer
15 during the payment period described in
16 section 1382(d).

17 “(B) LIMITATION BASED ON TAXABLE IN-
18 COME.—The deduction allowed to any taxpayer
19 under this paragraph shall not exceed the tax-
20 able income of the taxpayer determined without
21 regard to the deduction allowed under this
22 paragraph and after taking into account any
23 deduction allowed to the taxpayer under sub-
24 section (a) for the taxable year.

1 “(C) COOPERATIVE DENIED DEDUCTION
2 FOR PORTION OF QUALIFIED PAYMENTS.—The
3 taxable income of a specified agricultural or
4 horticultural cooperative shall not be reduced
5 under section 1382 by reason of that portion of
6 any qualified payment as does not exceed the
7 deduction allowable under subparagraph (A)
8 with respect to such payment.

9 “(D) ELIGIBLE TAXPAYER.—For purposes
10 of this paragraph, the term ‘eligible taxpayer’
11 means—

12 “(i) a taxpayer other than a corpora-
13 tion, or

14 “(ii) a specified agricultural or horti-
15 cultural cooperative.

16 “(E) QUALIFIED PAYMENT.—For purposes
17 of this section, the term ‘qualified payment’
18 means, with respect to any eligible taxpayer,
19 any amount which—

20 “(i) is described in paragraph (1) or
21 (3) of section 1385(a),

22 “(ii) is received by such taxpayer from
23 a specified agricultural or horticultural co-
24 operative, and

1 “(iii) is attributable to qualified pro-
2 duction activities income with respect to
3 which a deduction is allowed to such coop-
4 erative under paragraph (1).

5 “(3) QUALIFIED PRODUCTION ACTIVITIES IN-
6 COME.—For purposes of this subsection—

7 “(A) IN GENERAL.—The term ‘qualified
8 production activities income’ for any taxable
9 year means an amount equal to the excess (if
10 any) of—

11 “(i) the taxpayer’s domestic produc-
12 tion gross receipts for such taxable year,
13 over

14 “(ii) the sum of—

15 “(I) the cost of goods sold that
16 are allocable to such receipts, and

17 “(II) other expenses, losses, or
18 deductions (other than the deduction
19 allowed under this subsection), which
20 are properly allocable to such receipts.

21 “(B) ALLOCATION METHOD.—The Sec-
22 retary shall prescribe rules for the proper allo-
23 cation of items described in subparagraph (A)
24 for purposes of determining qualified produc-
25 tion activities income. Such rules shall provide

1 for the proper allocation of items whether or
2 not such items are directly allocable to domestic
3 production gross receipts.

4 “(C) SPECIAL RULES FOR DETERMINING
5 COSTS.—

6 “(i) IN GENERAL.—For purposes of
7 determining costs under subclause (I) of
8 subparagraph (A)(ii), any item or service
9 brought into the United States shall be
10 treated as acquired by purchase, and its
11 cost shall be treated as not less than its
12 value immediately after it entered the
13 United States. A similar rule shall apply in
14 determining the adjusted basis of leased or
15 rented property where the lease or rental
16 gives rise to domestic production gross re-
17 ceipts.

18 “(ii) EXPORTS FOR FURTHER MANU-
19 FACTURE.—In the case of any property de-
20 scribed in clause (i) that had been exported
21 by the taxpayer for further manufacture,
22 the increase in cost or adjusted basis
23 under clause (i) shall not exceed the dif-
24 ference between the value of the property
25 when exported and the value of the prop-

1 erty when brought back into the United
2 States after the further manufacture.

3 “(D) DOMESTIC PRODUCTION GROSS RE-
4 CEIPTS.—

5 “(i) IN GENERAL.—The term ‘domes-
6 tic production gross receipts’ means the
7 gross receipts of the taxpayer which are
8 derived from any lease, rental, license, sale,
9 exchange, or other disposition of any agri-
10 cultural or horticultural product which was
11 manufactured, produced, grown, or ex-
12 tracted by the taxpayer (determined after
13 the application of paragraph (4)(B)) in
14 whole or significant part within the United
15 States. Such term shall not include gross
16 receipts of the taxpayer which are derived
17 from the lease, rental, license, sale, ex-
18 change, or other disposition of land.

19 “(ii) RELATED PERSONS.—

20 “(I) IN GENERAL.—The term
21 ‘domestic production gross receipts’
22 shall not include any gross receipts of
23 the taxpayer derived from property
24 leased, licensed, or rented by the tax-
25 payer for use by any related person.

1 “(II) RELATED PERSON.—For
2 purposes of subclause (I), a person
3 shall be treated as related to another
4 person if such persons are treated as
5 a single employer under subsection (a)
6 or (b) of section 52 or subsection (m)
7 or (o) of section 414, except that de-
8 terminations under subsections (a)
9 and (b) of section 52 shall be made
10 without regard to section 1563(b).

11 “(4) SPECIFIED AGRICULTURAL OR HORTI-
12 CULTURAL COOPERATIVE.—For purposes of this sec-
13 tion—

14 “(A) IN GENERAL.—The term ‘specified
15 agricultural or horticultural cooperative’ means
16 an organization to which part I of subchapter
17 T applies which is engaged—

18 “(i) in the manufacturing, production,
19 growth, or extraction in whole or signifi-
20 cant part of any agricultural or horti-
21 cultural product, or

22 “(ii) in the marketing of agricultural
23 or horticultural products.

24 “(B) APPLICATION TO MARKETING CO-
25 OPERATIVES.—A specified agricultural or horti-

1 cultural cooperative described in subparagraph
2 (A)(ii) shall be treated as having manufactured,
3 produced, grown, or extracted in whole or sig-
4 nificant part any agricultural or horticultural
5 product marketed by the specified agricultural
6 or horticultural cooperative which its patrons
7 have so manufactured, produced, grown, or ex-
8 tracted.

9 “(5) DEFINITIONS AND SPECIAL RULES.—

10 “(A) SPECIAL RULE FOR AFFILIATED
11 GROUPS.—

12 “(i) IN GENERAL.—All members of an
13 expanded affiliated group shall be treated
14 as a single corporation for purposes of this
15 subsection.

16 “(ii) PARTNERSHIPS OWNED BY EX-
17 PANDED AFFILIATED GROUPS.—For pur-
18 poses of paragraph (3)(D), if all of the in-
19 terests in the capital and profits of a part-
20 nership are owned by members of a single
21 expanded affiliated group at all times dur-
22 ing the taxable year of such partnership,
23 the partnership and all members of such
24 group shall be treated as a single taxpayer
25 during such period.

1 “(iii) EXPANDED AFFILIATED
2 GROUP.—For purposes of this subsection,
3 the term ‘expanded affiliated group’ means
4 an affiliated group as defined in section
5 1504(a), determined—

6 “(I) by substituting ‘more than
7 50 percent’ for ‘at least 80 percent’
8 each place it appears, and

9 “(II) without regard to para-
10 graphs (2) and (4) of section 1504(b).

11 “(iv) ALLOCATION OF DEDUCTION.—
12 Except as provided in regulations, the de-
13 duction under paragraph (1) shall be allo-
14 cated among the members of the expanded
15 affiliated group in proportion to each mem-
16 ber’s respective amount (if any) of quali-
17 fied production activities income.

18 “(B) SPECIAL RULE FOR COOPERATIVE
19 PARTNERS.—In the case of a specified agricul-
20 tural or horticultural cooperative which is a
21 partner in a partnership, rules similar to the
22 rules of subsection (f)(1) shall apply for pur-
23 poses of this subsection.

24 “(C) TRADE OR BUSINESS REQUIRE-
25 MENT.—This subsection shall be applied by

1 only taking into account items which are attrib-
2 utable to the actual conduct of a trade or busi-
3 ness.

4 “(D) UNRELATED BUSINESS TAXABLE IN-
5 COME.—For purposes of determining the tax
6 imposed by section 511, this section shall be ap-
7 plied by substituting ‘unrelated business taxable
8 income’ for ‘taxable income’ each place it ap-
9 pears in this section (other than this subpara-
10 graph).

11 “(E) SPECIAL RULE FOR COOPERATIVE
12 WITH OIL RELATED QUALIFIED PRODUCTION
13 ACTIVITIES INCOME.—

14 “(i) IN GENERAL.—If a specified agri-
15 cultural or horticultural cooperative has oil
16 related qualified production activities in-
17 come for any taxable year, the amount oth-
18 erwise allowable as a deduction under
19 paragraph (1) shall be reduced by 3 per-
20 cent of the least of—

21 “(I) the oil related qualified pro-
22 duction activities income of the coop-
23 erative for the taxable year,

1 “(II) the qualified production ac-
2 tivities income of the cooperative for
3 the taxable year, or

4 “(III) taxable income.

5 “(ii) OIL RELATED QUALIFIED PRO-
6 DUCTION ACTIVITIES INCOME.—For pur-
7 poses of this subparagraph, the term ‘oil
8 related qualified production activities in-
9 come’ means for any taxable year the
10 qualified production activities income
11 which is attributable to the production, re-
12 fining, processing, transportation, or dis-
13 tribution of oil, gas, or any primary prod-
14 uct thereof (within the meaning of section
15 927(a)(2)(C), as in effect before its repeal)
16 during such taxable year.

17 “(6) REGULATIONS.—The Secretary shall pre-
18 scribe such regulations as are necessary to carry out
19 the purposes of this subsection, including regulations
20 which prevent more than 1 taxpayer from being al-
21 lowed a deduction under this subsection with respect
22 to any activity described in paragraph (3)(D)(i).
23 Such regulations shall be based on the regulations
24 applicable to cooperatives and their patrons under
25 section 199 (as in effect before its repeal).”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Sections 63(b)(3), 63(d)(3),
3 199A(e)(1), and 6662(d)(1)(C) of such Code
4 are each amended by striking “the deduction”
5 and inserting “any deduction”.

6 (B) The last sentence of section 62(a) of
7 such Code and section 172(d)(8) of such Code
8 are each amended by striking “The deduction”
9 and inserting “Any deduction”.

10 (C) Section 199A(e)(1) of such Code is
11 amended by striking “Taxable income” and in-
12 serting “Except as otherwise provided in sub-
13 section (g)(2)(B), taxable income”.

14 (D) Section 613(a) of such Code is amend-
15 ed by striking “the deduction under section
16 199A” and inserting “any deduction under sec-
17 tion 199A”.

18 (b) MODIFICATIONS RELATED TO PAYMENTS FROM
19 COOPERATIVES.—

20 (1) REPEAL OF SPECIAL DEDUCTION FOR
21 QUALIFIED COOPERATIVE DIVIDENDS.—Subsection
22 (a) of section 199A of such Code is amended to read
23 as follows:

24 “(a) ALLOWANCE OF DEDUCTION.—In the case of a
25 taxpayer other than a corporation, there shall be allowed

1 as a deduction for any taxable year an amount equal to
2 the lesser of—

3 “(1) the combined qualified business income
4 amount of the taxpayer, or

5 “(2) an amount equal to 20 percent of the ex-
6 cess (if any) of—

7 “(A) the taxable income of the taxpayer
8 for the taxable year, over

9 “(B) the net capital gain (as defined in
10 section 1(h)) of the taxpayer for such taxable
11 year.”.

12 (2) REPEAL OF RULE EXCLUDING QUALIFIED
13 COOPERATIVE DIVIDENDS FROM QUALIFIED BUSI-
14 NESS INCOME.—

15 (A) IN GENERAL.—Section 199A(c)(1) of
16 such Code is amended by striking “, qualified
17 cooperative dividends,”.

18 (B) CONFORMING AMENDMENTS.—

19 (i) Section 199A(c)(3)(B) of such
20 Code is amended—

21 (I) by striking “investment” in
22 the matter preceding clause (i), and

23 (II) by adding at the end of
24 clause (ii) the following: “Any amount
25 described in section 1385(a)(1) shall

1 not be treated as described in this
2 clause.”.

3 (ii) Section 199A(e) of such Code is
4 amended by striking paragraph (4) and by
5 redesignating paragraph (5) as paragraph
6 (4).

7 (3) REDUCTION OF QUALIFIED BUSINESS IN-
8 COME WITH RESPECT TO INCOME RECEIVED FROM
9 COOPERATIVES.—Section 199A(b) of such Code is
10 amended by adding at the end the following new
11 paragraph:

12 “(7) SPECIAL RULE WITH RESPECT TO INCOME
13 RECEIVED FROM COOPERATIVES.—In the case of any
14 qualified trade or business of a patron of a specified
15 agricultural or horticultural cooperative, the amount
16 determined under paragraph (2) with respect to
17 such trade or business shall be reduced by the lesser
18 of—

19 “(A) 9 percent of so much of the qualified
20 business income with respect to such trade or
21 business as is properly allocable to qualified
22 payments received from such cooperative, or

23 “(B) 50 percent of so much of the W-2
24 wages with respect to such trade or business as
25 are so allocable.”.

1 (c) APPLICATION OF SECTION 199 TO CERTAIN
2 QUALIFIED PAYMENTS PAID AFTER 2017.—Subsection
3 (c) of section 13305 of Public Law 115–97 is amended
4 to read as follows:

5 “(c) EFFECTIVE DATES.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), the amendments made by this section
8 shall apply to taxable years beginning after Decem-
9 ber 31, 2017.

10 “(2) TRANSITION RULE FOR QUALIFIED PAY-
11 MENTS OF PATRONS OF COOPERATIVES.—

12 “(A) IN GENERAL.—The amendments
13 made by this section shall not apply to a quali-
14 fied payment received by a taxpayer from a
15 specified agricultural or horticultural coopera-
16 tive in a taxable year of the taxpayer beginning
17 after December 31, 2017, which is attributable
18 to qualified production activities income with
19 respect to which a deduction is allowable to the
20 cooperative under section 199 of the Internal
21 Revenue Code of 1986 (as in effect before the
22 amendments made by this section) for a taxable
23 year of the cooperative beginning before Janu-
24 ary 1, 2018. Any term used in this subpara-
25 graph which is also used in section 199 of such

1 Code (as so in effect) shall have the same
2 meaning as when used in such section.

3 “(B) COORDINATION WITH SECTION
4 199A.—No deduction shall be allowed under sec-
5 tion 199A of such Code for any qualified pay-
6 ment to which subparagraph (A) applies.”.

7 (d) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided in this subsection, the amendments made by
10 this section shall take effect as if included in section
11 11011 of Public Law 115–97.

12 (2) APPLICATION OF SECTION 199 TO CERTAIN
13 QUALIFIED PAYMENTS PAID AFTER 2017.—The
14 amendment made by subsection (c) shall take effect
15 as if included in section 13305 of Public Law 115–
16 97.

17 **SEC. 102. INCREASE IN STATE HOUSING CREDIT CEILING**
18 **FOR , 2019, 2020, 2021.**

19 (a) IN GENERAL.—Section 42(h)(3)(I) of the Inter-
20 nal Revenue Code of 1986 is amended to read as follows:

21 “(I) INCREASE IN STATE HOUSING CREDIT
22 CEILING FOR 2018, 2019, 2020, AND 2021.—
23 In the case of calendar years 2018, 2019, 2020,
24 and 2021, each of the dollar amounts in effect
25 under clauses (I) and (II) of subparagraph

1 (C)(ii) for any calendar year (after any increase
2 under subparagraph (H)) shall be increased by
3 multiplying such dollar amount by 1.125.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply to calendar years beginning after
6 December 31, 2017.

7 **SEC. 103. AVERAGE INCOME TEST FOR LOW-INCOME HOUS-**
8 **ING CREDIT.**

9 (a) IN GENERAL.—Paragraph (1) of section 42(g) of
10 the Internal Revenue Code of 1986 is amended—

11 (1) by striking “subparagraph (A) or (B)” and
12 inserting “subparagraph (A), (B), or (C)”, and

13 (2) by inserting after subparagraph (B) the fol-
14 lowing new subparagraph:

15 “(C) AVERAGE INCOME TEST.—

16 “(i) IN GENERAL.—The project meets
17 the minimum requirements of this sub-
18 paragraph if 40 percent or more (25 per-
19 cent or more in the case of a project de-
20 scribed in section 142(d)(6)) of the resi-
21 dential units in such project are both rent-
22 restricted and occupied by individuals
23 whose income does not exceed the imputed
24 income limitation designated by the tax-
25 payer with respect to the respective unit.

2051

1 “(ii) SPECIAL RULES RELATING TO
2 INCOME LIMITATION.—For purposes of
3 clause (i)—

4 “(I) DESIGNATION.—The tax-
5 payer shall designate the imputed in-
6 come limitation of each unit taken
7 into account under such clause.

8 “(II) AVERAGE TEST.—The aver-
9 age of the imputed income limitations
10 designated under subclause (I) shall
11 not exceed 60 percent of area median
12 gross income.

13 “(III) 10-PERCENT INCRE-
14 MENTS.—The designated imputed in-
15 come limitation of any unit under sub-
16 clause (I) shall be 20 percent, 30 per-
17 cent, 40 percent, 50 percent, 60 per-
18 cent, 70 percent, or 80 percent of
19 area median gross income.”.

20 (b) RULES RELATING TO NEXT AVAILABLE UNIT.—
21 Subparagraph (D) of section 42(g)(2) of the Internal Rev-
22 enue Code of 1986 is amended—

23 (1) in clause (i), by striking “clause (ii)” and
24 inserting “clauses (ii), (iii), and (iv)”,

25 (2) in clause (ii)—

1 (A) by striking “If” and inserting “In the
2 case of a project with respect to which the tax-
3 payer elects the requirements of subparagraph
4 (A) or (B) of paragraph (1), if”,

5 (B) by striking the second sentence, and

6 (C) by striking “NEXT AVAILABLE UNIT
7 MUST BE RENTED TO LOW-INCOME TENANT IF
8 INCOME RISES ABOVE 140 PERCENT OF INCOME
9 LIMIT” in the heading and inserting “RENTAL
10 OF NEXT AVAILABLE UNIT IN CASE OF 20–50 OR
11 40–60 TEST”, and

12 (3) by adding at the end the following new
13 clauses:

14 “(iii) RENTAL OF NEXT AVAILABLE
15 UNIT IN CASE OF AVERAGE INCOME
16 TEST.—In the case of a project with re-
17 spect to which the taxpayer elects the re-
18 quirements of subparagraph (C) of para-
19 graph (1), if the income of the occupants
20 of the unit increases above 140 percent of
21 the greater of—

22 “(I) 60 percent of area median
23 gross income, or

1 “(II) the imputed income limita-
2 tion designated with respect to the
3 unit under paragraph (1)(C)(ii)(I),
4 clause (i) shall cease to apply to any such
5 unit if any residential rental unit in the
6 building (of a size comparable to, or small-
7 er than, such unit) is occupied by a new
8 resident whose income exceeds the limita-
9 tion described in clause (v).

10 “(iv) DEEP RENT SKEWED
11 PROJECTS.—In the case of a project de-
12 scribed in section 142(d)(4)(B), clause (ii)
13 or (iii), whichever is applicable, shall be
14 applied by substituting ‘170 percent’ for
15 ‘140 percent’, and—

16 “(I) in the case of clause (ii), by
17 substituting ‘any low-income unit in
18 the building is occupied by a new resi-
19 dent whose income exceeds 40 percent
20 of area median gross income’ for ‘any
21 residential rental unit’ and all that
22 follows in such clause, and

23 “(II) in the case of clause (iii),
24 by substituting ‘any low-income unit
25 in the building is occupied by a new

1 resident whose income exceeds the
2 lesser of 40 percent of area median
3 gross income or the imputed income
4 limitation designated with respect to
5 such unit under paragraph
6 (1)(C)(ii)(I) for ‘any residential rent-
7 al unit’ and all that follows in such
8 clause.

9 “(v) LIMITATION DESCRIBED.—For
10 purposes of clause (iii), the limitation de-
11 scribed in this clause with respect to any
12 unit is—

13 “(I) the imputed income limita-
14 tion designated with respect to such
15 unit under paragraph (1)(C)(ii)(I), in
16 the case of a unit which was taken
17 into account as a low-income unit
18 prior to becoming vacant, and

19 “(II) the imputed income limita-
20 tion which would have to be des-
21 ignated with respect to such unit
22 under such paragraph in order for the
23 project to continue to meet the re-
24 quirements of paragraph

1 (1)(C)(ii)(II), in the case of any other
2 unit.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to elections made under section
5 42(g)(1) of the Internal Revenue Code of 1986 after the
6 date of the enactment of this Act.

1 **DIVISION U—TAX TECHNICAL**
2 **CORRECTIONS**

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; ETC.**

4 (a) SHORT TITLE.—This division may be cited as the
5 “Tax Technical Corrections Act of 2018”.

6 (b) AMENDMENT OF INTERNAL REVENUE CODE OF
7 1986.—Except as otherwise expressly provided, whenever
8 in this division an amendment or repeal is expressed in
9 terms of an amendment to, or repeal of, a section or other
10 provision, the reference shall be considered to be made to
11 a section or other provision of the Internal Revenue Code
12 of 1986.

13 (c) TABLE OF CONTENTS.—The table of contents for
14 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.

1 **TITLE I—TAX TECHNICAL**
2 **CORRECTIONS**

3 **SEC. 101. AMENDMENTS RELATING TO PROTECTING AMER-**
4 **ICANS FROM TAX HIKES ACT OF 2015.**

5 (a) AMENDMENT RELATING TO SECTION 103.—

6 (1) Section 32(b)(2) is amended—

7 (A) by striking clauses (ii) and (iii) of sub-
8 paragraph (B), and

9 (B) by striking so much of subparagraph
10 (B) as precedes “In the case of a joint return”
11 and inserting the following:

12 “(B) JOINT RETURNS.—”.

13 (2) Section 32(j)(1) is amended—

14 (A) in the matter preceding subparagraph
15 (A) by striking “after 1996” and inserting
16 “after 2015”,

17 (B) in subparagraph (B) by inserting “by
18 substituting in subparagraph (A)(ii) thereof”
19 after “, determined” ,

1 (C) in subparagraph (B)(i) by striking “by
2 substituting” and “in subparagraph (A)(ii)
3 thereof”,

4 (D) in subparagraph (B)(ii)—

5 (i) by striking “by substituting” and
6 “in subparagraph (A)(ii) of such section
7 1”,

8 (ii) by striking “\$3,000” and insert-
9 ing “\$5,000”,

10 (iii) by striking “(b)(2)(B)(iii)” and
11 inserting “(b)(2)(B)”, and

12 (iv) by striking “2007” and inserting
13 “2008”.

14 (b) AMENDMENT RELATING TO SECTION 105.—Sec-
15 tion 132(f)(6)(A) is amended by striking the second sen-
16 tence.

17 (c) AMENDMENTS RELATING TO SECTION 121.—Sec-
18 tion 41(c) is amended—

19 (1) by striking paragraph (4),

20 (2) by redesignating paragraphs (5), (6), and
21 (7) as paragraphs (4), (5), and (6), respectively, and

22 (3) by striking the last sentence of paragraph
23 (4)(C) (as so redesignated).

24 (d) AMENDMENTS RELATING TO SECTION 143.—

1 (1) Section 168(k)(2)(B)(i)(III) is amended by
2 inserting “binding” before “contract”.

3 (2) Section 168(k)(5)(B)(ii) is amended—

4 (A) by inserting “crop or” after “more
5 than one”, and

6 (B) by inserting “a marketable crop or
7 yield of” after “begins bearing”.

8 (3) For purposes of applying section 168(k) of
9 the Internal Revenue Code of 1986, as in effect on
10 the day before the date of the enactment of Public
11 Law 115-97, with respect to property acquired be-
12 fore September 28, 2017, paragraph (6) thereof
13 shall be treated as reading as follows (and as having
14 been included in section 143 of the Protecting Amer-
15 icans from Tax Hikes Act of 2015):

16 “(6) PHASE-DOWN.—In the case of qualified
17 property placed in service by the taxpayer after De-
18 cember 31, 2017 (December 31, 2018, in the case
19 of property described in subparagraph (B) or (C) of
20 paragraph (2)), paragraph (1)(A) shall be applied by
21 substituting for ‘50 percent’—

22 “(A) ‘40 percent’ in the case of—

23 “(i) property placed in service in 2018
24 (other than property described in subpara-
25 graph (B) or (C) of paragraph (2)), and

1 “(ii) property described in subpara-
2 graph (B) or (C) of paragraph (2) which
3 is placed in service in 2019, and

4 “(B) ‘30 percent’ in the case of—

5 “(i) property placed in service in 2019
6 (other than property described in subpara-
7 graph (B) or (C) of paragraph (2)), and

8 “(ii) property described in subpara-
9 graph (B) or (C) of paragraph (2) which
10 is placed in service in 2020.”.

11 (4) Section 168(k)(7) of the Internal Revenue
12 Code of 1986, as in effect on the day before the date
13 of the enactment of Public Law 115-97, shall be ap-
14 plied—

15 (A) by substituting “paragraphs (1),
16 (2)(F), and (4)” for “paragraphs (1) and
17 (2)(F)”, and

18 (B) as if the application of such substi-
19 tution had been included in section 143 of the
20 Protecting Americans from Tax Hikes Act of
21 2015.

22 (e) AMENDMENTS RELATING TO SECTION 167.—

23 (1) Section 168(j)(3) is amended by striking
24 “property to which paragraph (1) applies” and in-
25 serting “qualified Indian reservation property”.

1 (2) Section 168(j)(8) is amended by striking
2 “this subsection” and inserting “paragraph (1)”.

3 (f) AMENDMENTS RELATING TO SECTION 202.—

4 (1) Section 6722(c)(3)(A) is amended—

5 (A) by striking “any information return”
6 in clause (iii) and inserting “the payee state-
7 ment”, and

8 (B) by striking “filed” in the flush matter
9 at the end and inserting “furnished”.

10 (2) Section 6721(c)(3)(A) is amended by strik-
11 ing “any information return” and inserting “the in-
12 formation return”.

13 (3) Section 202(e) of the Protecting Americans
14 from Tax Hikes Act of 2015 is amended by striking
15 “provided” and inserting “furnished”.

16 (g) AMENDMENTS RELATING TO SECTION 203.—

17 (1) Section 6109(i)(1)(A)(i) is amended by
18 striking “community-based certified acceptance
19 agent” and inserting “community-based certifying
20 acceptance agent”.

21 (2) Section 6109(i)(1)(B) is amended by strik-
22 ing “Internal Revenue Service” and inserting “Inter-
23 nal Revenue Service, a community-based certifying
24 acceptance agent approved by the Secretary,”.

25 (3) Section 6109(i)(3) is amended—

1 (A) in subparagraph (A)—

2 (i) by inserting “ending after the
3 issuance of such number” before the period
4 at the end of the first sentence, and

5 (ii) by striking “on the last day of
6 such third consecutive taxable year” and
7 inserting “on the day after the due date
8 for the return of tax for such third con-
9 secutive taxable year”, and

10 (B) by striking subparagraph (B)(ii) and
11 inserting the following:

12 “(ii) if the individual does not file a
13 return of tax (or is not included as a de-
14 pendent on the return of tax of another
15 taxpayer) for 3 consecutive taxable years
16 at least one of which ends after December
17 18, 2015, the due date for the return of
18 tax for such third consecutive taxable
19 year.”.

20 (4) Section 203(c) of the Protecting Americans
21 from Tax Hikes Act of 2015 is amended—

22 (A) by striking “section 6109(i)(1)(A)(i)”
23 and inserting “section 6109(i)(1)”,

1 (B) by striking “community-based certified
2 acceptance agents” and inserting “community-
3 based certifying acceptance agents”, and

4 (C) by striking “CERTIFIED” in the head-
5 ing thereof and inserting “CERTIFYING”.

6 (5) Section 203(f) of the Protecting Americans
7 from Tax Hikes Act of 2015 is amended by striking
8 “The amendments” and inserting “Except to the ex-
9 tent provided in section 6109(i)(3) of the Internal
10 Revenue Code of 1986, the amendments”.

11 (h) AMENDMENTS RELATING TO SECTION 204.—
12 Section 204(b) of the Protecting Americans from Tax
13 Hikes Act of 2015 is amended—

14 (1) by striking paragraph (2), and

15 (2) by striking so much as precedes “amend-
16 ment made by this section” and inserting the fol-
17 lowing: “(b) EFFECTIVE DATE.—The”.

18 (i) AMENDMENTS RELATING TO SECTION 205.—

19 (1) Section 24(e)(2) is amended by striking
20 “identifying number” and inserting “taxpayer identi-
21 fication number”.

22 (2) Section 205(c) of the Protecting Americans
23 from Tax Hikes Act of 2015 is amended—

24 (A) by striking paragraph (2), and

1 (B) by striking so much as precedes “shall
2 apply to any return of tax” and inserting the
3 following: “(c) EFFECTIVE DATE.—The amend-
4 ments made by this section”.

5 (j) AMENDMENTS RELATING TO SECTION 206.—Sec-
6 tion 206(b) of the Protecting Americans from Tax Hikes
7 Act of 2015 is amended—

8 (1) by striking “Except as provided in para-
9 graph (2), the amendment” in paragraph (1) and in-
10 serting “The amendment”, and

11 (2) by striking paragraph (2) and redesignating
12 paragraph (3) as paragraph (2).

13 (k) AMENDMENT RELATING TO SECTION 209.—Sec-
14 tion 209(d)(2) of the Protecting Americans from Tax
15 Hikes Act of 2015 is amended by striking “amendment
16 made by subsection (b)” and inserting “amendments made
17 by subsections (b) and (c)”.

18 (l) AMENDMENTS RELATED TO SECTIONS 102, 206,
19 207, 208, AND 211.—

20 (1) Section 25A(b)(1) is amended—

21 (A) in subparagraph (A) by striking
22 “\$1,000” and inserting “\$2,000”, and

23 (B) in subparagraph (B)—

24 (i) by striking “50 percent” and in-
25 serting “25 percent”,

1 (ii) by striking “\$1,000” and insert-
2 ing “\$2,000”, and

3 (iii) by striking “the applicable limit”
4 and inserting “\$4,000”.

5 (2) Subparagraphs (A) and (C) of section
6 25A(b)(2) are amended by striking “2” in the head-
7 ing and text of each subparagraph and inserting
8 “4”.

9 (3) Section 25A(b)(4) is amended to read as
10 follows:

11 “(4) RESTRICTIONS ON TAXPAYERS WHO IM-
12 PROPERLY CLAIMED AMERICAN OPPORTUNITY TAX
13 CREDIT IN PRIOR YEARS.—

14 “(A) TAXPAYERS MAKING PRIOR FRAUDU-
15 LENT OR RECKLESS CLAIMS.—

16 “(i) IN GENERAL.—No American Op-
17 portunity Tax Credit shall be allowed
18 under this section for any taxable year in
19 the disallowance period.

20 “(ii) DISALLOWANCE PERIOD.—For
21 purposes of subparagraph (A), the dis-
22 allowance period is—

23 “(I) the period of 10 taxable
24 years after the most recent taxable
25 year for which there was a final deter-

1 mination that the taxpayer’s claim of
2 the American Opportunity Tax Credit
3 under this section was due to fraud,
4 and

5 “(II) the period of 2 taxable
6 years after the most recent taxable
7 year for which there was a final deter-
8 mination that the taxpayer’s claim of
9 the American Opportunity Tax Credit
10 under this section was due to reckless
11 or intentional disregard of rules and
12 regulations (but not due to fraud).

13 “(B) TAXPAYERS MAKING IMPROPER
14 PRIOR CLAIMS.—In the case of a taxpayer who
15 is denied the American Opportunity Tax Credit
16 under this section for any taxable year as a re-
17 sult of the deficiency procedures under sub-
18 chapter B of chapter 63, no American Oppor-
19 tunity Tax Credit shall be allowed under this
20 section for any subsequent taxable year unless
21 the taxpayer provides such information as the
22 Secretary may require to demonstrate eligibility
23 for such credit.”.

24 (4) Section 25A(d) is amended to read as fol-
25 lows:

1 “(d) LIMITATIONS BASED ON MODIFIED ADJUSTED
2 GROSS INCOME.—

3 “(1) AMERICAN OPPORTUNITY TAX CREDIT.—

4 The American Opportunity Tax Credit (determined
5 without regard to this paragraph) shall be reduced
6 (but not below zero) by the amount which bears the
7 same ratio to such credit (as so determined) as—

8 “(A) the excess of—

9 “(i) the taxpayer’s modified adjusted
10 gross income for such taxable year, over

11 “(ii) \$80,000 (\$160,000 in the case of
12 a joint return), bears to

13 “(B) \$10,000 (\$20,000 in the case of a
14 joint return).

15 “(2) LIFETIME LEARNING CREDIT.—The Life-
16 time Learning Credit (determined without regard to
17 this paragraph) shall be reduced (but not below
18 zero) by the amount which bears the same ratio to
19 such credit (as so determined) as—

20 “(A) the excess of—

21 “(i) the taxpayer’s modified adjusted
22 gross income for such taxable year, over

23 “(ii) \$40,000 (\$80,000 in the case of
24 a joint return), bears to

1 “(B) \$10,000 (\$20,000 in the case of a
2 joint return).

3 “(3) MODIFIED ADJUSTED GROSS INCOME.—
4 For purposes of this subsection, the term ‘modified
5 adjusted gross income’ means the adjusted gross in-
6 come of the taxpayer for the taxable year increased
7 by any amount excluded from gross income under
8 section 911, 931, or 933.”.

9 (5) Section 25A(f)(1) is amended by adding at
10 the end the following new subparagraph:

11 “(D) REQUIRED COURSE MATERIALS
12 TAKEN INTO ACCOUNT FOR AMERICAN OPPOR-
13 TUNITY TAX CREDIT.—For purposes of deter-
14 mining the American Opportunity Tax Credit,
15 subparagraph (A) shall be applied by sub-
16 stituting ‘tuition, fees, and course materials’ for
17 ‘tuition and fees’.”.

18 (6) Section 25A(g)(1) is amended—

19 (A) by striking “No credit” and inserting
20 the following:

21 “(A) IN GENERAL.—No credit”, and

22 (B) by adding at the end the following new
23 subparagraph:

1 “(B) ADDITIONAL IDENTIFICATION RE-
2 QUIREMENTS WITH RESPECT TO AMERICAN OP-
3 PORTUNITY TAX CREDIT.—

4 “(i) STUDENT.—The requirements of
5 subparagraph (A) shall not be treated as
6 met with respect to the American Oppor-
7 tunity Tax Credit unless the individual’s
8 taxpayer identification number was issued
9 on or before the due date for filing the re-
10 turn of tax for the taxable year.

11 “(ii) TAXPAYER.—No American Op-
12 portunity Tax Credit shall be allowed
13 under this section if the taxpayer identi-
14 fication number of the taxpayer was issued
15 after the due date for filing the return for
16 the taxable year.

17 “(iii) INSTITUTION.—No American
18 Opportunity Tax Credit shall be allowed
19 under this section unless the taxpayer in-
20 cludes the employer identification number
21 of any institution to which qualified tuition
22 and related expenses were paid with re-
23 spect to the individual.”.

24 (7) Section 25A(h) is amended to read as fol-
25 lows:

1 “(h) INFLATION ADJUSTMENT.—

2 “(1) IN GENERAL.—In the case of a taxable
3 year beginning after 2001, the \$40,000 and \$80,000
4 amounts in subsection (d)(2) shall each be increased
5 by an amount equal to—

6 “(A) such dollar amount, multiplied by

7 “(B) the cost-of-living adjustment deter-
8 mined under section 1(f)(3) for the calendar
9 year in which the taxable year begins, deter-
10 mined by substituting ‘calendar year 2000’ for
11 ‘calendar year 2016’ in subparagraph (A)(ii)
12 thereof.

13 “(2) ROUNDING.—If any amount as adjusted
14 under paragraph (1) is not a multiple of \$1,000,
15 such amount shall be rounded to the next lowest
16 multiple of \$1,000.”.

17 (8) Section 25A(i) is amended to read as fol-
18 lows:

19 “(i) PORTION OF AMERICAN OPPORTUNITY TAX
20 CREDIT MADE REFUNDABLE.—Forty percent of so much
21 of the credit allowed under subsection (a) as is attrib-
22 utable to the American Opportunity Tax Credit (deter-
23 mined after application of subsection (d) and without re-
24 gard to this paragraph and section 26(a)) shall be treated
25 as a credit allowable under subpart C (and not allowed

1 under subsection (a)). The preceding sentence shall not
2 apply to any taxpayer for any taxable year if such tax-
3 payer is a child to whom subsection (g) of section 1 applies
4 for such taxable year.”.

5 (9) The heading of section 25A is amended by
6 striking “**HOPE**” and inserting “**AMERICAN OP-**
7 **PORTUNITY**”.

8 (10) The item relating to section 25A in the
9 table of contents for subpart A of part IV of sub-
10 chapter A of chapter 1 is amended to read as fol-
11 lows:

“Sec. 25A. American Opportunity and Lifetime Learning credits.”.

12 (11) The heading of section 25A(b) is amended
13 by striking “HOPE SCHOLARSHIP CREDIT” and in-
14 serting “AMERICAN OPPORTUNITY TAX CREDIT”.

15 (12) The heading of section 25A(b)(2) is
16 amended by striking “HOPE SCHOLARSHIP CREDIT”
17 and inserting “AMERICAN OPPORTUNITY TAX CRED-
18 IT”.

19 (13) The heading of section 25A(c)(2)(A) is
20 amended by striking “HOPE SCHOLARSHIP” and in-
21 serting “AMERICAN OPPORTUNITY TAX CREDIT”.

22 (14) Section 25A, as amended by the preceding
23 provisions of this Act, is amended by striking “Hope
24 Scholarship Credit” each place it appears in the text
25 and inserting “American Opportunity Tax Credit”.

1 (15) The heading of section 529(c)(3)(B)(v) is
2 amended by striking “HOPE” and inserting “AMER-
3 ICAN OPPORTUNITY”.

4 (16) The heading of section 530(d)(2)(C) is
5 amended by striking “HOPE” and inserting “AMER-
6 ICAN OPPORTUNITY”.

7 (17) Section 6211(b)(4)(A), as amended by this
8 Act, is amended by striking “subsection (i)(5)” and
9 inserting “subsection (i)”.

10 (18) Section 6213(g)(2)(Q) is amended to read
11 as follows:

12 “(Q) an omission of information required
13 by section 25A(b)(4)(B) or an entry on the re-
14 turn claiming the American Opportunity Tax
15 Credit for a taxable year for which such credit
16 is disallowed under section 25A(b)(4)(A).”.

17 (19) Section 207(b)(1) of the Protecting Ameri-
18 cans from Tax Hikes Act of 2015 is amended by
19 striking “the American opportunity tax credit under
20 section 25A(i) of such Code” and inserting “the
21 American Opportunity Tax Credit under section 25A
22 of such Code”.

23 (m) AMENDMENT RELATING TO SECTION 311.—

1 (1) The last sentence of section 355(h)(2)(B) is
2 amended by striking “80 percent” both places it ap-
3 pears and inserting “at least 80 percent”.

4 (2) Section 355(h)(2) is amended—

5 (A) by striking “SPINOFFS” in the heading
6 of such paragraph and inserting “DISTRIBU-
7 TIONS”, and

8 (B) by striking “SPINOFFS” in the head-
9 ings of subparagraphs (A) and (B) and insert-
10 ing “DISTRIBUTIONS”.

11 (n) AMENDMENT RELATING TO SECTION 318.—

12 (1) Section 856(c)(9)(A) is amended—

13 (A) by striking “Personal property” and
14 inserting the following:

15 “(i) IN GENERAL.—Personal prop-
16 erty”, and

17 (B) by adding at the end the following new
18 clause:

19 “(ii) TREATMENT OF GAIN ON DIS-
20 POSITION.—If—

21 “(I) personal property is leased
22 under, or in connection with, a lease
23 of real property, for a period of not
24 less than 1 year, and rents attrib-
25 utable to such personal property are

1 treated as rents from real property
2 under subsection (d)(1)(C),

3 “(II) any portion of such per-
4 sonal property and any portion of
5 such real property are sold, or other-
6 wise disposed of, in a single disposi-
7 tion (or contemporaneously in sepa-
8 rate dispositions), and

9 “(III) the fair market value of
10 the personal property so sold or con-
11 temporaneously disposed of (deter-
12 mined at the time of disposition) does
13 not exceed 15 percent of the total fair
14 market value of all of the personal
15 and real property so sold or contem-
16 poraneously disposed of (determined
17 at the time of disposition),

18 any gain from such dispositions shall be
19 treated for purposes of paragraphs (2)(H)
20 and (3)(H) as gain from the disposition of
21 a real estate asset.”.

22 (2) Section 856(c)(9)(B) is amended to read as
23 follows:

1 “(B) CERTAIN PERSONAL PROPERTY
2 MORTGAGED IN CONNECTION WITH REAL PROP-
3 ERTY.—

4 “(i) IN GENERAL.—In the case of an
5 obligation secured by a mortgage on both
6 real property and personal property, if the
7 fair market value of such personal property
8 does not exceed 15 percent of the total fair
9 market value of all such property, such ob-
10 ligation shall be treated—

11 “(I) for purposes of paragraph
12 (3)(B), as an obligation described
13 therein,

14 “(II) for purposes of paragraph
15 (4)(A), as a real estate asset, and

16 “(III) for purposes of paragraphs
17 (2)(D) and (3)(C), as a mortgage on
18 real property.

19 “(ii) DETERMINATION OF FAIR MAR-
20 KET VALUE.—

21 “(I) IN GENERAL.—Except as
22 provided in subclause (II), the fair
23 market value of all such property shall
24 be determined for purposes of clause
25 (i) in the same manner as the fair

1 market value of real property is deter-
2 mined for purposes of apportioning in-
3 terest income between real property
4 and personal property under para-
5 graph (3)(B).

6 “(II) GAIN ON DISPOSITION.—
7 For purposes of applying clause
8 (i)(III), fair market value shall be de-
9 termined at the time of sale or other
10 disposition.”.

11 (o) AMENDMENT RELATED TO SECTION 302(b).—
12 Section 529A(c)(1) is amended by striking subparagraph
13 (D).

14 (p) AMENDMENTS RELATING TO SECTION 322.—

15 (1) Section 897(k)(2) is amended—

16 (A) by striking so much of subparagraph
17 (B) as precedes “amounts realized by the quali-
18 fied shareholder” and inserting the following:

19 “(B) EXCEPTION.—In the case of a quali-
20 fied shareholder with one or more applicable in-
21 vestors—

22 “(i) subparagraph (A)(i) shall not
23 apply to the applicable percentage of the
24 stock of the real estate investment trust
25 held by the qualified shareholder, and

1 “(ii) the applicable percentage of the”,

2 and

3 (B) by adding at the end the following new
4 subparagraph:

5 “(F) APPLICABLE PERCENTAGE.—For
6 purposes of subparagraph (B), the term ‘appli-
7 cable percentage’ means the percentage of the
8 value of the interests (other than interests held
9 solely as a creditor) in the qualified shareholder
10 held by applicable investors.”.

11 (2) Section 897(k)(2)(D) is amended by strik-
12 ing “paragraph” and inserting “subsection”.

13 (3) Section 897(k)(2)(E) is amended by strik-
14 ing “and (C) and paragraph (4)” and inserting “and
15 (D)”.

16 (4) Section 897(k)(3)(B)(i) is amended by
17 striking so much as precedes “for a reduced rate of
18 withholding” and inserting the following:

19 “(i) which—

20 “(I) is eligible for benefits under
21 the comprehensive income tax treaty
22 described in subparagraph (A)(i)(I),
23 but only if the dividends article of
24 such treaty imposes conditions on the
25 benefits allowable in the case of divi-

1 dends paid by a real estate investment
2 trust, and
3 “(II) is eligible under such trea-
4 ty”.

5 (5) Section 897(k)(3)(B)(ii) is amended—

6 (A) by adding “and” at the end of sub-
7 clause (II), and

8 (B) by striking “United States corpora-
9 tion” in subclause (III) and inserting “domestic
10 corporation”.

11 (6) Section 322 of the Protecting Americans
12 from Tax Hikes Act of 2015 is amended by striking
13 subsections (b)(2) and (c)(3), and the Internal Rev-
14 enue Code of 1986 shall be applied as if such sub-
15 sections, and amendments made thereby, had never
16 been enacted.

17 (7) Section 322(c)(2) of such Act is amended
18 by striking “take effect on” and inserting the fol-
19 lowing: “apply with respect to testing periods (as de-
20 fined in section 897(h)(4)(D) of the Internal Rev-
21 enue Code of 1986) ending on or after”.

22 (q) AMENDMENTS RELATED TO SECTION 323.—

23 (1) So much of subsection (1) of section 897 as
24 precedes paragraph (2) thereof is amended to read
25 as follows:

1 “(1) EXCEPTION FOR QUALIFIED FOREIGN PENSION
2 FUNDS.—

3 “(1) IN GENERAL.—For purposes of this sec-
4 tion, a qualified foreign pension fund shall not be
5 treated as a nonresident alien individual or a foreign
6 corporation. For purposes of the preceding sentence,
7 an entity all the interests of which are held by a
8 qualified foreign pension fund shall be treated as
9 such a fund.”.

10 (2) Subparagraph (B) of section 897(l)(2) is
11 amended to read as follows:

12 “(B) which is established—

13 “(i) by such country (or one or more
14 political subdivisions thereof) to provide re-
15 tirement or pension benefits to participants
16 or beneficiaries that are current or former
17 employees (including self-employed individ-
18 uals) or persons designated by such em-
19 ployees, as a result of services rendered by
20 such employees to their employers, or

21 “(ii) by one or more employers to pro-
22 vide retirement or pension benefits to par-
23 ticipants or beneficiaries that are current
24 or former employees (including self-em-
25 ployed individuals) or persons designated

1 by such employees in consideration for
2 services rendered by such employees to
3 such employers.”.

4 (3) Section 897(l)(2)(D) is amended by striking
5 “provides annual information reporting about its
6 beneficiaries to the relevant tax authorities” and in-
7 serting “with respect to which annual information
8 about its beneficiaries is provided, or is otherwise
9 available, to the relevant tax authorities”.

10 (4) Section 897(l)(2)(E) is amended—

11 (A) by striking “such entity” in clause (i)
12 and inserting “such entity or arrangement”,
13 and

14 (B) by striking “or such income is taxed at
15 a reduced rate” in clause (ii) and inserting “,
16 or such income is excluded from the gross in-
17 come of such entity or arrangement or is taxed
18 at a reduced rate”.

19 (r) AMENDMENTS RELATING TO SECTION 333.—

20 (1) Section 831(b)(2)(B)(i)(II) is amended by
21 striking “specified assets” and inserting “relevant
22 specified assets”

23 (2) Section 831(b)(2)(B) is amended by redesi-
24 gnating clause (ii) as clause (iv) and by inserting
25 after clause (i) the following new clauses:

1 “(ii) AGGREGATION OF CERTAIN
2 SPOUSAL INTERESTS.—For purposes of
3 clause (i)(II), any interest in the insurance
4 company referred to in such clause which
5 is held (directly or indirectly) by an indi-
6 vidual who is a spouse of the specified
7 holder, and who is a citizen of the United
8 States, shall be treated as held by the
9 specified holder.

10 “(iii) SPECIFIED HOLDER.—For pur-
11 poses of this subparagraph, the term ‘spec-
12 ified holder’ means, with respect to any in-
13 surance company, any individual who holds
14 (directly or indirectly) an interest in such
15 insurance company and who—

16 “(I) is a lineal descendent (in-
17 cluding by adoption) of an individual
18 who holds an interest (directly or indi-
19 rectly) in the specified assets with re-
20 spect to such insurance company or of
21 such individual’s spouse,

22 “(II) is a spouse of any lineal de-
23 scendent described in subclause (I), or

24 “(III) is not a citizen of the
25 United States and is a spouse of an

1 individual who holds an interest (di-
2 rectly or indirectly) in the specified
3 assets with respect to such insurance
4 company.”.

5 (3) Section 831(b)(2)(B)(iv), as redesignated by
6 paragraph (2), is amended—

7 (A) by striking “clause (i)(II)” in the mat-
8 ter preceding subclause (I) and inserting “this
9 subparagraph”, and

10 (B) by amending subclause (I) to read as
11 follows:

12 “(I) RELEVANT SPECIFIED AS-
13 SETS.—The term ‘relevant specified
14 assets’ means, with respect to any
15 specified holder with respect to any
16 insurance company, the aggregate
17 amount of the specified assets, with
18 respect to such insurance company,
19 any interest in which is held (directly
20 or indirectly) by any spouse or speci-
21 fied relation of such specified holder.
22 Such term shall not include any speci-
23 fied asset solely by reason of an inter-
24 est in such asset which was acquired
25 by such spouse or specified relation by

1 bequest, devise, or inheritance from a
2 decedent during the taxable year of
3 the insurance company or the pre-
4 ceding taxable year. For purposes of
5 this subclause, the term ‘specified re-
6 lation’ means any individual with re-
7 spect to whom the specified holder
8 bears a relationship described in sub-
9 clause (I) or (II) of clause (iii).”.

10 (4) Section 831(b)(2) is amended by redesignig-
11 nating subparagraph (D) as subparagraph (E) and
12 by inserting after subparagraph (C) the following
13 new subparagraph:

14 “(D) LOOK-THROUGH OF REINSURANCE
15 AND FRONTING ARRANGEMENTS.—In the case
16 of reinsurance or any fronting, intermediary, or
17 similar arrangement, the term ‘policyholder’
18 means each policyholder of the underlying di-
19 rect written insurance with respect to such rein-
20 surance or arrangement.”.

21 (s) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect as if included in the provision
23 of the Protecting Americans from Tax Hikes Act of 2015
24 to which they relate.

1 **SEC. 102. AMENDMENT RELATING TO CONSOLIDATED AP-**
2 **PROPRIATIONS ACT, 2016.**

3 (a) AMENDMENT RELATING TO SECTION 305 OF DI-
4 VISION P.—For purposes of applying section
5 199(e)(3)(C)(i) of the Internal Revenue Code of 1986 (as
6 in effect before its repeal by Public Law 115-97) to tax-
7 able years beginning after December 31, 2015, and before
8 January 1, 2018, such section shall be applied—

9 (1) by inserting “who elects the application of
10 this clause for any taxable year,” after “In the case
11 of any taxpayer”,

12 (2) by substituting “, and who” for “and who”,

13 (3) by substituting “such taxable year” for “the
14 taxable year”, and

15 (4) by substituting “(as defined in subsection
16 (d)(9)(B))” for “under subsection (d)(9)(B)”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall take effect as if included in section 305
19 of division P of the Consolidated Appropriations Act,
20 2016.

21 **SEC. 103. AMENDMENTS RELATING TO FIXING AMERICA’S**
22 **SURFACE TRANSPORTATION ACT.**

23 (a) AMENDMENTS RELATING TO SECTION 32101.—

24 (1) Section 7345(e)(1) is amended—

1 (A) by striking “or the Tax Court” and in-
2 serting “, or against the Commissioner in the
3 Tax Court,”, and

4 (B) by adding at the end the following:
5 “For purposes of the preceding sentence, the
6 court first acquiring jurisdiction over such an
7 action shall have sole jurisdiction.”.

8 (2) Section 7345(f) is amended by striking
9 “subsection (a)” and inserting “subsection
10 (b)(1)(B)”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect as if included in section
13 32101 of the Fixing America’s Surface Transportation
14 Act.

15 **SEC. 104. AMENDMENTS RELATING TO SURFACE TRANS-**
16 **PORTATION AND VETERANS HEALTH CARE**
17 **CHOICE IMPROVEMENT ACT OF 2015.**

18 (a) AMENDMENT RELATING TO SECTION 2004.—
19 Section 6662(k) is amended to read as follows:

20 “(k) INCONSISTENT ESTATE BASIS REPORTING.—
21 For purposes of this section, the term ‘inconsistent estate
22 basis’ means any portion of an underpayment attributable
23 to the failure to comply with section 1014(f).”.

24 (b) AMENDMENTS RELATING TO SECTION 2008.—
25 Section 9503(e)(2) is amended—

1 (1) by striking “per gallon” in subparagraph
2 (C) and inserting “per energy equivalent of a gallon
3 of diesel (as defined in section 4041(a)(2)(D))”, and

4 (2) by striking “per gallon” in subparagraph
5 (D) and inserting “per energy equivalent of a gallon
6 of gasoline (as defined in section 4041(a)(2)(C))”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if included in the provision
9 of the Surface Transportation and Veterans Health Care
10 Choice Improvement Act of 2015 to which they relate.

11 **SEC. 105. AMENDMENTS RELATING TO STEPHEN BECK, JR.,**
12 **ABLE ACT OF 2014.**

13 (a) AMENDMENTS RELATING TO SECTION 208.—
14 Section 208(h) of the Stephen Beck, Jr., ABLE Act of
15 2014 is amended—

16 (1) by striking so much as precedes “made by
17 this section” and inserting the following:

18 “(h) EFFECTIVE DATE.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), the amendments”,

21 (2) by inserting “, and statements required to
22 be furnished,” after “returns required to be filed”,
23 and

24 (3) by adding at the end the following new
25 paragraph:

1 “(2) SUBSECTION (c).—The amendment made
2 by subsection (c) shall apply to returns or claims for
3 refund filed after December 31, 2014.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect as if included in section 208
6 of the Stephen Beck, Jr., ABLE Act of 2014.

7 **SEC. 106. AMENDMENT RELATING TO AMERICAN TAXPAYER**
8 **RELIEF ACT OF 2012.**

9 (a) AMENDMENT RELATING TO SECTION 104.—Sec-
10 tion 6211(b)(4)(A) is amended by striking “subsection
11 (i)(6)” and inserting “subsection (i)(5)”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall take effect as if included in section 104
14 of the American Taxpayer Relief Act of 2012.

15 **SEC. 107. AMENDMENT RELATING TO UNITED STATES-**
16 **KOREA FREE TRADE AGREEMENT IMPLE-**
17 **MENTATION ACT.**

18 (a) AMENDMENT RELATING TO SECTION 501.—Sec-
19 tion 501(b) of the United States-Korea Free Trade Agree-
20 ment Implementation Act is amended by striking “returns
21 required to be filed” and inserting “documents prepared”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall take effect as if included in section 501
24 of the United States-Korea Free Trade Agreement Imple-
25 mentation Act.

1 **SEC. 108. AMENDMENT RELATING TO SAFETEA-LU.**

2 (a) AMENDMENT RELATING TO SECTION 11125.—

3 Section 5681(b) is amended by striking “who has paid the
4 special tax (or who is exempt from payment of such special
5 tax by reason of the provisions of section 5113(a))” and
6 inserting “who meets the requirements of section 5121(a)
7 and section 5124 (or who is exempt from such require-
8 ments by reason of section 5121(b))”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall take effect as if included in section
11 11125 of the Safe, Accountable, Flexible, Efficient Trans-
12 portation Equity Act: A Legacy for Users.

13 **SEC. 109. AMENDMENTS RELATING TO THE AMERICAN**
14 **JOBS CREATION ACT OF 2004.**

15 (a) AMENDMENT RELATING TO SECTION 233.—Sec-
16 tion 1361(c)(2)(B)(vi) is amended by striking “a share-
17 holder” and inserting “the shareholder”.

18 (b) AMENDMENT RELATING TO SECTION 319.—Sec-
19 tion 501(c)(12)(E) is amended by striking “means the
20 Federal Energy Regulatory Commission” and all that fol-
21 lows and inserting: “means—

22 “(i) the Federal Energy Regulatory
23 Commission, or

24 “(ii) in the case of any utility with re-
25 spect to which all of the electricity gen-
26 erated, transmitted, or distributed by such

1 utility is generated, transmitted, distrib-
2 uted, and consumed in the same State, the
3 State agency of such State with the au-
4 thority to regulate electric utilities.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect as if included in section 319
7 of the American Jobs Creation Act of 2004.

8 **TITLE II—TECHNICAL CORREC-**
9 **TIONS RELATED TO PART-**
10 **nership AUDIT RULES**

11 **SEC. 201. SCOPE OF ADJUSTMENTS SUBJECT TO PARTNER-**
12 **SHIP AUDIT RULES.**

13 (a) IN GENERAL.—Section 6241(2) is amended to
14 read as follows:

15 “(2) PARTNERSHIP ADJUSTMENT.—

16 “(A) IN GENERAL.—The term ‘partnership
17 adjustment’ means any adjustment to a part-
18 nership-related item.

19 “(B) PARTNERSHIP-RELATED ITEM.—The
20 term ‘partnership-related item’ means—

21 “(i) any item or amount with respect
22 to the partnership (without regard to
23 whether or not such item or amount ap-
24 pears on the partnership’s return and in-
25 cluding an imputed underpayment and any

1 item or amount relating to any transaction
2 with, basis in, or liability of, the partner-
3 ship) which is relevant (determined without
4 regard to this subchapter) in determining
5 the tax liability of any person under chap-
6 ter 1, and

7 “(ii) any partner’s distributive share
8 of any item or amount described in clause
9 (i).”.

10 (b) COORDINATION WITH OTHER CHAPTERS.—

11 (1) IN GENERAL.—Section 6241 is amended by
12 adding at the end the following new paragraph:

13 “(9) COORDINATION WITH OTHER CHAPTERS.—

14 “(A) IN GENERAL.—This subchapter shall
15 not apply with respect to any tax imposed (in-
16 cluding any amount required to be deducted or
17 withheld) under chapter 2, 2A, 3, or 4, except
18 that any partnership adjustment determined
19 under this subchapter for purposes of chapter 1
20 shall be taken into account for purposes of de-
21 termining any such tax to the extent that such
22 adjustment is relevant to such determination.

23 “(B) TIMING OF WITHHOLDING.—In the
24 case of any tax imposed (including any amount
25 required to be deducted or withheld) under

1 chapter 3 or 4, which is determined with re-
2 spect to an adjustment described in subpara-
3 graph (A), such tax—

4 “(i) shall be so determined with re-
5 spect to the reviewed year, and

6 “(ii) shall be so imposed (or so re-
7 quired to be deducted or withheld) with re-
8 spect to the adjustment year.

9 “(C) STATUTE OF LIMITATION ON ASSESS-
10 MENT.—For special rule with respect to limita-
11 tion on assessment of taxes under chapter 2 or
12 2A which are attributable to any partnership
13 adjustment, see section 6501(c)(12).”.

14 (2) SPECIAL RULE.—Section 6501(c) is amend-
15 ed by adding at the end the following new para-
16 graph:

17 “(12) CERTAIN TAXES ATTRIBUTABLE TO
18 PARTNERSHIP ADJUSTMENTS.—In the case of any
19 partnership adjustment determined under sub-
20 chapter C of chapter 63, the period for assessment
21 of any tax imposed under chapter 2 or 2A which is
22 attributable to such adjustment shall not expire be-
23 fore the date that is 1 year after—

24 “(A) in the case of an adjustment pursu-
25 ant to the decision of a court in a proceeding

1 brought under section 6234, such decision be-
2 comes final, or

3 “(B) in any other case, 90 days after the
4 date on which the notice of the final partner-
5 ship adjustment is mailed under section 6231.”.

6 (c) CONFORMING AMENDMENTS.—

7 (1) Section 6211(c) is amended to read as fol-
8 lows:

9 “(c) COORDINATION WITH SUBCHAPTER C.—In de-
10 termining the amount of any deficiency for purposes of
11 this subchapter, adjustments to partnership-related items
12 shall be made only as provided in subchapter C.”.

13 (2) Section 6221(a) is amended to read as fol-
14 lows:

15 “(a) IN GENERAL.—Any adjustment to a partner-
16 ship-related item shall be determined, and any tax attrib-
17 utable thereto shall be assessed and collected, and the ap-
18 plicability of any penalty, addition to tax, or additional
19 amount which relates to an adjustment to any such item
20 shall be determined, at the partnership level, except to the
21 extent otherwise provided in this subchapter.”.

22 (3) Section 6222(a) is amended to read as fol-
23 lows:

24 “(a) IN GENERAL.—A partner shall, on the partner’s
25 return, treat any partnership-related item in a manner

1 which is consistent with the treatment of such item on
2 the partnership return.”.

3 (4) Section 6226(a)(2) is amended by striking
4 “any adjustment to income, gain, loss, deduction, or
5 credit” and inserting “any adjustment to a partner-
6 ship-related item”.

7 (5) Section 6227(a) is amended by striking
8 “items of income, gain, loss, deduction, or credit of
9 the partnership” and inserting “partnership-related
10 items”.

11 (6) Section 6231(a)(1) is amended by striking
12 “any item of income, gain, loss, deduction, or credit
13 of a partnership for a partnership taxable year” and
14 inserting “any partnership-related item for any part-
15 nership taxable year”.

16 (7) Section 6234(c) is amended by striking “all
17 items of income, gain, loss, deduction, or credit of
18 the partnership” and inserting “all partnership-re-
19 lated items”.

20 (8) Section 7485(b) is amended by striking
21 “partnership items” and inserting “partnership-re-
22 lated items (as defined in section 6241)”.

23 **SEC. 202. DETERMINATION OF IMPUTED UNDERPAYMENTS.**

24 (a) IN GENERAL.—Section 6225(b) is amended to
25 read as follows:

1 “(b) DETERMINATION OF IMPUTED UNDERPAY-
2 MENTS.—For purposes of this subchapter—

3 “(1) IN GENERAL.—Except as otherwise pro-
4 vided in this section, any imputed underpayment
5 with respect to any reviewed year shall be deter-
6 mined by the Secretary by—

7 “(A) appropriately netting all partnership
8 adjustments with respect to such reviewed year,
9 and

10 “(B) applying the highest rate of tax in ef-
11 fect for the reviewed year under section 1 or
12 11.

13 “(2) ADJUSTMENTS TO DISTRIBUTIVE SHARES
14 OF PARTNERS NOT NETTED.—In the case of any ad-
15 justment which reallocates the distributive share of
16 any item from one partner to another, such adjust-
17 ment shall be taken into account by disregarding so
18 much of such adjustment as results in a decrease in
19 the amount of the imputed underpayment.

20 “(3) ADJUSTMENTS SEPARATELY NETTED BY
21 CATEGORY.—For purposes of paragraph (1)(A),
22 partnership adjustments for any reviewed year shall
23 first be separately determined (and netted as appro-
24 priate) within each category of items that are re-

1 quired to be taken into account separately under
2 section 702(a) or other provision of this title.

3 “(4) LIMITATION ON ADJUSTMENTS THAT MAY
4 BE TAKEN INTO ACCOUNT.—If any adjustment
5 would (but for this paragraph)—

6 “(A) result in a decrease in the amount of
7 the imputed underpayment, and

8 “(B) could be subject to any additional
9 limitation under the provisions of this title (or
10 not allowed, in whole or in part, against ordi-
11 nary income) if such adjustment were taken
12 into account by any person,

13 such adjustment shall not be taken into account
14 under paragraph (1)(A) except to the extent other-
15 wise provided by the Secretary.”.

16 (b) MODIFICATIONS OF IMPUTED UNDERPAY-
17 MENTS.—

18 (1) Section 6225(c)(3) is amended by striking
19 “without regard to the portion thereof” and insert-
20 ing “without regard to the portion of the adjust-
21 ment”.

22 (2) Section 6225(c)(4)(A) is amended by strik-
23 ing “with respect to any portion of the imputed un-
24 derpayment” and inserting “with respect to any por-
25 tion of the adjustment”.

1 (3) Section 6225(e)(5)(A)(i) is amended by
2 striking “without regard to the portion thereof” and
3 inserting “without regard to the portion of the ad-
4 justment”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) Section 6225(a) is amended to read as fol-
7 lows:

8 “(a) IN GENERAL.—In the case of any adjustments
9 by the Secretary to any partnership-related items with re-
10 spect to any reviewed year of a partnership—

11 “(1) if such adjustments result in an imputed
12 underpayment, the partnership shall pay an amount
13 equal to such imputed underpayment in the adjust-
14 ment year as provided in section 6232, and

15 “(2) if such adjustments do not result in an im-
16 puted underpayment, such adjustments shall be
17 taken into account by the partnership in the adjust-
18 ment year.”.

19 (2) Section 6225(e) is amended by adding at
20 the end the following new paragraph:

21 “(9) MODIFICATION OF ADJUSTMENTS NOT RE-
22 SULTING IN AN IMPUTED UNDERPAYMENT.—The
23 Secretary shall establish procedures under which the
24 adjustments described in subsection (a)(2) may be

1 modified in such manner as the Secretary deter-
2 mines appropriate.”.

3 **SEC. 203. ALTERNATIVE PROCEDURE TO FILING AMENDED**
4 **RETURNS FOR PURPOSES OF MODIFYING IM-**
5 **PUTED UNDERPAYMENT.**

6 (a) IN GENERAL.—Section 6225(c)(2) is amended to
7 read as follows:

8 “(2) PROCEDURES FOR PARTNERS TO TAKE AD-
9 JUSTMENTS INTO ACCOUNT.—

10 “(A) AMENDED RETURNS OF PARTNERS.—

11 Such procedures shall provide that if—

12 “(i) one or more partners file returns
13 for the taxable year of the partners which
14 includes the end of the reviewed year of
15 the partnership (and for any taxable year
16 with respect to which any tax attribute is
17 affected by reason of any adjustment re-
18 ferred to in clause (ii)),

19 “(ii) such returns take into account
20 all adjustments under subsection (a) prop-
21 erly allocable to such partners (and the ef-
22 fect of such adjustments on any tax at-
23 tributes), and

24 “(iii) payment of any tax due is in-
25 cluded with such returns,

1 then the imputed underpayment amount shall
2 be determined without regard to the portion of
3 the adjustments so taken into account.

4 “(B) ALTERNATIVE PROCEDURE TO FIL-
5 ING AMENDED RETURNS.—Such procedures
6 shall provide that, with respect to any partner
7 referred to in subparagraph (A), the require-
8 ments of subparagraph (A) shall be treated as
9 satisfied with respect to adjustments properly
10 allocable to such partner if, in lieu of filing the
11 returns described in such subparagraph—

12 “(i) the amounts described in sub-
13 paragraph (A)(iii) are paid by the partner,

14 “(ii) the partner agrees to take into
15 account, in the form and manner pre-
16 scribed by the Secretary, the adjustments
17 to the tax attributes of such partner re-
18 ferred to in subparagraph (A)(ii), and

19 “(iii) such partner provides, in the
20 form and manner specified by the Sec-
21 retary (including, if the Secretary so speci-
22 fies, in the same form as on an amended
23 return), such information as the Secretary
24 may require to carry out this subpara-
25 graph.

1 “(C) REALLOCATION OF DISTRIBUTIVE
2 SHARE.—In the case of any adjustment which
3 reallocates the distributive share of any item
4 from one partner to another, this paragraph
5 shall apply with respect to any such partner
6 only if the requirements of subparagraph (A) or
7 (B) are satisfied with respect to all partners af-
8 fected by such adjustment.

9 “(D) APPLICATION OF STATUTE OF LIM-
10 TATIONS.—In the case of adjustments referred
11 to in subparagraph (A)(ii), sections 6501 and
12 6511 shall not apply with respect to any return
13 filed for purposes of subparagraph (A)(i) or any
14 amount paid under subparagraph (A)(iii) or
15 (B)(i).

16 “(E) ADJUSTMENTS TO TAX ATTRIBUTES
17 BINDING FOR AFFECTED TAXABLE YEARS OF
18 PARTNER.—The adjustments to the tax at-
19 tributes of any partner provided for in subpara-
20 graph (A)(ii) or (B)(ii) shall be binding with re-
21 spect to the taxable year of the partner which
22 includes the end of the reviewed year of the
23 partnership and any taxable years for which
24 any tax attribute is affected by such adjust-
25 ment. Any failure to so treat any such tax at-

1 tribute shall be treated for purposes of this title
2 in the same manner as a failure to treat a part-
3 nership-related item in a manner which is con-
4 sistent with the treatment of such item on the
5 partnership return within the meaning of sec-
6 tion 6222.

7 “(F) APPLICATION TO PARTNERSHIPS AND
8 S CORPORATIONS IN TIERED STRUCTURES.—

9 “(i) IN GENERAL.—In the case of any
10 partnership any partner of which is a part-
11 nership, subparagraph (A) or (B) may
12 apply with respect to any partner (here-
13 after in this subparagraph referred to as
14 the ‘relevant partner’) in the chain of own-
15 ership of such partnerships if—

16 “(I) such information as the Sec-
17 retary may require is furnished to the
18 Secretary for purposes of carrying out
19 this paragraph with respect to such
20 partnerships (including any informa-
21 tion the Secretary may require with
22 respect to any chain of ownership of
23 the relevant partner), and

24 “(II) to such extent as the Sec-
25 retary may require, each partnership

1 in the chain of ownership between the
2 relevant partner and the audited part-
3 nership satisfies the requirements of
4 subparagraph (A) or (B).

5 “(ii) TREATMENT OF S CORPORA-
6 TIONS.—For purposes of clause (i), an S
7 corporation and its shareholders shall be
8 treated in the same manner as a partner-
9 ship and its partners.”.

10 (b) CONFORMING AMENDMENT.—Section 6201(a)(1)
11 is amended by inserting “(or payments under section
12 6225(c)(2)(B)(i))” after “returns or lists”.

13 **SEC. 204. TREATMENT OF PASSTHROUGH PARTNERS IN**
14 **TIERED STRUCTURES.**

15 (a) IN GENERAL.—Section 6226(b) is amended by
16 adding at the end the following new paragraph:

17 “(4) TREATMENT OF PARTNERSHIPS AND S
18 CORPORATIONS IN TIERED STRUCTURES.—

19 “(A) IN GENERAL.—If a partner which re-
20 ceives a statement under subsection (a)(2) is a
21 partnership or an S corporation, such partner
22 shall, with respect to the partner’s share of the
23 adjustment—

24 “(i) file with the Secretary a partner-
25 ship adjustment tracking report which in-

1 cludes such information as the Secretary
2 may require, and

3 “(ii)(I) furnish statements under rules
4 similar to the rules of subsection (a)(2), or

5 “(II) if no such statements are fur-
6 nished, compute and pay an imputed un-
7 derpayment under rules similar to the
8 rules of section 6225 (other than para-
9 graphs (2), (7), and (9) of subsection (c)
10 thereof).

11 “(B) DUE DATE.—For purposes of sub-
12 paragraph (A), with respect to a partner’s
13 share of the adjustment, the partnership adjust-
14 ment tracking report shall be filed, and the im-
15 puted underpayment shall be paid or state-
16 ments shall be furnished, not later than the due
17 date for the return for the adjustment year of
18 the audited partnership.

19 “(C) PARTNERSHIP PAYMENT OF TAX IF
20 ELECTED OUT OF SUBCHAPTER.—In the case of
21 a partnership which has elected the application
22 of section 6221(b) with respect to the taxable
23 year of the partnership which includes the end
24 of the reviewed year of the audited partnership,

1 this paragraph shall apply notwithstanding such
2 election.

3 “(D) AUDITED PARTNERSHIP.—For pur-
4 poses of this paragraph, the term ‘audited part-
5 nership’ means, with respect to any partner de-
6 scribed in subparagraph (A), the partnership in
7 the chain of ownership originally electing the
8 application of this section.

9 “(E) TREATMENT OF TRUSTS.—The Sec-
10 retary shall prescribe such rules as may be nec-
11 essary with respect to trusts which receive a
12 statement under subsection (a)(2).”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 6226(b)(1) is amended by striking
15 “Each partner’s” and inserting “Except as provided
16 in paragraph (4), each partner’s”.

17 (2) Section 6226(c)(2) is amended by inserting
18 “or which is described in subsection
19 (b)(4)(A)(ii)(I),” after “is elected,”.

20 **SEC. 205. TREATMENT OF FAILURE OF PARTNERSHIP TO**
21 **PAY IMPUTED UNDERPAYMENT.**

22 (a) IN GENERAL.—Section 6232 is amended by add-
23 ing at the end the following new subsection:

24 “(f) FAILURE TO PAY IMPUTED UNDERPAYMENT.—

1 “(1) IN GENERAL.—If any amount of any im-
2 puted underpayment to which section 6225 applies
3 or any specified similar amount (or any interest or
4 penalties with respect to any such amount) has not
5 been paid by the date which is 10 days after the
6 date on which the Secretary provides notice and de-
7 mand for such payment—

8 “(A) section 6621(a)(2)(B) shall be ap-
9 plied by substituting ‘5 percentage points’ for ‘3
10 percentage points’ with respect to such amount,
11 and

12 “(B) the Secretary may assess upon each
13 partner of the partnership (determined as of
14 the close of the adjustment year or, if the part-
15 nership has ceased to exist as of such time, the
16 former partners of the partnership as deter-
17 mined for purposes of section 6241(7)) a tax
18 equal to such partner’s proportionate share of
19 such amount (including any such interest or
20 penalties, determined after application of sub-
21 paragraph (A)).

22 “(2) SPECIFIED SIMILAR AMOUNT.—For pur-
23 poses of this subsection, the term ‘specified similar
24 amount’ means—

1 “(A) the amount described in subclause
2 (II) of section 6226(b)(4)(A)(ii) (including any
3 failure to satisfy the requirement of subclause
4 (I) of such section which is treated as a failure
5 to pay such amount under section 6651(i)), and

6 “(B) any amount assessed under para-
7 graph (1)(B) upon a partner which is a part-
8 nership.

9 “(3) PROPORTIONATE SHARE.—For purposes of
10 paragraph (1), a partner’s proportionate share is
11 such percentage as the Secretary may determine on
12 the basis of such partner’s distributive share. The
13 Secretary shall make determinations under the pre-
14 ceding sentence such that the aggregate propor-
15 tionate shares so determined total 100 percent.

16 “(4) COORDINATION WITH PARTNERSHIP LI-
17 ABILITY.—The liability of the partnership for any
18 amount with respect to which a partner is made lia-
19 ble under paragraph (1) shall be reduced upon pay-
20 ment by the partner of such amount. Paragraph
21 (1)(B) shall not apply with respect to any amount
22 after the date on which such amount is paid by the
23 partnership.

24 “(5) S CORPORATIONS.—For purposes of this
25 subsection, an S corporation and its shareholders

1 shall be treated in the same manner as a partner-
2 ship and its partners.

3 “(6) RULES RELATED TO ASSESSMENT AND
4 COLLECTION.—

5 “(A) DEFICIENCY PROCEDURES NOT AP-
6 PPLICABLE.—Subchapter B shall not apply to
7 any assessment or collection under this para-
8 graph.

9 “(B) LIMITATION ON ASSESSMENT.—Ex-
10 cept as otherwise provided in this subtitle, no
11 assessment may be made (or proceeding in
12 court begun without assessment) with respect
13 to any partner with respect to an amount under
14 paragraph (1) after the date which is 2 years
15 after the date on which the Secretary provides
16 the notice and demand referred to in paragraph
17 (1) with respect to such amount.”.

18 (b) CONFORMING AMENDMENT.—Section
19 6501(c)(4)(A) is amended by striking “in this section”.

20 **SEC. 206. OTHER TECHNICAL CORRECTIONS RELATED TO**
21 **PARTNERSHIP AUDIT RULES.**

22 (a) LIMITATION ON AMENDMENT OF STATEMENTS
23 FURNISHED TO PARTNERS NOT APPLICABLE TO PART-
24 NERSHIPS ELECTING OUT OF PARTNERSHIP AUDIT
25 RULES.—Section 6031(b) is amended by striking the last

1 sentence and inserting the following: “Information re-
2 quired to be furnished by the partnership under this sub-
3 section may not be amended after the due date of the re-
4 turn under subsection (a) to which such information re-
5 lates, except—

6 “(1) in the case of a partnership which has
7 elected the application of section 6221(b) for the
8 taxable year,

9 “(2) as provided in the procedures under sec-
10 tion 6225(c),

11 “(3) with respect to statements under section
12 6226, or

13 “(4) as otherwise provided by the Secretary.”.

14 (b) ADMINISTRATIVE ADJUSTMENT REQUEST AND
15 PARTNERSHIP ADJUSTMENT TRACKING REPORT NOT
16 TREATED AS AMENDED RETURN FOR PURPOSES OF
17 MODIFICATION OF IMPUTED UNDERPAYMENTS.—Section
18 6225(c)(2), as amended by the preceding provisions of this
19 Act, is amended by adding at the end the following new
20 subparagraph:

21 “(F) ADJUSTMENTS NOT TREATED AS
22 AMENDED RETURN.—An administrative adjust-
23 ment request under section 6227 and a partner-
24 ship adjustment tracking report under section

1 6226(b)(4)(A) shall not be treated as a return
2 for purposes of this paragraph.”.

3 (c) AUTHORITY TO REQUIRE E-FILING OF MATE-
4 RIALS IN CONNECTION WITH MODIFICATION OF IMPUTED
5 UNDERPAYMENTS, ETC.—Section 6241, as amended by
6 the preceding provisions of this Act, is amended by adding
7 at the end the following new paragraph:

8 “(10) AUTHORITY TO REQUIRE ELECTRONIC
9 FILING.—Notwithstanding section 6011(e), the Sec-
10 retary may require that anything required to be filed
11 or submitted under section 6225(c), or to be fur-
12 nished to or filed with the Secretary under section
13 6226, be so filed, submitted, or furnished by mag-
14 netic media or in other machine-readable form.”.

15 (d) CLARIFICATION OF ASSESSMENT AUTHORITY.—
16 Section 6226(a) is amended by inserting “(and no assess-
17 ment of tax, levy, or proceeding in any court for the collec-
18 tion of such underpayment shall be made against such
19 partnership)” after “section 6225 shall not apply with re-
20 spect to such underpayment”.

21 (e) TREATMENT OF PARTNERSHIP ADJUSTMENTS
22 THAT RESULT IN DECREASE IN TAX IN CASE OF ELEC-
23 TION TO PUSH OUT ADJUSTMENTS.—Section 6226(b) is
24 amended—

1 (1) by striking “increased” in paragraph (1)
2 and inserting “adjusted”,

3 (2) by striking “adjustment amounts” each
4 place it appears in paragraphs (1) and (2) and in-
5 serting “correction amounts”,

6 (3) by striking “increase” each place it appears
7 in subparagraphs (A) and (B) of paragraph (2) and
8 inserting “increase or decrease”,

9 (4) by striking “plus” at the end of paragraph
10 (2)(A) and inserting “and”, and

11 (5) by striking “ADJUSTMENT AMOUNTS” in
12 the heading of paragraph (2) and inserting “COR-
13 RECTION AMOUNTS”.

14 (f) COORDINATION OF STATUTE OF LIMITATION ON
15 FILING ADMINISTRATION ADJUSTMENT REQUEST WITH
16 ADJUSTMENTS RELATED TO FOREIGN TAX CREDITS.—
17 Section 6227 is amended by adding at the end the fol-
18 lowing new subsection:

19 “(d) COORDINATION WITH ADJUSTMENTS RELATED
20 TO FOREIGN TAX CREDITS.—The Secretary shall issue
21 regulations or other guidance which provide for the proper
22 coordination of this section and section 905(c).”.

23 (g) CLARIFICATION OF ASSESSMENT OF IMPUTED
24 UNDERPAYMENTS.—

1 (1) IN GENERAL.—Section 6232(a) is amended
2 by striking “except that in the case of” and all that
3 follows and inserting the following: “except that—

4 “(1) subchapter B of chapter 63 shall not
5 apply, and

6 “(2) in the case of an administrative adjust-
7 ment request to which section 6227(b)(1) applies,
8 the underpayment shall be paid and may be assessed
9 when the request is filed.”.

10 (2) CONFORMING AMENDMENT.—Section
11 6232(b) is amended—

12 (A) by striking “assessment of a defi-
13 ciency” and inserting “assessment of an im-
14 puted underpayment”, and

15 (B) by adding at the end the following new
16 flush matter:

17 “The preceding sentence shall not apply in the case of a
18 specified similar amount (as defined in subsection
19 (f)(2)).”.

20 (h) TIME LIMITATION FOR NOTICE OF PROPOSED
21 ADJUSTMENT.—

22 (1) IN GENERAL.—Section 6231 is amended by
23 redesignating subsections (b) and (c) as subsections
24 (c) and (d), respectively, and by inserting after sub-
25 section (a) the following new subsection:

1 “(b) TIMING OF NOTICES.—

2 “(1) NOTICE OF PROPOSED PARTNERSHIP AD-
3 JUSTMENT.—Any notice of a proposed partnership
4 adjustment shall not be mailed later than the date
5 determined under section 6235 (determined without
6 regard to paragraphs (2) and (3) of subsection (a)
7 thereof).

8 “(2) NOTICE OF FINAL PARTNERSHIP ADJUST-
9 MENT.—

10 “(A) IN GENERAL.—Except to the extent
11 that the partnership elects to waive the applica-
12 tion of this subparagraph, any notice of a final
13 partnership adjustment shall not be mailed ear-
14 lier than 270 days after the date on which the
15 notice of the proposed partnership adjustment
16 is mailed.

17 “(B) STATUTE OF LIMITATIONS ON AD-
18 JUSTMENT.—For the period of limitations on
19 making adjustments, see section 6235.”.

20 (2) CONFORMING AMENDMENT.—Section
21 6231(a) is amended by striking “Any notice of a
22 final partnership adjustment” and all that follows
23 through “Such notices” and inserting “Any notice of
24 a final partnership adjustment”.

1 (i) DEPOSIT TO SUSPEND INTEREST ON IMPUTED
2 UNDERPAYMENT.—Section 6233 is amended by adding at
3 the end the following new subsection:

4 “(c) DEPOSIT TO SUSPEND INTEREST.—For rules al-
5 lowing deposits to suspend running of interest on potential
6 underpayments, see section 6603.”.

7 (j) DEPOSIT TO MEET JURISDICTIONAL REQUIRE-
8 MENT.—The first sentence of section 6234(b) is amended
9 by striking “the amount of the imputed underpayment (as
10 of the date of the filing of the petition)” and inserting
11 “the amount of (as of the date of the filing of the petition)
12 the imputed underpayment, penalties, additions to tax,
13 and additional amounts with respect to such imputed un-
14 derpayment”.

15 (k) CORRECTIONS RELATED TO PERIOD OF LIMITA-
16 TION ON MAKING ADJUSTMENTS.—

17 (1) Section 6235(a) is amended—

18 (A) by inserting “or section 905(c)” after
19 “Except as otherwise provided in this section”,
20 and

21 (B) by striking “subpart” and inserting
22 “subchapter”.

23 (2) Section 6235(a)(3) is amended by striking
24 “section 6225(c)(7)” and inserting “section
25 6225(c)(7)”.

1 (3) Section 6235(c)(2) is amended by striking
2 “section 6501(e)(1)(A)” and inserting “subpara-
3 graph (A) or (C) of section 6501(e)(1)”.

4 (4) Section 6235(e) is amended by adding at
5 the end the following new subparagraphs:

6 “(5) INFORMATION REQUIRED TO BE RE-
7 PORTED.—In the case of a partnership that is re-
8 quired to report any information described in section
9 6501(e)(8), the time for making any adjustment
10 under this subchapter with respect to any tax re-
11 turn, event, or period to which such information re-
12 lates shall not expire before the date that is deter-
13 mined under section 6501(e)(8).

14 “(6) LISTED TRANSACTIONS.—If a partnership
15 fails to include on any return or statement any in-
16 formation with respect to a listed transaction as de-
17 scribed in section 6501(e)(10), the time for making
18 any adjustment under this subchapter with respect
19 to such transaction shall not expire before the date
20 that is determined under section 6501(e)(10).”.

21 (5) Section 6235 is amended by striking sub-
22 section (d).

23 (1) TREATMENT OF SPECIAL ENFORCEMENT MAT-
24 TERS.—Section 6241, as amended by the preceding provi-

1 sions of this Act, is amended by adding at the end the
2 following new paragraph:

3 “(11) TREATMENT OF SPECIAL ENFORCEMENT
4 MATTERS.—

5 “(A) IN GENERAL.—In the case of part-
6 nership-related items which involve special en-
7 forcement matters, the Secretary may prescribe
8 regulations pursuant to which—

9 “(i) this subchapter (or any portion
10 thereof) does not apply to such items, and

11 “(ii) such items are subject to such
12 special rules (including rules related to as-
13 sessment and collection) as the Secretary
14 determines to be necessary for the effective
15 and efficient enforcement of this title.

16 “(B) SPECIAL ENFORCEMENT MATTERS.—
17 For purposes of subparagraph (A), the term
18 ‘special enforcement matters’ means—

19 “(i) failure to comply with the re-
20 quirements of section 6226(b)(4)(A)(ii),

21 “(ii) assessments under section 6851
22 (relating to termination assessments of in-
23 come tax) or section 6861 (relating to
24 jeopardy assessments of income, estate,
25 gift, and certain excise taxes),

1 “(iii) criminal investigations,
2 “(iv) indirect methods of proof of in-
3 come,
4 “(v) foreign partners or partnerships,
5 and
6 “(vi) other matters that the Secretary
7 determines by regulation present special
8 enforcement considerations.”.

9 (m) UNITED STATES SHAREHOLDERS AND CERTAIN
10 OTHER PERSONS TREATED AS PARTNERS.—Section
11 6241, as amended by the preceding provisions of this Act,
12 is amended by adding at the end the following new para-
13 graph:

14 “(12) UNITED STATES SHAREHOLDERS AND
15 CERTAIN OTHER PERSONS TREATED AS PART-
16 NERS.—

17 “(A) IN GENERAL.—Except as otherwise
18 provided by the Secretary, in the case of any
19 controlled foreign corporation (as defined in
20 section 957 or 953(c)(1)) which is a partner of
21 a partnership, each United States shareholder
22 (as defined in section 951(b) or 953(c)(1)) with
23 respect to such controlled foreign corporation
24 shall be treated for purposes of this subchapter
25 as a partner of such partnership. For purposes

1 of the preceding sentence, any distributive
2 share of any such United States shareholder
3 with respect to such partnership shall, except as
4 otherwise provided by the Secretary, be equal to
5 such United States shareholder's pro rata share
6 with respect to such controlled foreign corpora-
7 tion (determined under rules similar to the
8 rules of section 951(a)(2)).

9 “(B) PASSIVE FOREIGN INVESTMENT COM-
10 PANIES.—For purposes of subparagraph (A), in
11 the case of a passive foreign investment com-
12 pany (as defined in section 1297), each tax-
13 payer that makes an election under section
14 1295 with respect to such company shall be
15 treated in the same manner as United States
16 shareholders under subparagraph (A), except
17 that such taxpayer's pro rata share with respect
18 to the passive foreign investment company shall
19 be determined under rules similar to the rules
20 of section 1293(b).

21 “(C) REGULATIONS OR OTHER GUID-
22 ANCE.—The Secretary shall issue such regula-
23 tions or other guidance as is necessary or ap-
24 propriate to carry out the purposes of this para-
25 graph, including regulations which apply the

1 rules of subparagraph (A) in similar cir-
2 cumstances or with respect to similarly situated
3 persons.”.

4 (n) PENALTIES RELATED TO ADMINISTRATIVE AD-
5 JUSTMENT REQUESTS AND PARTNERSHIP ADJUSTMENT
6 TRACKING REPORTS.—

7 (1) FAILURE TO PAY.—Section 6651 is amend-
8 ed by redesignating subsection (i) as subsection (j)
9 and by inserting after subsection (h) the following
10 new subsection:

11 “(i) APPLICATION TO IMPUTED UNDERPAYMENT.—
12 For purposes of this section, any failure to comply with
13 section 6226(b)(4)(A)(ii) shall be treated as a failure to
14 pay the amount described in subclause (II) thereof and
15 such amount shall be treated for purposes of this section
16 as an amount shown as tax on a return specified in sub-
17 section (a)(1).”.

18 (2) FAILURE TO FILE PARTNERSHIP ADJUST-
19 MENT TRACKING REPORT.—Section 6698(a) is
20 amended—

21 (A) in the matter preceding paragraph (1)
22 by inserting “, or a partnership adjustment
23 tracking report under section 6226(b)(4)(A),”
24 after “under section 6031”,

1 (B) in paragraph (1) by inserting “, or
2 such report,” after “such return”, and

3 (C) in paragraph (2)—

4 (i) by inserting “or a report” after “a
5 return”, and

6 (ii) by inserting “or 6226(b)(4)(A),
7 respectively” before the comma at the end.

8 (3) TAX RETURN PREPARER RELATED PEN-
9 ALTIES.—Section 6696(e)(1) is amended by insert-
10 ing “, any administrative adjustment request under
11 section 6227, and any partnership adjustment track-
12 ing report under section 6226(b)(4)(A)” before the
13 period at the end.

14 (4) FRIVOLOUS TAX SUBMISSIONS.—Section
15 6702 is amended by adding at the end the following
16 new subsection:

17 “(f) PARTNERSHIP ADJUSTMENTS.—An administra-
18 tive adjustment request under section 6227 and a partner-
19 ship adjustment tracking report under section
20 6226(b)(4)(A) shall be treated as a return for purposes
21 of this section.”.

22 (o) ADJUSTED SCHEDULE K-1 TREATED AS PAYEE
23 STATEMENT.—Section 6724(d)(2) is amended by striking
24 “or” at the end of subparagraph (HH), by striking the
25 period at the end of subparagraph (II) and inserting “,

1 or”, and by inserting after subparagraph (II) the following
2 new subparagraph:

3 “(JJ) section 6226(a)(2) (relating to state-
4 ments relating to alternative to payment of im-
5 puted underpayment by partnership) or under
6 any other provision of this title which provides
7 for the application of rules similar to such sec-
8 tion.”.

9 (p) OTHER CLERICAL CORRECTIONS.—

10 (1) Section 6225(c)(7) is amended by striking
11 “submitted pursuant to paragraph (1)” and insert-
12 ing “filed or submitted under this subsection”.

13 (2) Section 6227(b) is amended by striking “is
14 made” both places it appears and inserting “is
15 filed”.

16 (3) Section 6227(b)(1) is amended by striking
17 “paragraphs (2), (6), and (7)” and inserting “para-
18 graphs (2), (7), and (9)”.

19 (4) Section 6232(b) is amended by striking
20 “this chapter” and inserting “this subtitle (other
21 than subchapter B of this chapter)”.

22 (5) Section 6232(d)(1)(A) is amended by strik-
23 ing “a item” and inserting “an item”.

24 (6) Section 6232(e) is amended by striking
25 “thereof”.

1 (7) Section 6241(5) is amended by striking
2 “sections 6234” and inserting “section 6234”.

3 (8) Section 7485(b) is amended by striking “a
4 partner” and inserting “the partnership”.

5 (9) The heading of the first part of subchapter
6 C of chapter 63 is amended to read as follows:

7 **“PART I—IN GENERAL”.**

8 (10) The heading of the second part of sub-
9 chapter C of chapter 63 is amended to read as fol-
10 lows:

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

12 (11) The heading of the third part of sub-
13 chapter C of chapter 63 is amended to read as fol-
14 lows:

15 **“PART III—PROCEDURE”.**

16 (12) The heading of the fourth part of sub-
17 chapter C of chapter 63 is amended to read as fol-
18 lows:

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

20 **SEC. 207. EFFECTIVE DATE.**

21 The amendments made by this title shall take effect
22 as if included in section 1101 of the Bipartisan Budget
23 Act of 2015.

1 **TITLE III—OTHER CORRECTIONS**

2 **SEC. 301. AMENDMENTS RELATING TO THE BIPARTISAN**
3 **BUDGET ACT OF 2015.**

4 (a) AMENDMENTS RELATING TO SECTION 1101.—

5 (1) Section 6011(e) is amended by adding at
6 the end the following new paragraph:

7 “(5) SPECIAL RULES FOR PARTNERSHIPS.—

8 “(A) PARTNERSHIPS PERMITTED TO BE
9 REQUIRED TO FILE ON MAGNETIC MEDIA.—In
10 the case of a partnership, paragraph (2)(A)
11 shall be applied by substituting for ‘250’ the
12 following amount:

13 “(i) In the case of returns and state-
14 ments relating to calendar year 2018,
15 ‘200’.

16 “(ii) In the case of returns and state-
17 ments relating to calendar year 2019,
18 ‘150’.

19 “(iii) In the case of returns and state-
20 ments relating to calendar year 2020,
21 ‘100’.

22 “(iv) In the case of returns and state-
23 ments relating to calendar year 2021, ‘50’.

1 “(v) In the case of returns and state-
2 ments relating to calendar years after
3 2021, ‘20’.

4 “(B) PARTNERSHIPS REQUIRED TO FILE
5 ON MAGNETIC MEDIA.—Notwithstanding sub-
6 paragraph (A) and paragraph (2)(A), the Sec-
7 retary shall require partnerships having more
8 than 100 partners to file returns on magnetic
9 media.”.

10 (2) Section 6011(e)(2) is amended by striking
11 the last sentence.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect as if included in section 1101
14 of the Bipartisan Budget Act of 2015.

15 **SEC. 302. AMENDMENTS RELATING TO THE ENERGY POL-**
16 **ICY ACT OF 2005.**

17 (a) AMENDMENTS RELATING TO SECTION 1253.—

18 (1) Subclause (II) of section 168(e)(3)(B)(vi) is
19 amended by striking “is a qualifying small power
20 production facility” and all that follows and insert-
21 ing “has a power production capacity of not greater
22 than 80 megawatts, or”.

23 (2) The last sentence of section 168(e)(3)(B) is
24 amended by striking “clause (vi)(I)” and all that fol-

1 lows and inserting “subclause (I) or (II) of clause
2 (vi) by reason of being public utility property.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to property placed in service after
5 the date of the enactment of this Act.

6 **TITLE IV—CLERICAL**
7 **CORRECTIONS AND DEADWOOD**

8 **SEC. 401. CLERICAL CORRECTIONS AND DEADWOOD-RE-**
9 **LATED PROVISIONS.**

10 (a) CLERICAL CORRECTIONS.—

11 (1) The table of subchapters for chapter 1 is
12 amended by moving the item relating to subchapter
13 R before the item relating to subchapter S.

14 (2)(A) Sections 22(c)(3)(A)(i)(III),
15 104(b)(2)(D), 140(a)(3), and 149(b)(3)(A)(i) are
16 each amended by striking “Veterans’ Administra-
17 tion” and inserting “Department of Veterans Af-
18 fairs”.

19 (B) The heading of section 4980H(c)(2)(F) is
20 amended by striking “VETERANS ADMINISTRATION”
21 and inserting “DEPARTMENT OF VETERANS AF-
22 FAIRS”.

23 (C) Section 6050H(h)(3)(B)(i) is amended by
24 striking “Veterans Administration” and inserting
25 “Department of Veterans Affairs”.

1 (3) Section 24(d) is amended by redesignating
2 paragraph (5) as paragraph (3).

3 (4) Section 25C(b)(2) is amended by striking
4 “subsection (c)(2)(B)” and inserting “subsection
5 (c)(3)(B)”.

6 (5) Section 25C(d)(3) is amended—

7 (A) by striking the period at the end of
8 subparagraph (B) and inserting a comma, and

9 (B) by striking the period at the end of
10 subparagraph (D) and inserting “, and”.

11 (6) Section 25C(g)(2) is amended by striking
12 “2017..” and inserting “2017.”.

13 (7) The table of sections for subpart D of part
14 IV of subchapter A of chapter 1 is amended—

15 (A) by striking the item relating to section
16 41 which relates to the employee stock owner-
17 ship credit, and

18 (B) by moving the item relating to section
19 45K after the item relating to section 45J.

20 (8) Section 38(b)(34) is amended by adding a
21 comma at the end.

22 (9) The heading of section 40(g)(2) is amended
23 by striking “AGGREGATION” and inserting “AG-
24 GREGATION”.

1 (10) The heading of section 42(e)(2)(B) is
2 amended by striking “ETC,” and inserting “ETC.,”.

3 (11)(A) Section 42(d)(4)(C)(i) is amended by
4 striking “as defined in paragraph (5)(C)” and in-
5 serting “as defined in paragraph (5)(B)(ii)”.

6 (B) Section 42(f)(5)(B)(ii)(I) is amended by
7 striking “(d)(6)(C)” and inserting “(d)(6)(B)”.

8 (C) Section 42(k)(2)(B) is amended—

9 (i) by striking “(d)(6)(B)” and inserting
10 “(d)(6)(C)”, and

11 (ii) by striking “building..” in clause (ii)
12 and inserting “building.”.

13 (D) Section 42(m)(1)(B)(ii)(III) is amended by
14 striking “as defined in subsection (d)(5)(C)” and in-
15 serting “as defined in subsection (d)(5)(B)(ii)”.

16 (12) Section 42(h)(5)(C)(ii) is amended by
17 striking “; and” and inserting “, and”.

18 (13) Section 42(i)(3)(D)(ii)(I) is amended by
19 striking the period at the end.

20 (14) Section 45(e)(6) is amended by striking
21 “section 2(27)” and inserting “section 1004(27)”.

22 (15) Section 45(e)(7)(A)(i)(II) is amended by
23 striking “for purpose” and inserting “for the pur-
24 pose”.

1 (16) Section 45(c)(7)(A)(i)(III) is amended by
2 striking the period at the end and inserting “, or”.

3 (17) Section 45C(b)(2)(A)(ii)(II) is amended by
4 striking “; and” and inserting “, and”.

5 (18) Section 45D(f)(1)(F) is amended by add-
6 ing “, and” at the end.

7 (19) Section 45H(d) is amended by striking
8 “purposes this” and inserting “purposes of this”.

9 (20) Section 48(a)(1) is amended by striking
10 “(3)(B), and (4)(B)” and inserting “and (3)(B)”.

11 (21) Section 48(a)(6)(B) is amended by strik-
12 ing “property energy property” and inserting “en-
13 ergy property”.

14 (22) Section 48(c)(2)(B) is amended by striking
15 “equal \$200” and inserting “equal to \$200”.

16 (23) Section 48(d)(3) is amended—

17 (A) by striking “shall” in the matter that
18 precedes subparagraph (A), and

19 (B) by inserting “shall” before “not” in
20 subparagraph (A).

21 (24) Section 49(a)(1)(D)(iii) is amended by
22 striking “share-holder” in the last sentence and in-
23 serting “shareholder”.

24 (25) Section 50(b)(2)(A) is amended by strik-
25 ing the period at the end and inserting a semicolon.

1 (26) Section 51(c)(4) is amended by adding a
2 period at the end.

3 (27) Section 51(d)(3)(A)(ii)(II) is amended by
4 adding a comma at the end.

5 (28) Section 51(d)(8) is amended by striking
6 “FOOD STAMP RECIPIENT” in the heading thereof
7 and inserting “SUPPLEMENTAL NUTRITION ASSIST-
8 ANCE PROGRAM BENEFITS RECIPIENT”.

9 (29) Section 51(i)(1)(A) is amended by striking
10 “entity,” and inserting “entity”.

11 (30) Section 58(a)(2)(A) is amended by striking
12 “461(j)” and inserting “461(k)”.

13 (31) Section 62(a)(20) is amended by inserting
14 a comma after “United States Code”.

15 (32) Section 62(e)(1) is amended by striking
16 “(2 U.S.C. 1202)” and inserting “(42 U.S.C.
17 2000e–16b)”.

18 (33) Section 68(b)(2) is amended by striking
19 “shall be shall be” and inserting “shall be”.

20 (34) The heading of section 82 is amended by
21 striking “**FOR EXPENSES OF MOVING**” and insert-
22 ing “**OF MOVING EXPENSES**”.

23 (35) The heading of section 84 is amended by
24 striking “**POLITICAL ORGANIZATION**” and insert-
25 ing “**POLITICAL ORGANIZATIONS**”.

1 (36) Section 105(h)(7)(B) is amended by strik-
2 ing “subparagraph (A)” and inserting “subpara-
3 graph (A)”.

4 (37) Section 125(e)(2) is amended by striking
5 “subparagraphs” and inserting “subparagraph”.

6 (38) Section 132(c)(4) is amended by striking
7 “peforming” and inserting “performing”.

8 (39) Section 134(b)(6) is amended by striking
9 “an combat” and inserting “a combat”.

10 (40) Section 137(c) is amended by striking
11 “section 514” in the second sentence and inserting
12 “section 541”.

13 (41) Section 139(c)(2) is amended by striking
14 “federally” and inserting “a federally”.

15 (42) Section 139E(c)(1) is amended by striking
16 “(43 U.S.C. 1601, et seq.)” and inserting “(43
17 U.S.C. 1601 et seq.)”.

18 (43) Section 139E(c)(3) is amended by striking
19 “2013” and inserting “2014”.

20 (44) Section 3(a) of the Tribal General Welfare
21 Exclusion Act of 2014 is amended by striking “sub-
22 section” and inserting “section”.

23 (45) Section 4(c) of such Act is amended by
24 striking “subsection” and inserting “section”.

1 (46) The item relating to section 143 in the
2 table of sections for subpart A of part IV of sub-
3 chapter B of chapter 1 is amended to read as fol-
4 lows:

“Sec. 143. Mortgage revenue bonds; qualified mortgage bond and qualified vet-
erans’ mortgage bond.”.

5 (47) Section 142(d)(2)(C) is amended by insert-
6 ing “section” before “42(i)(3)(D)”.

7 (48) Section 163(e)(5)(C)(ii) is amended by in-
8 serting “in” before “subsection (i)(1)(B)”.

9 (49) Section 168(d)(3)(B)(i) is amended by in-
10 serting a comma after “real property”.

11 (50) Section 168(e)(3)(C)(i) is amended by
12 striking “and”.

13 (51) Section 169(d)(5)(B) is amended by in-
14 serting “a” before “facility”.

15 (52) Section 170(b)(1)(A)(ix) is amended by in-
16 serting “National” before “Agricultural”.

17 (53) Section 172(d)(5) is amended by striking
18 “section 243” and inserting “sections 243”.

19 (54) Section 179D(d)(1)(B) is amended by
20 striking “which” and inserting “such that”.

21 (55) Section 219(f)(1) is amended by striking
22 “term compensation includes” in the last sentence
23 and inserting “term ‘compensation’ includes”.

1 (56) Section 219(g)(8) is amended by striking
2 “shall each be” and inserting “shall be”.

3 (57) Section 223(c)(2)(C) is amended by strik-
4 ing “section 1871” and inserting “section 1861”.

5 (58) Section 223(d)(2)(A) is amended by strik-
6 ing “section 213(d)” and inserting “section
7 213(d)”.

8 (59) The item relating to section 280H in the
9 table of sections for part IX of subchapter B of
10 chapter 1 is amended to read as follows:

“Sec. 280H. Limitation on certain amounts paid to employee-owners by per-
sonal service corporations electing alternative taxable years.”.

11 (60) Subparagraphs (F) and (G) of section
12 263(a)(1) are each amended by striking the semi-
13 colon at the end and inserting a comma.

14 (61) Section 263(a)(1) is amended by redesign-
15 ating subparagraphs (I) through (L) as subpara-
16 graphs (H) through (K), respectively.

17 (62) Section 280C(a) is amended by striking
18 “and 1396(a),” and inserting “1396(a),”.

19 (63) The heading of section 331 is amended by
20 striking “**SHAREHOLDERS**” and inserting
21 “**SHAREHOLDER**”.

22 (64) Section 338(h)(3)(A)(iii) is amended by
23 striking “paragaraph” and inserting “paragraph”.

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

3 (66) The heading of subpart C of part III of
4 subchapter C of chapter 1 is amended by striking
5 **“Corporation”** and inserting **“Corporations”**.

6 (67) Section 362(a) is amended by striking the
7 comma after “acquired”.

8 (68) Section 368(a)(2)(F)(vii) is amended by
9 striking “(15 U.S.C. 80a-2(36))” and inserting “(15
10 U.S.C. 80a-2(a)(36))”.

11 (69) Section 401(a)(2) is amended by striking
12 “determination).;” and inserting “determination));”.

13 (70) Section 401(a)(15) is amended by striking
14 “a trust” and inserting “A trust”.

15 (71) Section 401(a)(32)(A) is amended by
16 striking “section section” both places it appears and
17 inserting “section”.

18 (72) Section 401(c)(2)(A)(iii) is amended by
19 striking “sections 3121(d)(3)(A), (C), or (D), with-
20 out regard to paragraph (2) of section 1402(c)” and
21 inserting “subparagraph (A), (C), or (D) of section
22 3121(d)(3), without regard to section 1402(c)(2)”.

23 (73) Section 402(i) is amended by striking
24 “subparagraph (A) of subsection (d)(4)” and insert-
25 ing “subsection (e)(4)(D)(i)”.

1 (74) Section 404A(c)(4)(B) is amended by
2 striking “and” at the end.

3 (75) Section 408(a)(1) is amended by inserting
4 “or” after “subsection (d)(3)”.

5 (76) Section 408(m)(3)(B) is amended by strik-
6 ing “section 7” and inserting “section 5”.

7 (77) Section 408A(d)(3)(B) is amended by add-
8 ing a period at the end.

9 (78) Section 408A(e)(2)(B) is amended by
10 striking “the subparagraph (A)” and inserting “sub-
11 paragraph (A)”.

12 (79) Section 409(n)(1)(A)(i) is amended by
13 striking “securities,,,” and inserting “securities,”.

14 (80) Section 409A(b)(3)(B)(i) is amended by
15 striking the semicolon at the end and inserting a
16 comma.

17 (81) The item relating to section 413 in the
18 table of sections for subpart B of part I of sub-
19 chapter D of chapter 1 is amended to read as fol-
20 lows:

“Sec. 413. Collectively bargained plans, etc.”.

21 (82) Section 411(a)(4)(A) is amended by strik-
22 ing the comma at the end and inserting a semicolon.

23 (83) Section 412(c)(1)(A) is amended by add-
24 ing a period at the end.

1 (84) Section 412(c)(4)(B) is amended by insert-
2 ing “section” before “433(d)”.

3 (85) Section 412(c)(7)(B)(iii) is amended by
4 striking the comma after “subchapter D”.

5 (86) Section 413(b)(6) is amended by striking
6 “and the last sentence of section 4971(a)” in the
7 last sentence and inserting “and section 4971(e)”.

8 (87) Section 414(l)(2)(G) is amended by strik-
9 ing “BANKS” in the heading thereof and inserting
10 “DEPOSITORY INSTITUTIONS”.

11 (88) Section 414(u)(6) is amended by striking
12 “section 457(b))” and inserting “section 457(b)))”.

13 (89) Section 414(x)(1) is amended by striking
14 “are” and inserting “is”.

15 (90) Section 414(y)(1)(C)(i) is amended by
16 striking “of such Code”.

17 (91) Section 414(y)(2) is amended by striking
18 “subparagraph” and inserting “subparagraphs”.

19 (92) Section 418E is amended by striking “sub-
20 section 432(b)(2)” each place it appears and insert-
21 ing “section 432(b)(2)”.

22 (93) Section 418E(d)(1), as amended by the
23 preceding paragraph, is amended—

24 (A) by striking “section 432(b)(2),,” and
25 inserting “section 432(b)(2),”.

1 (B) by striking “section 432(b)(2),)” and
2 inserting “section 432(b)(2))”, and

3 (C) by striking “compare the value of plan
4 assets” and all that follows through “for that
5 plan year with” and inserting “compare the
6 value of plan assets for that plan year with”.

7 (94) Section 418E(e)(1)(A) is amended to read
8 as follows:

9 “(A) notify the Secretary and the parties
10 described in section 101(f)(1) of the Employee
11 Retirement Income Security Act of 1974 of that
12 determination, and”.

13 (95) The table of subparts for part I of sub-
14 chapter D of chapter 1 is amended by striking the
15 item relating to subpart C and inserting the fol-
16 lowing:

“SUBPART C—INSOLVENT PLANS”.

17 (96) Section 419A(c)(6)(B) is amended by
18 striking “(42 U.S.C. 300gg-91(d)(3))” and inserting
19 “(42 U.S.C. 300gg–91(d)(3))”.

20 (97) Section 420(c)(1)(A) is amended by strik-
21 ing “subsection (e)(1)(D)” and inserting “subsection
22 (e)(1)(E)”.

23 (98) Section 424(g) is amended by striking
24 “section 422(a)(2)” and inserting “sections
25 422(a)(2)”.

1 (99) Section 430(c)(7)(E)(v)(II) is amended by
2 inserting “the” after “title I of”.

3 (100) Section 430(h)(2)(F) is amended by
4 striking “section 417(e)(3)(D)(i)” and inserting
5 “section 417(e)(3)(D)”.

6 (101) Section 431(d)(2)(B)(i) is amended by
7 striking “this Act” and inserting “the Pension Pro-
8 tection Act of 2006”.

9 (102) Section 432(b)(3)(A)(i) is amended by
10 striking “in endangered status for such plan year”
11 and all that follows through “, whether or not” and
12 inserting the following: “in endangered status for
13 such plan year, or would be in endangered status for
14 such plan year but for paragraph (5), whether or
15 not”.

16 (103) Section 432(b)(3)(B) is amended by re-
17 designating the clause (iv) relating to projections of
18 critical and declining status as clause (v).

19 (104) Section 432(b)(3)(D)(iv) is amended by
20 inserting a comma after “Labor”.

21 (105) Section 432(e)(8)(C)(iii) is amended by
22 striking “the Secretary shall” and inserting “The
23 Secretary shall”.

24 (106) So much of the text of section 432(f)(3)
25 as precedes subparagraph (A) is amended to read as

1 follows: “During the period beginning on the date of
2 the certification under subsection (b)(3)(A) for the
3 initial critical year and ending on the date of the
4 adoption of a rehabilitation plan—”.

5 (107) Section 432(g)(1) is amended by striking
6 “subsection (e)(9))” and inserting “subsection
7 (e)(9)”.

8 (108) Section 433(c)(5)(C)(ii)(II) is amended
9 by inserting “of such Act” after “title IV”.

10 (109)(A) The heading for section 433 is amend-
11 ed by inserting “**FOR CSEC PLANS**” after “**FUND-**
12 **ING STANDARDS**”.

13 (B) The table of sections for subpart A of part
14 III of subchapter D of chapter 1 is amended by add-
15 ing at the end the following new item:

“Sec. 433. Minimum funding standards for CSEC plans.”.

16 (110) The item relating to section 436 in the
17 table of sections for subpart B of part III of sub-
18 chapter D of chapter 1 is amended to read as fol-
19 lows:

“Sec. 436. Funding-based limits on benefits and benefit accruals under single-
employer plans.”.

20 (111) The heading of section 453B is amended
21 by striking “**LOSS DISPOSITION**” and inserting
22 “**LOSS ON DISPOSITION**”.

23 (112) Section 457(f)(4)(C)(i) is amended—

1 (A) by striking “section 9101” and insert-
2 ing “section 8101”, and

3 (B) by striking “7801),” and inserting
4 “7801)),”.

5 (113) Section 457A(d)(4) is amended—

6 (A) by striking “case a foreign” and in-
7 serting “case of a foreign”, and

8 (B) by striking “had been” and inserting
9 “been”.

10 (114) Section 458(b)(9) is amended by striking
11 “REPURCHASED” in the heading thereof and insert-
12 ing “REPURCHASE”.

13 (115) Section 458(c)(1) is amended by striking
14 “regulations prescribed” and inserting “regulations
15 prescribe”.

16 (116) Section 460(b)(2)(A) is amended by in-
17 serting a comma after “first”.

18 (117)(A) Section 461 is amended by redesignig-
19 nating the second subsection (j) (relating to farming
20 syndicate defined) as subsection (k).

21 (B) Section 461(i)(4) is amended by striking
22 “subsection (j)” and inserting “subsection (k)”.

23 (118) The heading of section 464 is amended
24 by inserting “**EXPENSES**” after “**FARMING**”.

1 (119) Section 464(d)(2)(B)(iii) is amended by
2 striking “subsection (e)(2)(E)” and inserting “sec-
3 tion 461(k)(2)(E)”.

4 (120) Section 470(d)(2)(B) is amended by
5 striking “clause (ii)” and inserting “subparagraph
6 (A)(ii)”.

7 (121) The item relating to part VIII in the
8 table of parts for subchapter F of chapter 1 is
9 amended to read as follows:

“PART VIII. CERTAIN SAVINGS ENTITIES”.

10 (122) Section 501(c)(14)(B)(iv) is amended by
11 adding a period at the end.

12 (123) Section 501(c)(19)(B) is amended by
13 striking “widows,,” and inserting “widows,”.

14 (124) Section 501(f)(3)(B) is amended by strik-
15 ing “section 115(a)” and inserting “section 115”.

16 (125) The item relating to section 511 in the
17 table of sections for part III of subchapter F of
18 chapter 1 is amended to read as follows:

“Sec. 511. Imposition of tax on unrelated business income of charitable, etc.,
organizations.”.

19 (126) Section 512(b)(19)(H)(iii) is amended by
20 striking “clause (i)(II)” and inserting “clause (i)”.

21 (127) Section 529(c)(6) is amended by striking
22 “an Coverdell” and inserting “a Coverdell”.

23 (128) Section 529(e)(3)(A) is amended—

1 (A) by striking the semicolon at the end of
2 clause (i) and inserting a comma, and

3 (B) by adding “, and” at the end of clause
4 (ii).

5 (129) Section 529A(d)(4) is amended by strik-
6 ing “Achieving a Better Life Experience Act of
7 2014” and inserting “Stephen Beck, Jr., ABLE Act
8 of 2014”.

9 (130) Section 529A(e)(4) is amended by strik-
10 ing “subparagraph section” and inserting “section”.

11 (131) Section 530(d)(9)(B) is amended by
12 striking “by the” and inserting “by”.

13 (132) Section 542(c)(5) is amended by striking
14 the comma at the end and inserting a semicolon.

15 (133) Section 542(c)(7) is amended by striking
16 “A small” and inserting “a small”.

17 (134) Section 543(a)(2)(B)(ii) is amended by
18 striking “section 563(d)” and inserting “section
19 563(c)”.

20 (135) Section 543(d)(5)(A)(ii) is amended by
21 striking “section 563(d)” and inserting “section
22 563(c)”.

23 (136) Section 613A(c)(7)(B) is amended by
24 striking “taxpayers” and inserting “taxpayer’s”.

1 (137) Section 642(c)(1) is amended by striking
2 “other then” and inserting “other than”.

3 (138) The item relating to section 661 in the
4 table of sections for subpart C of part I of sub-
5 chapter J of chapter 1 is amended to read as fol-
6 lows:

 “Sec. 661. Deduction for estates and trusts accumulating income or distrib-
 uting corpus.”.

7 (139) Section 706(b)(5) is amended by striking
8 “section 584(h)” and inserting “section 584(i)”.

9 (140) Section 751(c) is amended by striking
10 “and, sections” both places it appears and inserting
11 “and sections”.

12 (141) Section 807(e)(5)(A)(i) is amended by
13 striking “subparagraph (C)” and inserting “sub-
14 paragraph (B)”.

15 (142) Section 831(c) is amended by striking
16 “section 816(a).” and inserting “section 816(a).”.

17 (143) Section 832(b)(7)(E)(ii)(II) is amended
18 by striking the comma at the end and inserting a pe-
19 riod.

20 (144) Section 852(a)(1)(B) is amended by
21 striking “265,” and inserting “265 and”.

22 (145) Section 852(b)(2)(D) is amended by
23 striking “the deduction” and inserting “The deduc-
24 tion”.

1 (146) Subparagraphs (A) and (B) of section
2 856(c)(7) are each amended by striking “paragraph
3 (4)(B)(iii)” and inserting “paragraph (4)(B)(iv)”.

4 (147) Paragraphs (1), (3), (4), and (5) of sec-
5 tion 856(m) are each amended by striking “sub-
6 section (c)(4)(B)(iii)” and inserting “subsection
7 (c)(4)(B)(iv)”.

8 (148) Section 857(b)(6)(J) is amended by strik-
9 ing “section 856(c)(8)” and inserting “section
10 856(c)(10)”.

11 (149) Section 860(f)(2)(A)(ii) is amended by
12 striking “decreased” and inserting “decrease”.

13 (150) Section 860(i) is amended by striking
14 “willfull” and inserting “willful”.

15 (151) Section 860G(a)(3)(A)(iii)(III) is amend-
16 ed by striking the period at the end and inserting
17 a comma.

18 (152) Section 864(d)(8) is amended by striking
19 “section 956(b)(3)” and inserting “section
20 956(c)(3)”.

21 (153) Section 877(d)(4)(B)(i) is amended by
22 striking “in 957” and inserting “in section 957”.

23 (154) Section 877A(g)(6) is amended by strik-
24 ing “220(e)(4)” and inserting “220(f)(4)”.

1 (155) Section 897(a)(1)(A) is amended by
2 striking “section 871(B)(1)” and inserting “section
3 871(b)(1)”.

4 (156) The heading of section 897(k)(2) is
5 amended by striking “USRPI” and inserting
6 “UNITED STATES REAL PROPERTY INTEREST”.

7 (157) Section 904(d)(2)(B)(ii) is amended—

8 (A) by striking “, except as provided in
9 subparagraph (E)(iii) or paragraph (3)(I),”,
10 and

11 (B) by inserting “subparagraph (E)(ii), or
12 paragraph (3)(H),” after “Except as provided
13 in clause (iii),”

14 (158) Section 907(c)(3)(C) is amended by strik-
15 ing the period after “partnerships” and inserting a
16 comma.

17 (159) Section 907(f)(1) is amended by striking
18 “year,” and inserting “years,”.

19 (160) Section 911(d)(8)(B)(i) is amended by
20 striking “(50 U.S.C. App. 1 et seq.)” and inserting
21 “(50 U.S.C. 4301 et seq.)”.

22 (161) Section 912(1)(B) is amended by striking
23 “(50 U.S.C., sec. 403e)” and inserting “(50 U.S.C.
24 3505)”.

1 (162) Section 956(c)(2)(E) is amended by
2 striking “which are not contracts described in sec-
3 tion 953(a)(1)” and inserting “which are contracts
4 described in section 953(e)(2)”.

5 (163) Section 956(e) is amended by striking
6 “provisons” and inserting “provisions”.

7 (164) Section 957(b) is amended by striking
8 “contracts described in section 953(a)(1)” and in-
9 serting “contracts not described in section
10 953(e)(2)”.

11 (165) The heading of section 993 is amended
12 by inserting “**AND SPECIAL RULES**” after “**DEFI-**
13 **NITIONS**”.

14 (166) Section 1016(a)(3)(D) is amended by in-
15 serting “as in effect prior to its repeal by the Tax
16 Reform Act of 1986” before “(or the corresponding
17 provisions of prior income tax laws)”.

18 (167) Section 1033(h)(2) is amended by insert-
19 ing “is” before “located”.

20 (168) Section 1035(a)(1) is amended by strik-
21 ing “; or” and inserting a semicolon.

22 (169) Section 1059(d)(3) is amended by strik-
23 ing “; except that” and all that follows and inserting
24 “and there shall not be taken into account any day

1 which is more than 2 years after the date on which
2 such share becomes ex-dividend.”.

3 (170) Section 1092(a)(2)(B) is amended by
4 striking “with respect other” in the last sentence
5 and inserting “with respect to other”.

6 (171) Section 1092(c)(4)(E) is amended by
7 striking “(other than subparagraph (B) thereof)”.

8 (172) The item relating to section 1222 in the
9 table of sections for part III of subchapter P of
10 chapter 1 is amended to read as follows:

“Sec. 1222. Other terms relating to capital gains and losses.”.

11 (173) The item relating to section 1252 in the
12 table of sections for part IV of subchapter P of
13 chapter 1 is amended to read as follows:

“Sec. 1252. Gain from disposition of farm land.”.

14 (174) Section 1250(d)(3) is amended by strik-
15 ing “paragraph (9)” and inserting “paragraph (6)”.

16 (175) Section 1255(b)(2) is amended by strik-
17 ing “170(e),” and inserting “170(e)”.

18 (176)(A) Subparagraphs (B) and (C) of section
19 1256(e)(3) are each amended by striking “section
20 464(e)(2)” and inserting “section 461(k)(4)”.

21 (B) Section 1258(d)(5)(C) is amended by strik-
22 ing “section 464(e)(2)” and inserting “section
23 461(k)(4)”.

24 (177) Section 1257(c)(1) is amended—

1 (A) by striking “section 1201(4)” and in-
2 serting “section 1201(a)(7)”, and

3 (B) by striking “16 U.S.C. 3801(4)” and
4 inserting “16 U.S.C. 3801(7)”.

5 (178) Section 1257(c)(2) is amended—

6 (A) by striking “section 1201(6)” and in-
7 serting “section 1201(a)(10)”, and

8 (B) by striking “16 U.S.C. 3801(6)” and
9 inserting “16 U.S.C. 3801(10)”.

10 (179) Section 1274(b)(3)(B)(i) is amended by
11 striking “section 6662(d)(2)(C)(iii)” and inserting
12 “section 6662(d)(2)(C)(ii)”.

13 (180) Section 1276(a)(4) is amended by strik-
14 ing “871(a),,” and inserting “871(a),”.

15 (181) Section 1278(b)(1) is amended by strik-
16 ing “871(a),,” and inserting “871(a),”.

17 (182) Section 1286(f) is amended by striking
18 “and 305(e),” and inserting “and section 305(e),”.

19 (183) Section 1291(e) is amended by striking
20 “subsections (c) and (d) (e),” and inserting “sub-
21 sections (c), (d), and (e)”.

22 (184) Section 1298(b)(5)(B) is amended by
23 striking “section 951(f)” and inserting “section
24 951(c)”.

1 (185) Section 1298(d)(2)(A) is amended by
2 striking “section 1296(a)(2)” and inserting “section
3 1297(a)(2)”.

4 (186) Section 1298(e)(2)(B)(ii) is amended by
5 striking “provisons” and inserting “provisions”.

6 (187) Section 1355(f)(3) is amended by strik-
7 ing “of which” and inserting “on which”.

8 (188) Section 1358(b)(1) is amended by strik-
9 ing “section 1352(a)(2)” and inserting “section
10 1352(2)”.

11 (189) Section 1358(c)(2) is amended by strik-
12 ing “an person’s” and inserting “a person’s”.

13 (190) Sections 1361(f)(2), 1362(d)(3)(C)(v),
14 and 4975(d)(16)(A) are each amended by striking
15 “1813(w)(1)),” and inserting “1813(w)(1))),”.

16 (191) Section 1362(f) is amended by striking
17 “may be during” and inserting “may be, during”.

18 (192) Section 1366(e) is amended by striking
19 “section 704(e)(3)” and inserting “section
20 704(e)(2)”.

21 (193) Section 1368(f)(2) is amended by strik-
22 ing “in included” and inserting “is included”.

23 (194) Section 1391(g)(3)(E)(ii) is amended by
24 striking “Interior” and inserting “the Interior”.

1 (195) Section 1394(b)(3)(B)(i)(II) is amended
2 by striking “subsection” and inserting “sub-
3 sections”.

4 (196) Section 1397C(d)(5)(B) is amended by
5 striking “subparagraphs (A) or (B)” and inserting
6 “subparagraph (A) or (B)”.

7 (197) Section 1402(a)(1) is amended—

8 (A) by striking “section 1233(2)” and in-
9 serting “section 1233(a)(2)”, and

10 (B) by striking “16 U.S.C. 3833(2)” and
11 inserting “16 U.S.C. 3833(a)(2)”.

12 (198) Section 1402(b) is amended by striking
13 “3211,.” and inserting “3211.”.

14 (199) The heading of section 1446 is amended
15 by striking “**WITHHOLDING TAX**” in the heading
16 and inserting “**WITHHOLDING OF TAX**”.

17 (200) Section 2031(c)(1) is amended by strik-
18 ing all that follows subparagraph (A) and inserting
19 the following:

20 “(B) \$500,000.”.

21 (201) Section 2031(c)(2) is amended by strik-
22 ing “paragraph (5)).” and inserting “paragraph
23 (5))).”.

1 (202) Section 2055(e)(3)(G) is amended by
2 striking “subparagraph (J)” and inserting “sub-
3 paragraph (J)”.

4 (203) Section 2106(a)(4) is amended by insert-
5 ing “section” before “2058(a)”.

6 (204) Section 2522(c)(1) is amended by strik-
7 ing “to of for” and inserting “to or for”.

8 (205) Section 2523(g)(1) is amended by strik-
9 ing “noncharitable beneficiary” and inserting “bene-
10 ficiary who is not a charitable beneficiary”.

11 (206) Section 2523(g)(2) is amended by strik-
12 ing “noncharitable” and inserting “charitable”.

13 (207) Section 3101(a) is amended by adding a
14 period at the end.

15 (208) Section 3111(e)(5)(B) is amended by in-
16 serting “the” before “meaning”.

17 (209) Section 3121(b)(5)(B)(i)(V) is amended
18 by striking “section 105(e)(2)” and inserting “sec-
19 tion 104(e)(2)”.

20 (210) Section 3121(b)(5)(H)(i) is amended by
21 striking “1997” and inserting “1997,”.

22 (211) Section 3304(a)(4)(G)(ii) is amended by
23 striking “section 6402(f)(4)(B)” and inserting “sec-
24 tion 6402(f)(4)(C)”.

1 (212) Section 3306(b)(5)(F) is amended by
2 striking the semicolon at the end and inserting a
3 comma.

4 (213) Section 3306(c)(19) is amended by strik-
5 ing “Service” and inserting “service”.

6 (214) Section 3306(u) is amended by striking
7 “25 U.S.C. 450b(e)” and inserting “25 U.S.C.
8 5304(e)”.

9 (215) Section 3306(v) is amended by striking
10 “this part” and inserting “this section”.

11 (216) Section 3309(d) is amended by striking
12 “25 U.S.C. 450b(e)” and inserting “25 U.S.C.
13 5304(e)”.

14 (217)(A) Paragraphs (1), (2), (3), (4)(B), (5),
15 (6), (8)(A)(ii), (8)(B), (8)(D), (9), (10)(B), (11),
16 (12)(A), (12)(B), (12)(C), (13), (14), and (15) of
17 section 3401(a) are each amended by striking “; or”
18 at the end and inserting a comma.

19 (B) Paragraphs (4)(A), (8)(A)(i), (8)(C),
20 (10)(A), (12)(D), and (22) of section 3401(a) are
21 each amended by striking “; or” at the end and in-
22 serting “, or”.

23 (C) Section 3401(a)(12)(E) is amended by
24 striking “, or” at the end and inserting a comma.

1 (D) Paragraphs (16)(A), (16)(B), (17), (18),
2 (19), (20), and (21) of section 3401(a) are each
3 amended by striking the semicolon at the end and
4 inserting a comma.

5 (218) Section 3509(d)(1)(C) is amended by
6 striking “sections” and inserting “section”.

7 (219) Section 4051(a)(3) is amended by strik-
8 ing “Secretary.” and inserting “Secretary).”.

9 (220) Section 4104(a)(1) is amended by strik-
10 ing “section” and inserting “sections”.

11 (221) Section 4221(a) is amended by striking
12 “section 4051,” and inserting “section 4051”.

13 (222) The item relating to part III in the table
14 of parts for subchapter C of chapter 33 is amended
15 by striking “relating” and inserting “applicable”.

16 (223) Section 4612(e)(2)(B)(ii)(I) is amended
17 by striking “tranferred” and inserting “trans-
18 ferred”.

19 (224) Section 4958(f)(1)(D) is amended by
20 striking the period at the end and inserting a
21 comma.

22 (225) Section 4971(b) is amended by striking
23 “minimum required contribution,” and all that fol-
24 lows through “whichever is applicable” and inserting
25 the following: “minimum required contribution, ac-

1 cumulated funding deficiency, or CSEC accumulated
2 funding deficiency, whichever is applicable”.

3 (226) Section 4971(c)(3) is amended by strik-
4 ing “applicable and” and inserting “applicable,
5 and”.

6 (227) Section 4971(f) is amended by striking
7 “applicable for” and inserting “applicable, for”.

8 (228) Section 4971(g)(4)(C)(ii) is amended by
9 striking “section 432(i)(9)” and inserting “section
10 432(j)(9)”.

11 (229) Section 4975(d)(3) is amended by strik-
12 ing “an leveraged” and inserting “a leveraged”.

13 (230) Section 4975(d)(17) is amended by strik-
14 ing “Any” and inserting “any”.

15 (231) Section 4975(d)(21) is amended by strik-
16 ing “person person” and inserting “person”.

17 (232) Section 4975(f)(8)(C)(iv)(II) is amended
18 by inserting “subsection” before “(d)(17)(A)(ii)”.

19 (233) Section 4975(f)(8)(F)(i)(I) is amended by
20 striking “adviser,” and inserting “adviser”.

21 (234) Section 4975(f)(8)(F)(i)(V) is amended
22 by inserting “of” before “the manner”.

23 (235) Section 4980B(f)(1) is amended by strik-
24 ing “section 2162 of the Public Health Service Act”

1 and inserting “section 1928(h)(6) of the Social Se-
2 curity Act (42 U.S.C. 1396s(h)(6))”.

3 (236) Section 4980B(f)(5)(C)(iii) is amended
4 by striking “section 2701(c)(2)” and inserting “sec-
5 tion 2704(c)(2)”.

6 (237) Section 4980I(b)(3)(C)(iv) is amended by
7 striking the comma at the end and inserting a pe-
8 riod.

9 (238) Section 4980I(b)(3)(C)(v) is amended by
10 striking “for for” and inserting “for”.

11 (239) Section 5054(a)(3)(B) is amended by
12 striking “sections” and inserting “section”.

13 (240) Section 5066(d) is amended by striking
14 “section 5001(a)(5)” and inserting “section
15 5001(a)(4)”.

16 (241) The item relating to subpart C in the
17 table of subparts for part II of subchapter A of
18 chapter 51 is amended to read as follows:

“SUBPART C. RECORDKEEPING AND REGISTRATION BY DEALERS”.

19 (242) The item relating to section 5178 in the
20 table of sections for subchapter B of chapter 51 is
21 amended to read as follows:

“Sec. 5178. Premises of distilled spirits plants.”.

22 (243) Section 5182 is amended by striking
23 “section 5112” and inserting “section 5121”.

1 (244) Section 5273(e)(2) is amended by strik-
2 ing “section 5001(a)(6)” and inserting “section
3 5001(a)(5)”.

4 (245) Section 5314(a)(2) is amended by strik-
5 ing “section 5001(a)(10)” and inserting “section
6 5001(a)(9)”.

7 (246) Section 5392(f) is amended by striking
8 “section 17(a)(5)” and inserting “section
9 117(a)(5)”.

10 (247) Section 5512 is amended by striking
11 “section 5001(a)(7)” and inserting “section
12 5001(a)(6)”.

13 (248) Section 5601(a)(15) is amended by strik-
14 ing “Withdraws,” and inserting “withdraws,”.

15 (249) The heading of section 5603 is amended
16 by inserting a comma after “**RETURNS**”.

17 (250) Section 5701(e) is amended by striking
18 “manufactured” and inserting “manufactured”.

19 (251) The item relating to section 5847 in the
20 table of sections for part I of subchapter B of chap-
21 ter 53 is amended to read as follows:

“Sec. 5847. Effect on other laws.”.

22 (252) Section 5847 is amended by striking
23 “section 414 of the Mutual Security Act of 1954”
24 and inserting “section 38 of the Arms Export Con-
25 trol Act (22 U.S.C. 2778)”.

1 (253) The item relating to section 5852 in the
2 table of sections for part II of subchapter B of chap-
3 ter 53 is amended to read as follows:

“Sec. 5852. General transfer and making tax exemption.”.

4 (254) The item relating to section 5853 in the
5 table of sections for part II of subchapter B of chap-
6 ter 53 is amended to read as follows:

“Sec. 5853. Transfer and making tax exemption available to certain govern-
 mental entities.”.

7 (255) Section 6012(a)(6) is amended by strik-
8 ing “and” at the end.

9 (256) Section 6012(a)(7) is amended by strik-
10 ing the period at the end and inserting “; and”.

11 (257) Section 6012(a)(8) is amended by strik-
12 ing “section 63(c)(2)(D).” and inserting “section
13 63(c)(2)(C);”.

14 (258) Section 6033(b)(15) is amended by strik-
15 ing the period at the end and inserting “, and”.

16 (259) Section 6039(d)(2) is amended to read as
17 follows:

18 “(2) the term ‘employee stock purchase plan’,
19 see section 423(b).”.

20 (260) The table of sections for subpart B of
21 part III of subchapter A of chapter 61 is amended
22 by inserting after the item relating to section 6041
23 the following new item:

“Sec. 6041A. Returns regarding payments of remuneration for services and direct sales.”.

1 (261) The item relating to section 6050I in the
2 table of sections for subpart B of part III of sub-
3 chapter A of chapter 61 is amended to read as fol-
4 lows:

“Sec. 6050I. Returns relating to cash received in trade or business, etc.”.

5 (262) The item relating to section 6050W in
6 the table of sections for subpart B of part III of
7 subchapter A of chapter 61 is amended to read as
8 follows:

“Sec. 6050W. Returns relating to payments made in settlement of payment card and third party network transactions.”.

9 (263) Section 6050H(h)(3)(B)(i) is amended by
10 striking “Rural Housing Administration” and insert-
11 ing “Rural Housing Service”.

12 (264) Section 6058(e) is amended by striking
13 paragraph (1) and by redesignating paragraphs (2)
14 and (3) as paragraphs (1) and (2), respectively.

15 (265) Section 6059(b)(3)(B) is amended—

16 (A) by striking “the requirements” and in-
17 serting “that the requirements”, and

18 (B) by striking the period at the end and
19 inserting a comma.

20 (266) Section 6091(b)(2)(B)(ii) is amended by
21 striking “and” at the end.

1 (267) Section 6103(l)(7) is amended by striking
2 “OF 1977” in the heading thereof.

3 (268) Section 6103(l)(10)(A) is amended by
4 striking “request made under subsection (f)(5)” and
5 inserting “notice submitted under subsection
6 (f)(5)(C)”.

7 (269) Section 6103(l)(10) is amended by strik-
8 ing so much of subparagraph (B) as precedes “Any”
9 and inserting the following:

10 “(B) RESTRICTION ON USE OF DISCLOSED
11 INFORMATION.—(i)”.

12 (270) Section 6103(l)(16)(A) is amended by
13 striking “subsection 6103(b)(6)” and inserting “sec-
14 tion 6103(b)(6)”.

15 (271) Section 6103(p)(3)(A) is amended by
16 striking “subsections” and inserting “subsection”.

17 (272) Section 6103(p)(3)(C)(ii) is amended by
18 striking the comma at the end and inserting a pe-
19 riod.

20 (273) Section 6103(p)(4) is amended by strik-
21 ing “7(A)(ii)” in the matter preceding subparagraph
22 (A) and inserting “(7)(A)(ii)”.

23 (274) Section 6103(p)(4)(F)(ii) is amended—
24 (A) by striking “subsections” and inserting
25 “subsection”, and

1 (B) by striking “subsection (l)(21),,” and
2 inserting “subsection (l)(21),”.

3 (275) Section 6103(p)(4) is amended by strik-
4 ing “subsection (l)(21),,” both places it appears in
5 the flush matter at the end and inserting “sub-
6 section (l)(21),”.

7 (276) Section 6109(f) is amended by striking
8 “OF 1977” in the heading thereof.

9 (277) Section 6213(g)(2)(O) is amended by
10 adding a comma at the end.

11 (278) Section 6213(g)(2)(P) is amended—

12 (A) by striking “section 24(h)(2)” and in-
13 serting “section 24(g)(2)”, and

14 (B) by striking “subsection (h)(1)” and in-
15 serting “subsection (g)(1)”.

16 (279) Section 6302(e)(2)(A) is amended by
17 striking “sections” and inserting “section”.

18 (280) Section 6311(d)(3)(D) is amended—

19 (A) by striking “section 103(f)” and in-
20 serting “section 103(g)”, and

21 (B) by striking “1602(f)” and inserting
22 “1602(g)”.

23 (281) Section 6330(c) is amended by striking
24 “subsection (d)(2)(B)” in the last sentence and in-
25 serting “subsection (d)(3)(B)”.

1 (282) Section 6330(d)(2) is amended by strik-
2 ing “, and” at the end and inserting a period.

3 (283) Section 6334(a)(10)(A) is amended by
4 striking “V,,” and inserting “V,”.

5 (284) Section 6342(a) is amended by striking
6 “subsection (c)(2)” and inserting “subsection
7 (d)(2)”.

8 (285) Section 6402(a) is amended by striking
9 “(f) refund” and inserting “(f), refund”.

10 (286) Section 6402(c) is amended by striking
11 “of of” and inserting “of”.

12 (287) Section 6402(d)(2) is amended by strik-
13 ing “section 402(a)(26) of the Social Security Act”
14 and inserting “section 408(a)(3) of the Social Secu-
15 rity Act (42 U.S.C. 608(a)(3))”.

16 (288) Section 6404(g)(2)(E) is amended by
17 striking “section 6664(d)(2)(A)” and inserting “sec-
18 tion 6664(d)(3)(A)”.

19 (289) Section 6420(i)(4) is amended by striking
20 “State and” and inserting “State (and”.

21 (290) Section 6421(c) is amended by striking
22 “(4) (5)” and inserting “(4), (5)”.

23 (291) Section 6421(j)(3) is amended by striking
24 “State and” and inserting “State (and”.

25 (292) Section 6422 is amended—

1 (A) by striking paragraph (7),

2 (B) by redesignating paragraphs (8)
3 through (12) as paragraphs (7) through (11),
4 respectively, and

5 (C) by striking “for credit” in paragraph
6 (10) as so redesignated and inserting “For
7 credit”.

8 (293) Section 6425(c)(1)(A) is amended by
9 striking “The sum” and inserting “the sum”.

10 (294) Section 6426(b)(2)(A)(ii) is amended by
11 striking “cents..” and inserting “cents.”.

12 (295) Section 6501(m) is amended by striking
13 “any election” and all that follows through “(or
14 any” and inserting the following: “any election
15 under section 30B(h)(9), 30C(e)(4), 30D(e)(4),
16 35(g)(11), 40(f), 43, 45B, 45C(d)(4), 45H(g), or
17 51(j) (or any”.

18 (296) Section 6503(a)(1) is amended by strik-
19 ing “section 6230(a)).” and inserting “section
20 6230(a))”.

21 (297) Section 6612(c) is amended—

22 (A) by inserting “sections” before
23 “2014(e)”, and

24 (B) by striking “and 6420” and inserting
25 “6420”.

1 (298) The item relating to section 6651 in the
2 table of sections for part I of subchapter A of chap-
3 ter 68 is amended to read as follows:

“Sec. 6651. Failure to file tax return or to pay tax.”.

4 (299) Each of the following sections are amend-
5 ed by inserting “an amount equal to” after “in-
6 creased by” and by inserting “for the calendar year”
7 after “section 1(f)(3)”:

8 (A) Section 6651(i).

9 (B) Section 6652(c)(7)(A).

10 (C) Section 6695(h)(1).

11 (D) Section 6698(e)(1).

12 (E) Section 6699(e)(1).

13 (F) Section 6721(f)(1).

14 (G) Section 6722(f)(1).

15 (300) Section 6652(e) is amended by striking
16 “section 6724(d)(2)(Y)” in the last sentence and in-
17 serting “section 6724(d)(2)(AA)”.

18 (301) Section 6654(a) is amended by striking
19 “chapter 1 the tax” and inserting “chapter 1, the
20 tax”.

21 (302) Section 6654(f)(3) is amended by strik-
22 ing “taxes” and inserting “tax”.

23 (303) Section 6662(d)(3) is amended by strik-
24 ing “section 6664(d)(2)” and inserting “section
25 6664(d)(3)”.

1 (312) Section 6696(d)(1) is amended by strik-
2 ing “section 6695,” and inserting “6695,”.

3 (313) Section 6698(b)(2) is amended by adding
4 a period at the end.

5 (314) Section 6700(a) is amended by striking
6 “the \$1,000” and inserting “\$1,000”.

7 (315) Section 6724(d)(1)(B)(xx) is amended by
8 striking “or” at the end.

9 (316) Section 6724(d)(1)(B)(xxi) is amended
10 by striking “and” at the end.

11 (317) Section 6724(d)(1) is amended by strik-
12 ing “Such term also includes” and inserting the fol-
13 lowing:

14 “Such term also includes”.

15 (318) Section 6724(d)(2)(F) is amended by
16 striking the period at the end and inserting a
17 comma.

18 (319) Section 6724(d)(2)(M) is amended by
19 striking “(h)(2) relating” and inserting “(h)(2) (re-
20 lating”.

21 (320) Section 6724(d)(2)(DD) is amended by
22 adding a comma at the end.

23 (321) Section 6863(a) is amended by striking
24 “6852,,” and inserting “6852,”.

1 (322) Section 6901(a)(1)(B) is amended by
2 striking “Code in” and inserting “Code, in”.

3 (323) Section 7275(b)(2) is amended by strik-
4 ing “taxes, shall” and inserting “taxes,”.

5 (324) Section 7421(b)(2) is amended by strik-
6 ing “Code in” and inserting “Code, in”.

7 (325)(A) Subsections (e) and (i) of section
8 7422 and sections 3121(b)(5)(E), 6110(j)(1)(B),
9 7428(a), and 7430(c)(6) are each amended by strik-
10 ing “United States Claims Court” and inserting
11 “United States Court of Federal Claims”.

12 (B) Subsections (a), (b), and (c)(1)(C)(iii) of
13 section 7428 are each amended by striking “Claims
14 Court” and inserting “Court of Federal Claims”.

15 (C) The heading of section 4961(c)(1) is
16 amended by striking “UNITED STATES CLAIMS
17 COURT” and inserting “UNITED STATES COURT OF
18 FEDERAL CLAIMS”.

19 (D) Section 6672(c)(2) is amended by striking
20 “Court of Claims” and inserting “Court of Federal
21 Claims”.

22 (326) The item relating to section 7448 in the
23 table of sections for part I of subchapter C of chap-
24 ter 76 is amended to read as follows:

“Sec. 7448. Annuities to surviving spouses and dependent children of judges
and special trial judges.”.

1 (327) Section 7448(j)(1)(A) is amended by
2 striking “Code,)” and inserting “Code),”.

3 (328) Section 7448(m) is amended by striking
4 “Code,” and inserting “Code),”.

5 (329) Section 7454(b) is amended by striking
6 “4955),,” and inserting “4955),”.

7 (330) Section 7654(d)(1) is amended by strik-
8 ing “50 App. U.S.C. 501 et seq.” and inserting “50
9 U.S.C. 3901 et seq.”.

10 (331) Section 7701(a)(36)(B) is amended by
11 striking “an ‘tax’” and inserting “a ‘tax’”.

12 (332) Section 7701(e)(5)(B) is amended by
13 striking “Reconciliation” and inserting “Reconcili-
14 ation”.

15 (333) Section 7801(a)(2)(B) is amended—

16 (A) by striking “this Act” and inserting
17 “the Homeland Security Act of 2002”, and

18 (B) by striking “effective date of the
19 Homeland Security Act of 2002” and inserting
20 “effective date of such Act”.

21 (334) Section 7809(c)(1) is amended by strik-
22 ing “Work” and inserting “work”.

23 (335) Section 7851(a)(1)(A) is amended by
24 striking “, 4”.

1 (336) Section 7851(a)(1)(B) is amended by
2 striking “Chapters 3 and 5” and inserting “Chapter
3 3”.

4 (337) Section 7871(c)(3)(D)(ii)(II) is amended
5 by striking “calender” and inserting “calendar”.

6 (338) Section 9003(b)(2) is amended by strik-
7 ing “section 9006(d)” and inserting “section
8 9006(e)”.

9 (339) Section 9011(b)(1) is amended by strik-
10 ing “contrue” and inserting “construe”.

11 (340) Section 9502(d)(2) is amended by strik-
12 ing “farms,” and inserting “farms),”.

13 (341) Section 9503(c)(5) is amended by strik-
14 ing “and before October 1, 2011,”.

15 (342) Section 9508(c)(1) is amended by strik-
16 ing “the Public” and inserting “Public”.

17 (343) Section 9701(a)(4) is amended by strik-
18 ing “section 9713A” and inserting “section 9712”.

19 (344) Section 9704(d)(2)(B) is amended by
20 striking “1232),” and inserting “1232),”.

21 (345) Section 9705(b)(1) is amended by strik-
22 ing “1232(h)” and inserting “1232”.

23 (346) Section 9705(b)(2) is amended by strik-
24 ing “Acts” and inserting “Act”.

1 (347) Section 9711(c)(4)(B) is amended by
2 striking “paragraph (4)(C)” and inserting “para-
3 graph (3)(C)”.

4 (348) Section 9712(a)(4)(A) is amended by in-
5 serting “section 402 of” after “subsections (h) and
6 (i) of”.

7 (349) Section 9812(a)(3)(B)(i) is amended by
8 striking the comma at the end and inserting a pe-
9 riod.

10 (350) Section 302 of division P of the Consoli-
11 dated Appropriations Act, 2016 is amended—

12 (A) in subsection (a), by inserting “of the
13 Internal Revenue Code of 1986” after “section
14 48(a)(5)(C)”, and

15 (B) in subsection (b), by inserting “of such
16 Code” after “section 48(a)”.

17 (351) Section 32103(a) of the Fixing America’s
18 Surface Transportation Act is amended by striking
19 “section 52106” and inserting “section 32102”.

20 (352) Section 7518(i) is amended—

21 (A) by striking “section 607(k) of the Mer-
22 chant Marine Act, 1936” and inserting “chap-
23 ter 535 of title 46, United States Code,” and

24 (B) by striking “such section 607(k)” and
25 inserting “such chapter”.

1 (b) GENERAL DEADWOOD-RELATED PROVISIONS.—

2 (1) Section 25A(c)(1) is amended by striking
3 “(\$5,000 in the case of taxable years beginning be-
4 fore January 1, 2003)”.

5 (2) Section 26(b)(2) is amended by striking
6 subparagraph (P).

7 (3) Section 30C(e) is amended by striking para-
8 graph (6) and redesignating paragraph (7) as para-
9 graph (6).

10 (4) Section 32(l) is amended by striking “, and
11 any payment made to such individual (or such
12 spouse) by an employer under section 3507,”.

13 (5)(A) Section 38(c)(5) is amended—

14 (i) by striking all that precedes subpara-
15 graph (C) thereof and inserting the following:

16 “(5) RULES RELATED TO ELIGIBLE SMALL
17 BUSINESSES.—”,

18 (ii) by redesignating subparagraphs (C)
19 and (D) as subparagraphs (A) and (B), respec-
20 tively, and

21 (iii) by amending subparagraph (B) (as so
22 redesignated) to read as follows:

23 “(B) TREATMENT OF PARTNERS AND S
24 CORPORATION SHAREHOLDERS.—For purposes
25 of paragraph (4)(B)(ii), any credit determined

1 under section 41 with respect to a partnership
2 or S corporation shall not be treated as a speci-
3 fied credit by any partner or shareholder unless
4 such partner or shareholder meets the gross re-
5 ceipts test under subparagraph (A) for the tax-
6 able year in which such credit is treated as a
7 current year business credit.”.

8 (B) Section 38(c)(2)(A)(ii)(II) is amended by
9 striking “the eligible small business credits,”.

10 (C) Section 38(c)(4)(A)(ii)(II) is amended by
11 striking “the eligible small business credits and”.

12 (D) Section 38(c)(4)(B)(ii) is amended by strik-
13 ing “(as defined in paragraph (5)(C), after applica-
14 tion of rules similar to the rules of paragraph
15 (5)(D))” and inserting “(as defined in paragraph
16 (5)(A) after application of the rules of paragraph
17 (5)(B))”.

18 (E) Section 39(a) is amended by striking para-
19 graph (4).

20 (F) Section 39(a)(3)(A) is amended by striking
21 “or the eligible small business credits”.

22 (6) Section 41(c)(4)(A), as amended by the pre-
23 ceding provisions of this Act, is amended by striking
24 “(12 percent in the case of taxable years ending be-
25 fore January 1, 2009)”.

1 (7) Section 56(b)(1)(E) is amended by striking
2 the last sentence.

3 (8) Section 56(d)(1)(A)(ii)(I) is amended by in-
4 serting “(as in effect before its repeal by the Tax In-
5 crease Prevention Act of 2014)” after “section
6 172(b)(1)(H)”.

7 (9) Section 126(a) is amended by striking para-
8 graph (7) and by redesignating paragraphs (8) and
9 (9) as paragraphs (7) and (8), respectively.

10 (10)(A) Section 139(c)(2) is amended by strik-
11 ing “section 165(h)(3)(C)(i)” and inserting “section
12 165(i)(5)(A)”.

13 (B) Section 7508A(a) is amended by striking
14 “section 165(h)(3)(C)(i)” and inserting “section
15 165(i)(5)(A)”.

16 (11) Section 140(a) is amended by striking
17 paragraph (2) and by redesignating paragraphs (3)
18 through (6) as paragraphs (2) through (5), respec-
19 tively.

20 (12) Section 163(d)(4) is amended by striking
21 subparagraph (E).

22 (13)(A) Section 168 is amended by striking
23 subsection (n).

1 (B) The amendment made by this paragraph
2 shall not apply to property placed in service before
3 the date of the enactment of this Act.

4 (14) Section 170(e)(3) is amended by striking
5 subparagraph (D) and redesignating subparagraph
6 (E) as subparagraph (D).

7 (15)(A) Section 179 is amended by striking
8 subsection (e) and redesignating subsection (f) as
9 subsection (e).

10 (B) Section 179(d)(1)(B)(ii) is amended by
11 striking “subsection (f)” and inserting “subsection
12 (e)”.

13 (C) The amendments made by this paragraph
14 shall not apply to property placed in service before
15 the date of the enactment of this Act.

16 (16) Section 196(d) is amended—

17 (A) by striking “in the case of—” and all
18 that follows and inserting “in the case of the
19 investment credit determined under section 46
20 (other than the rehabilitation credit).”, and

21 (B) by striking “AND RESEARCH CREDIT”
22 in the heading thereof.

23 (17) Section 246A(b)(1) is amended by striking
24 “without regard to section 243(d)(4)”.

1 (18) Section 381(c)(16) is amended by striking
2 the second sentence.

3 (19) Section 411(a)(3)(F)(i) is amended by
4 striking “under section 418D or”.

5 (20) Section 415(g) is amended by striking
6 “subsection (f)(3)” and inserting “subsection
7 (f)(2)”.

8 (21)(A) Section 419(e)(3)(A) is amended by
9 striking “(17), or (20)” and inserting “or (17)”.

10 (B) Section 419A(g)(1) is amended by striking
11 “(17), or (20)” and inserting “or (17)”.

12 (C) Section 419A(g)(2) is amended by striking
13 “(17), or (20)” and inserting “or (17)”.

14 (D) Section 505 is amended—

15 (i) in the heading thereof, by striking
16 “**PARAGRAPH (9), (17), OR (20)**” and insert-
17 ing “**PARAGRAPH (9) OR (17)**”,

18 (ii) in the heading of subsection (a), by
19 striking “PARAGRAPH (9) OR (20) OF SECTION
20 501(c)” and inserting “SECTION 501(c)(9)”,

21 (iii) in subsection (a)(1), by striking “para-
22 graph (9) or (20) of subsection (c) of section
23 501” and inserting “section 501(c)(9)”, and

1 (iv) in subsection (e)(1), by striking “para-
2 graph (9), (17), or (20)” and inserting “para-
3 graph (9) or (17)”.

4 (E) Subparagraphs (A), (C), and (D) of section
5 512(a)(3) are each amended in the text thereof by
6 striking “(17), or (20)” and inserting “or (17)”.

7 (F) Subparagraphs (B)(ii) and (E) of section
8 512(a)(3) are each amended in the text thereof by
9 striking “, (17), or (20)” and inserting “or (17)”.

10 (G) The heading of section 512(a)(3) is amend-
11 ed by striking “(17), OR (20)” and inserting “OR
12 (17)”.

13 (H) The heading of section 512(a)(3)(E) is
14 amended by striking “, (17), OR (20)” and inserting
15 “OR (17)”.

16 (I) The item relating to section 505 in the table
17 of sections for part I of subchapter F of chapter 1
18 is amended to read as follows:

“Sec. 505. Additional requirements for organizations described in paragraph
(9) or (17) of section 501(c).”.

19 (22) Section 501(p)(4) is amended by striking
20 “, 556(b)(2)”.

21 (23) Section 530(b)(3) is amended—

22 (A) by striking “(as defined in section
23 170(e)(6)(F)(i))” in subparagraph (A)(iii), and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(C) COMPUTER TECHNOLOGY OR EQUIP-
4 MENT.—The term ‘computer technology or
5 equipment’ means computer software (as de-
6 fined by section 197(e)(3)(B)), computer or pe-
7 ripheral equipment (as defined by section
8 168(i)(2)(B)), and fiber optic cable related to
9 computer use.”.

10 (24) Section 593(b)(2)(D)(iv) is amended by
11 striking “(determined without regard to section
12 596)”.

13 (25) Section 597(c)(1) is amended by striking
14 “or section 21A of the Federal Home Loan Bank
15 Act”.

16 (26) Section 613A(c)(6) is amended by striking
17 subparagraph (H).

18 (27) Section 664(g)(3)(E) is amended by strik-
19 ing “limitations under sections 415(c) and (e)” and
20 inserting “limitation under section 415(c)”.

21 (28) Section 856(m) is amended by striking
22 paragraph (6).

23 (29) Section 871(a)(3) is amended by striking
24 the last sentence thereof.

1 (30) Section 992(d) is amended by striking
2 paragraph (6), by inserting “or” at the end of para-
3 graph (5), and by redesignating paragraph (7) as
4 paragraph (6).

5 (31) Section 1245(a)(3)(C) is amended by
6 striking “, 185”.

7 (32)(A) Section 1252(a)(1) is amended by
8 striking “during a taxable year beginning”.

9 (B) Section 1252(a)(1)(A) is amended—

10 (i) by striking “sections” and inserting
11 “section”, and

12 (ii) by striking “and 182” and all that fol-
13 lows through “for expenditures” and inserting
14 “for expenditures”.

15 (C) Section 1252(a)(2) is amended—

16 (i) by striking “sections” and inserting
17 “section”, and

18 (ii) by striking “or 182” and all that fol-
19 lows and inserting a period.

20 (33) Section 1374(d)(2)(B) is amended by
21 striking the last sentence.

22 (34) Section 3111 is amended by striking sub-
23 section (d).

24 (35) Section 3127(b)(3) is amended by striking
25 “or 222(b)”.

1 (36) Section 3221 is amended by striking sub-
2 section (e) and by redesignating subsection (d) as
3 subsection (e).

4 (37) Section 3301 is amended by striking
5 “equal to—” and all that follows and inserting
6 “equal to 6 percent of the total wages (as defined
7 in section 3306(b)) paid by such employer during
8 the calendar year with respect to employment (as de-
9 fined in section 3306(c)).”.

10 (38) Section 3302(c)(2) is amended by striking
11 the next to last sentence.

12 (39) Section 3302(f)(2) is amended—

13 (A) by striking “(or, for purposes of apply-
14 ing this subparagraph to taxable year 1983,
15 September 30, 1981)” in subparagraph (D),
16 and

17 (B) by striking the last sentence.

18 (40) Section 4042(b)(1) is amended by adding
19 “and” at the end of subparagraph (A), by striking
20 “, and” at the end of subparagraph (B) and insert-
21 ing a period, and by striking subparagraph (C).

22 (41) Section 4042(b)(2) is amended by striking
23 subparagraph (C).

1 (42) Section 4261(b)(1) is amended by striking
2 “a tax in the amount” and all that follows and in-
3 serting “a tax in the amount of \$3.00.”.

4 (43) Section 4481(d) is amended to read as fol-
5 lows:

6 “(d) ONE TAX LIABILITY PER PERIOD.—To the ex-
7 tent that the tax imposed by this section is paid with re-
8 spect to any highway motor vehicle for any taxable period,
9 no further tax shall be imposed by this section for such
10 taxable period with respect to such vehicle.”.

11 (44) Section 4971(d) is amended by striking
12 the last sentence.

13 (45) Section 6050G(a)(2) is amended by strik-
14 ing “(to the extent not previously taken into account
15 under section 72(d)(1))”.

16 (46) Section 6215(b) is amended by striking
17 paragraph (5) and by redesignating paragraphs (6)
18 and (7) as paragraphs (5) and (6), respectively.

19 (47) Section 6601(b) is amended by striking
20 paragraph (2) and by redesignating paragraphs (3)
21 through (5) as paragraphs (2) through (4), respec-
22 tively.

23 (48) Section 6654(d)(1)(C)(i) is amended by
24 striking “by substituting” and all that follows and

1 inserting “by substituting ‘110 percent’ for ‘100
2 percent’.”.

3 (49) Section 6654(d)(1) is amended by striking
4 subparagraph (D).

5 (50) Part II of subchapter C of chapter 75 is
6 amended by striking section 7326 (and by striking
7 the item relating to such section in the table of sec-
8 tions for such part).

9 (51) Section 7448(a)(5) is amended by striking
10 “, whether or not performing judicial duties under
11 section 7443B”.

12 (52) Section 7448(a)(6) is amended by striking
13 “, and compensation received under section 7443B”.

14 (53) Section 7448(d) is amended by striking
15 “at 4 percent per annum to December 31, 1947,
16 and 3 percent per annum thereafter” and inserting
17 “at 3 percent per annum”.

18 (54) Section 7701(a)(19)(A) is amended by
19 striking “either (i)” and all that follows through
20 “(ii)”.

21 (55) Section 7701(a)(32)(A) is amended to
22 read as follows:

23 “(A) is subject by law to supervision and
24 examination by State or Federal authority hav-
25 ing supervision over such institutions, and”.

1 (56) Section 8021 is amended by striking sub-
2 section (f).

3 (57) Section 8022(3) is amended by striking
4 subparagraph (C).

5 (c) REPEAL OF CERTAIN OBSOLETE BOND PROVI-
6 SIONS.—

7 (1) CERTAIN RULES WITH RESPECT TO BONDS
8 ISSUED BEFORE JULY 2, 1982.—

9 (A) Section 1271 is amended—

10 (i) by striking subsection (c) and by
11 redesignating subsection (d) as subsection
12 (c), and

13 (ii) by striking “(and paragraph (2) of
14 subsection (c))” in subsection (a)(2)(B).

15 (B) Section 1272 is amended by striking
16 subsection (b) and by redesignating subsections
17 (c) and (d) as subsections (b) and (c), respec-
18 tively.

19 (C) Section 163(e)(1) is amended by strik-
20 ing “In the case of any debt instrument issued
21 after July 1, 1982, the portion of the original
22 issue discount with respect to such debt instru-
23 ment which is” and inserting “The portion of
24 the original issue discount with respect to any
25 debt instrument which is”.

1 (D) Section 1271(a)(2)(A)(ii) is amended
2 by striking “subsection (a)(7) or (b)(4) of sec-
3 tion 1272” and inserting “section 1272(a)(7)”.

4 (E) Section 1271(b)(1) is amended to read
5 as follows:

6 “(1) IN GENERAL.—This section shall not apply
7 to any obligation issued by a natural person before
8 June 9, 1997.”.

9 (F) Section 1272(a) is amended—

10 (i) by striking “ON DEBT INSTRU-
11 MENTS ISSUED AFTER JULY 1, 1982,” in
12 the heading, and

13 (ii) by striking “issued after July 1,
14 1982” in paragraph (1).

15 (G) Section 1278(a)(4)(B) is amended by
16 striking “or (b)(4)”.

17 (H) The amendments made by this para-
18 graph shall apply to debt instruments issued on
19 or after July 2, 1982.

20 (2) CERTAIN RULES WITH RESPECT TO
21 STRIPPED BONDS PURCHASED BEFORE JULY 2,
22 1982.—

23 (A) Section 1286, as amended by this sec-
24 tion, is amended by striking subsection (c) and
25 by redesignating subsections (d), (e), (f), and

1 (g) as subsections (c), (d), (e), and (f), respec-
2 tively.

3 (B) Subsections (a) and (b) of section
4 1286 are each amended by striking “after July
5 1, 1982,”.

6 (C) Section 1286(d)(5), as redesignated by
7 subparagraph (A), is amended by striking the
8 last sentence.

9 (D) Section 305(e)(7) is amended by strik-
10 ing “1286(f)” and inserting “1286(e)”.

11 (E) The amendments made by this para-
12 graph shall apply to bonds purchased on or
13 after July 2, 1982.

14 (3) CERTAIN RULES WITH RESPECT TO OBLIGA-
15 TIONS ISSUED BEFORE MARCH 2, 1984.—

16 (A) Section 1272(a)(2) is amended by
17 striking subparagraph (D) and by redesignating
18 subparagraph (E) as subparagraph (D).

19 (B) Section 163(e)(4) is amended to read
20 as follows:

21 “(4) EXCEPTION.—This subsection shall not
22 apply to any debt instrument described in section
23 1272(a)(2)(D) (relating to loans between natural
24 persons).”.

1 (C) The amendments made by this para-
2 graph shall apply to obligations issued on or
3 after March 2, 1984.

4 (d) DEADWOOD PROVISIONS INVOLVING REPEAL OF
5 ONE OR MORE SECTIONS.—

6 (1) PUERTO RICO ECONOMIC ACTIVITY CREDIT;
7 PUERTO RICO AND POSSESSION TAX CREDIT.—

8 (A) POSSESSION TAX CREDIT.—Section 27
9 is amended to read as follows:

10 **“SEC. 27. TAXES OF FOREIGN COUNTRIES AND POSSES-**
11 **SIONS OF THE UNITED STATES.**

12 “The amount of taxes imposed by foreign countries
13 and possessions of the United States shall be allowed as
14 a credit against the tax imposed by this chapter to the
15 extent provided in section 901”.

16 (B) PUERTO RICO ECONOMIC ACTIVITY
17 CREDIT.—Subpart C of part IV of subchapter
18 A of chapter 1 is amended by striking section
19 30A (and by striking the item relating to such
20 section in the table of sections for such sub-
21 part).

22 (C) PUERTO RICO AND POSSESSION TAX
23 CREDIT.—Subpart C of part III of subchapter
24 N of chapter 1 is amended by striking section
25 936 (and by striking the item relating to such

1 section in the table of sections for such sub-
2 part).

3 (D) CONFORMING AMENDMENTS.—

4 (i) The item relating to section 27 in
5 the table of sections for subpart B of part
6 IV of subchapter A of chapter 1 is amend-
7 ed to read as follows:

“Sec. 27. Taxes of foreign countries and possessions of the United States.”.

8 (ii) Sections 26(a)(1), 59(a)(1),
9 469(e)(3)(B), and 469(d)(2)(A)(ii) are
10 each amended by striking “27(a)” and in-
11 sserting “27”.

12 (iii) Section 45C(d)(2) is amended—
13 (I) by striking subparagraph (B),
14 (II) by redesignating clauses (i)
15 and (ii) of subparagraph (A) as sub-
16 paragraphs (A) and (B), respectively,
17 and moving such subparagraphs (as
18 so redesignated) 2 ems to the left, and
19 (III) by striking “IN GENERAL.—
20 ” and all that precedes it and insert-
21 ing the following:

22 “(2) SPECIAL LIMITATIONS ON FOREIGN TEST-
23 ING.—”.

24 (iv) Section 168(g)(4)(G) is amended
25 by striking “(other than a corporation

1 which has an election in effect under sec-
2 tion 936)”.

3 (v) Section 243(b)(1)(B) is amended
4 to read as follows:

5 “(B) if such dividend is distributed out of
6 the earnings and profits of a taxable year of the
7 distributing corporation which ends after De-
8 cember 31, 1963, and on each day of which the
9 distributing corporation and the corporation re-
10 ceiving the dividend were members of such af-
11 filiated group.”.

12 (vi) Section 246 is amended by strik-
13 ing subsection (e).

14 (vii) Section 338(h)(6)(B)(i) is
15 amended by striking “, a DISC, or a cor-
16 poration to which an election under section
17 936 applies” and inserting “or a DISC”.

18 (viii)(I) Section 367(d) is amended by
19 adding at the end the following new para-
20 graph:

21 “(4) INTANGIBLE PROPERTY.—For purposes of
22 this subsection, the term ‘intangible property’ means
23 any—

24 “(A) patent, invention, formula, process,
25 design, pattern, or know-how,

1 “(B) copyright, literary, musical, or artis-
2 tic composition,

3 “(C) trademark, trade name, or brand
4 name,

5 “(D) franchise, license, or contract,

6 “(E) method, program, system, procedure,
7 campaign, survey, study, forecast, estimate,
8 customer list, or technical data,

9 “(F) goodwill, going concern value, or
10 workforce in place (including its composition
11 and terms and conditions (contractual or other-
12 wise) of its employment), or

13 “(G) other item the value or potential
14 value of which is not attributable to tangible
15 property or the services of any individual.”.

16 (II) Section 367(d)(1) is amended by
17 striking “(within the meaning of section
18 936(h)(3)(B))”.

19 (III) Sections 482 and 1298(e)(2)(A)
20 are each amended by striking “section
21 936(h)(3)(B)” and inserting “section
22 367(d)(4)”.

23 (ix) Section 861(a)(2)(A) is amended
24 by striking “other than a corporation

1 which has an election in effect under sec-
2 tion 936”.

3 (x) Section 864(d)(5) is amended to
4 read as follows:

5 “(5) CERTAIN PROVISIONS NOT TO APPLY.—
6 The following provisions shall not apply to any
7 amount treated as interest under paragraph (1) or
8 (6):

9 “(A) Section 904(d)(2)(B)(iii)(I) (relating
10 to exceptions for export financing interest).

11 “(B) Subparagraph (A) of section
12 954(b)(3) (relating to exception where foreign
13 base company income is less than 5 percent or
14 \$1,000,000).

15 “(C) Subparagraph (B) of section
16 954(c)(2) (relating to certain export financing).

17 “(D) Clause (i) of section 954(c)(3)(A)
18 (relating to certain income received from related
19 persons).”.

20 (xi) Section 865(j)(3) is amended by
21 striking “, 933, and 936” and inserting
22 “and 933”.

23 (xii) Section 901(g)(2) is amended by
24 inserting “(as in effect on the day before
25 the date of the enactment of the Tax Tech-

1 nical Corrections Act of 2018)” after “sec-
2 tion 936”.

3 (xiii) Section 904(b) is amended by
4 striking paragraph (4) and by redesign-
5 ating paragraph (5) as paragraph (4).

6 (xiv) Section 904(f)(1) is amended by
7 striking “and section 936”.

8 (xv) Section 1202(e)(4) is amended by
9 striking subparagraph (B) and by redesign-
10 ating subparagraphs (C) and (D) as sub-
11 paragraphs (B) and (C), respectively.

12 (xvi) Section 1361(b)(2) is amended
13 by adding “or” at the end of subparagraph
14 (B), by striking subparagraph (C), and by
15 redesignating subparagraph (D) as sub-
16 paragraph (C).

17 (xvii)(I) Section 1504(b) is amended
18 by striking paragraph (4) and by redesign-
19 ating paragraphs (6), (7), and (8) as
20 paragraphs (4), (5), and (6), respectively.

21 (II) Section 243(b)(2) is amended by
22 striking “, 1504(b)(4),”.

23 (III) Section 332(d)(2)(B) is amended
24 by striking “paragraphs (2) and (4)” and
25 inserting “paragraph (2)”.

1 (IV) Section 864(e)(5)(A) is amended
2 by striking “(determined without regard to
3 paragraph (4) of section 1504(b))”.

4 (V) Section 864(f) is amended in
5 paragraphs (1)(C)(i) and (2) by striking
6 “paragraphs (2) and (4)” and inserting
7 “paragraph (2)”.

8 (xviii) Section 6091(b)(2)(B) is
9 amended by striking clause (ii) and by re-
10 designating clauses (iii) and (iv) as clauses
11 (ii) and (iii), respectively.

12 (xix) Section 6654(d)(2)(D) is amend-
13 ed—

14 (I) by striking “936(h) or” in
15 clause (i), and

16 (II) by striking “AND SECTION
17 936” in the heading.

18 (xx) Section 6655(e)(4) is amended—

19 (I) by striking “936(h) or” in
20 subparagraph (A), and

21 (II) by striking “AND SECTION
22 936” in the heading.

23 (2) ENERGY EFFICIENT APPLIANCE CREDIT.—

24 (A) IN GENERAL.—Subpart D of part IV
25 of subchapter A of chapter 1 is amended by

1 striking section 45M (and by striking the item
2 relating to such section in the table of sections
3 for such subpart).

4 (B) CONFORMING AMENDMENT.—Section
5 38(b), as amended by the preceding provisions
6 of this Act, is amended by striking paragraph
7 (24) and by redesignating paragraphs (25)
8 through (37) as paragraphs (24) through (36),
9 respectively.

10 (3) QUALIFYING THERAPEUTIC DISCOVERY
11 PROJECT CREDIT.—

12 (A) IN GENERAL.—Subpart E of part IV
13 of subchapter A of chapter 1 is amended by
14 striking section 48D (and by striking the item
15 relating to such section in the table of sections
16 for such subpart).

17 (B) CONFORMING AMENDMENTS.—

18 (i) Section 49(a)(1)(C) is amended by
19 adding “and” at the end of clause (iv), by
20 striking “, and” at the end of clause (v)
21 and inserting a period, and by striking
22 clause (vi).

23 (ii) Section 50(a)(2)(E) is amended
24 by striking “48C(b)(2), or 48D(b)(4)” and
25 inserting “or 48C(b)(2)”.

1 (iii) Section 280C is amended by
2 striking the subsection (g) which relates to
3 the qualifying therapeutic discovery project
4 credit.

5 (C) SAVINGS PROVISION.—In the case of
6 the repeal of section 48D(e)(1) of the Internal
7 Revenue Code of 1986, the amendments made
8 by this paragraph shall not apply to expendi-
9 tures made in taxable years beginning before
10 January 1, 2011.

11 (4) DC ZONE PROVISIONS.—

12 (A) IN GENERAL.—Chapter 1 is amended
13 by striking subchapter W (and by striking the
14 item relating to such subchapter in the table of
15 subchapters for such chapter).

16 (B) CONFORMING AMENDMENTS.—

17 (i) Section 23(e)(1) is amended by
18 striking “sections 25D and 1400C” and
19 inserting “section 25D”.

20 (ii) Section 25(e)(1)(C) is amended by
21 striking “sections 23, 25D, and 1400C”
22 and inserting “sections 23 and 25D”.

23 (iii) Section 45D(h) is amended by
24 striking “sections 1202, 1400B, and
25 1400F” and inserting “section 1202”.

1 (iv) Section 1016(a) is amended by
2 striking paragraph (27).

3 (v) Section 1202(a)(2)(B) is amended
4 by inserting “(as in effect before its re-
5 peal)” after “1400B(b)”.

6 (vi) Section 1223(13) is amended by
7 striking “sections 1202(a)(2),
8 1202(c)(2)(A), 1400B(b), and 1400F(b)”
9 and inserting “subsections (a)(2) and
10 (c)(2)(A) of section 1202”.

11 (vii) Section 1397B(b)(1) is amended
12 by striking subparagraph (B).

13 (C) SAVINGS PROVISIONS.—The amend-
14 ments made by this paragraph shall not apply
15 to—

16 (i) in the case of the repeal of section
17 1400A of the Internal Revenue Code of
18 1986, obligations described in section 1394
19 of such Code (as in effect before its repeal)
20 which were issued before January 1, 2012,

21 (ii) in the case of the repeal of section
22 1400B of such Code, DC Zone assets (as
23 defined in such section, as in effect before
24 its repeal) which were acquired by the tax-
25 payer before January 1, 2012, and

1 (iii) in the case of the repeal of sec-
2 tion 1400C of such Code, principal resi-
3 dences acquired before January 1, 2012.

4 (5) RENEWAL COMMUNITY PROVISIONS.—

5 (A) IN GENERAL.—Chapter 1 is amended
6 by striking subchapter X (and by striking the
7 item relating to such subchapter in the table of
8 subchapters for such chapter).

9 (B) CONFORMING AMENDMENTS.—

10 (i) Section 469(i)(3) is amended by
11 striking subparagraph (C) and by redesignig-
12 nating subparagraphs (D), (E), and (F) as
13 subparagraphs (C), (D), and (E), respec-
14 tively.

15 (ii) Section 469(i)(3)(D), as so redes-
16 igned, is amended to read as follows:

17 “(D) ORDERING RULE.—Paragraph (1)
18 shall be applied for any taxable year—

19 “(i) first, to the passive activity loss,

20 “(ii) second, to the portion of the pas-
21 sive activity credit to which subparagraph
22 (B) and (C) does not apply,

23 “(iii) third, to the portion of such
24 credit to which subparagraph (B) applies,
25 and

1 “(iv) then, to the portion of such cred-
2 it to which subparagraph (C) applies.”.

3 (iii) Section 469(i)(6)(B) is amend-
4 ed—

5 (I) by striking “, REHABILITA-
6 TION CREDIT, OR COMMERCIAL REVI-
7 TALIZATION DEDUCTION” in the head-
8 ing and inserting “OR REHABILITA-
9 TION CREDIT”,

10 (II) by adding “or” at the end of
11 clause (i),

12 (III) by striking “, or” at the
13 end of clause (ii) and inserting a
14 comma, and

15 (IV) by striking clause (iii).

16 (iv) Section 1397B(b)(1), as amended
17 by the preceding provisions of this Act, is
18 amended by adding at the end the fol-
19 lowing new subparagraph:

20 “(B) REFERENCES.—Any reference in this
21 paragraph to section 1400F shall be treated as
22 reference to such section before its repeal.”.

23 (v) Section 1397B(b)(5) is amended
24 by striking “which is sold—” and all that
25 follows and inserting “which is sold, the

1 taxpayer's holding period for such asset
2 and the asset referred to in subsection
3 (a)(1) shall be determined without regard
4 to section 1223.”.

5 (C) SAVINGS PROVISIONS.—The amend-
6 ments made by this paragraph shall not apply
7 to—

8 (i) in the case of the repeal of section
9 1400F of the Internal Revenue Code of
10 1986, qualified community assets (as de-
11 fined in such section, as in effect before its
12 repeal) which were acquired by the tax-
13 payer before January 1, 2010,

14 (ii) in the case of the repeal section
15 1400H of such Code, wages paid or in-
16 curred before January 1, 2010,

17 (iii) in the case of the repeal of sec-
18 tion 1400I of such Code, qualified revital-
19 ization buildings (as defined in such sec-
20 tion, as in effect before its repeal) which
21 were placed in service before January 1,
22 2010, and

23 (iv) in the case of the repeal of section
24 1400J of such Code, property acquired be-
25 fore January 1, 2010.

1 (6) SHORT-TERM REGIONAL BENEFITS.—

2 (A) IN GENERAL.—Chapter 1 is amended
3 by striking subchapter Y (and by striking the
4 item relating to such subchapter in the table of
5 subchapters for such chapter).

6 (B) CONFORMING AMENDMENTS.—

7 (i) Section 38(b), as amended by the
8 preceding provisions of this Act, is amend-
9 ed by striking paragraphs (26), (27), (28),
10 and (29) and by redesignating paragraphs
11 (30) through (36) as paragraphs (26)
12 through (32), respectively.

13 (ii) Section 38(c)(2)(A)(ii)(II), as
14 amended by the preceding provisions of
15 this Act, is amended by striking “, the
16 New York Liberty Zone business employee
17 credit,”.

18 (iii) Section 38(c) is amended by
19 striking paragraph (3).

20 (iv) Section 280C(a), as amended by
21 the preceding provisions of this Act, is
22 amended by striking “1396(a), 1400P(b),
23 and 1400R” and inserting “and 1396(a)”.

24 (v) Section 6033(b)(14) is amended
25 by striking “including the amount and use

1 of qualified contributions to which section
2 1400S(a) applies.”.

3 (vi) Section 6049(d)(8)(A) is amend-
4 ed—

5 (I) by striking “or 1400N(l)(6)”,
6 and

7 (II) by striking “or
8 1400N(l)(2)(D), as the case may be”.

9 (C) SAVINGS PROVISIONS.—The amend-
10 ments made by this paragraph shall not apply
11 to—

12 (i) in the case of the repeal of section
13 1400L(a) of the Internal Revenue Code of
14 1986, qualified wages (as defined in such
15 section, as in effect before its repeal) which
16 were paid or incurred before January 1,
17 2004,

18 (ii) in the case of the repeal of sub-
19 sections (b) and (f) of section 1400L of
20 such Code, qualified New York Liberty
21 Zone property (as defined in section
22 1400L(b) of such Code, as in effect before
23 its repeal) placed in service before January
24 1, 2010,

1 (iii) in the case of the repeal of sec-
2 tion 1400L(c) of such Code, qualified New
3 York Liberty Zone leasehold improvement
4 property (as defined in such section, as in
5 effect before its repeal) placed in service
6 before January 1, 2007,

7 (iv) in the case of the repeal of section
8 1400L(d) of such Code, qualified New
9 York Liberty bonds (as defined in such
10 section, as in effect before its repeal)
11 issued before January 1, 2014,

12 (v) in the case of the repeal of section
13 1400L(e) of such Code, advanced
14 refundings before January 1, 2006,

15 (vi) in the case of the repeal of section
16 1400L(g) of such Code, property which is
17 compulsorily or involuntarily converted as
18 a result of the terrorist attacks on Sep-
19 tember 11, 2001,

20 (vii) in the case of the repeal of sec-
21 tion 1400N(a) of such Code, obligations
22 issued before January 1, 2012,

23 (viii) in the case of the repeal of sec-
24 tion 1400N(b) of such Code, advanced
25 refundings before January 1, 2011,

1 (ix) in the case of the repeal of section
2 1400N(d) of such Code, property placed in
3 service before January 1, 2012,

4 (x) in the case of the repeal of section
5 1400N(e) of such Code, property placed in
6 service before January 1, 2009,

7 (xi) in the case of the repeal of sub-
8 sections (f) and (g) of section 1400N of
9 such Code, amounts paid or incurred be-
10 fore January 1, 2008,

11 (xii) in the case of the repeal of sec-
12 tion 1400N(h) of such Code, amounts paid
13 or incurred before January 1, 2012,

14 (xiii) in the case of the repeal of sec-
15 tion 1400N(k)(1)(B) of such Code, losses
16 arising in taxable years beginning before
17 January 1, 2008,

18 (xiv) in the case of the repeal of sec-
19 tion 1400N(l) of such Code, bonds issued
20 before January 1, 2007,

21 (xv) in the case of the repeal of sec-
22 tion 1400Q(a) of such Code, distributions
23 before January 1, 2007,

1 (xvi) in the case of the repeal of sec-
2 tion 1400Q(b) of such Code, contributions
3 before March 1, 2006,

4 (xvii) in the case of the repeal of sec-
5 tion 1400Q(c) of such Code, loans made
6 before January 1, 2007,

7 (xviii) in the case of the repeal of sec-
8 tion 1400R of such Code, wages paid or
9 incurred before January 1, 2006,

10 (xix) in the case of the repeal of sec-
11 tion 1400S(a) of such Code, contributions
12 paid before January 1, 2006,

13 (xx) in the case of the repeal of sec-
14 tion 1400T of such Code, financing pro-
15 vided before January 1, 2011, and

16 (xxi) in the case of the repeal of part
17 III of subchapter Y of chapter 1 of such
18 Code, obligations issued before January 1,
19 2011.

20 (7) PROVISIONS RELATED TO COBRA PREMIUM
21 ASSISTANCE.—

22 (A) IN GENERAL.—Subchapter B of chap-
23 ter 65 is amended by striking section 6432
24 (and by striking the item relating to such sec-

1 tion in the table of sections for such sub-
2 chapter).

3 (B) NOTIFICATION REQUIREMENT.—Part I
4 of subchapter B of chapter 68 is amended by
5 striking section 6720C (and by striking the
6 item relating to such section in the table of sec-
7 tions for such part).

8 (C) EXCLUSION FROM GROSS INCOME.—
9 Part III of subchapter B of chapter 1 is amend-
10 ed by striking section 139C (and by striking the
11 item relating to such section in the table of sec-
12 tions for such part).

13 (8) EFFECTIVE DATE OF PRESIDENTIAL ELEC-
14 TION CAMPAIGN FUND.—Chapter 95 is amended by
15 striking section 9013 (and by striking the item relat-
16 ing to such section in the table of sections for such
17 chapter).

18 (e) GENERAL SAVINGS PROVISION WITH RESPECT
19 TO DEADWOOD PROVISIONS.—If—

20 (1) any provision amended or repealed by the
21 amendments made by subsection (b) or (d) applied
22 to—

23 (A) any transaction occurring before the
24 date of the enactment of this Act,

1 (B) any property acquired before such date
2 of enactment, or

3 (C) any item of income, loss, deduction, or
4 credit taken into account before such date of
5 enactment, and

6 (2) the treatment of such transaction, property,
7 or item under such provision would (without regard
8 to the amendments or repeals made by such sub-
9 section) affect the liability for tax for periods ending
10 after such date of enactment,

11 nothing in the amendments or repeals made by this section
12 shall be construed to affect the treatment of such trans-
13 action, property, or item for purposes of determining li-
14 ability for tax for periods ending after such date of enact-
15 ment.

1 **DIVISION V—CLOUD ACT**

2 **SEC. 101. SHORT TITLE.**

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

5 **SEC. 102. CONGRESSIONAL FINDINGS.**

6 Congress finds the following:

7 (1) Timely access to electronic data held by
8 communications-service providers is an essential
9 component of government efforts to protect public
10 safety and combat serious crime, including ter-
11 rorism.

12 (2) Such efforts by the United States Govern-
13 ment are being impeded by the inability to access
14 data stored outside the United States that is in the
15 custody, control, or possession of communications-
16 service providers that are subject to jurisdiction of
17 the United States.

18 (3) Foreign governments also increasingly seek
19 access to electronic data held by communications-
20 service providers in the United States for the pur-
21 pose of combating serious crime.

22 (4) Communications-service providers face po-
23 tential conflicting legal obligations when a foreign
24 government orders production of electronic data that

1 United States law may prohibit providers from dis-
2 closing.

3 (5) Foreign law may create similarly conflicting
4 legal obligations when chapter 121 of title 18,
5 United States Code (commonly known as the “
6 Stored Communications Act”), requires disclosure of
7 electronic data that foreign law prohibits commu-
8 nications-service providers from disclosing.

9 (6) International agreements provide a mecha-
10 nism for resolving these potential conflicting legal
11 obligations where the United States and the relevant
12 foreign government share a common commitment to
13 the rule of law and the protection of privacy and
14 civil liberties.

15 **SEC. 103. PRESERVATION OF RECORDS; COMITY ANALYSIS**
16 **OF LEGAL PROCESS.**

17 (a) **REQUIRED PRESERVATION AND DISCLOSURE OF**
18 **COMMUNICATIONS AND RECORDS.—**

19 (1) **AMENDMENT.—**Chapter 121 of title 18,
20 United States Code, is amended by adding at the
21 end the following:

22 **“§ 2713. Required preservation and disclosure of com-**
23 **munications and records**

24 “A provider of electronic communication service or
25 remote computing service shall comply with the obligations

1 of this chapter to preserve, backup, or disclose the con-
2 tents of a wire or electronic communication and any record
3 or other information pertaining to a customer or sub-
4 scriber within such provider’s possession, custody, or con-
5 trol, regardless of whether such communication, record, or
6 other information is located within or outside of the
7 United States.”.

8 (2) TABLE OF SECTIONS.—The table of sections
9 for chapter 121 of title 18, United States Code, is
10 amended by inserting after the item relating to sec-
11 tion 2712 the following:

“2713. Required preservation and disclosure of communications and records.”.

12 (b) COMITY ANALYSIS OF LEGAL PROCESS SEEKING
13 CONTENTS OF WIRE OR ELECTRONIC COMMUNICA-
14 TION.—Section 2703 of title 18, United States Code, is
15 amended by adding at the end the following:

16 “(h) COMITY ANALYSIS AND DISCLOSURE OF INFOR-
17 MATION REGARDING LEGAL PROCESS SEEKING CON-
18 TENTS OF WIRE OR ELECTRONIC COMMUNICATION.—

19 “(1) DEFINITIONS.—In this subsection—

20 “(A) the term ‘qualifying foreign govern-
21 ment’ means a foreign government—

22 “(i) with which the United States has
23 an executive agreement that has entered
24 into force under section 2523; and

1 “(ii) the laws of which provide to elec-
2 tronic communication service providers and
3 remote computing service providers sub-
4 stantive and procedural opportunities simi-
5 lar to those provided under paragraphs (2)
6 and (5); and

7 “(B) the term ‘United States person’ has
8 the meaning given the term in section 2523.

9 “(2) MOTIONS TO QUASH OR MODIFY.—(A) A
10 provider of electronic communication service to the
11 public or remote computing service, including a for-
12 eign electronic communication service or remote
13 computing service, that is being required to disclose
14 pursuant to legal process issued under this section
15 the contents of a wire or electronic communication
16 of a subscriber or customer, may file a motion to
17 modify or quash the legal process where the provider
18 reasonably believes—

19 “(i) that the customer or subscriber is not
20 a United States person and does not reside in
21 the United States; and

22 “(ii) that the required disclosure would
23 create a material risk that the provider would
24 violate the laws of a qualifying foreign govern-
25 ment.

1 Such a motion shall be filed not later than 14
2 days after the date on which the provider was
3 served with the legal process, absent agreement
4 with the government or permission from the
5 court to extend the deadline based on an appli-
6 cation made within the 14 days. The right to
7 move to quash is without prejudice to any other
8 grounds to move to quash or defenses thereto,
9 but it shall be the sole basis for moving to
10 quash on the grounds of a conflict of law re-
11 lated to a qualifying foreign government.

12 “(B) Upon receipt of a motion filed pursuant to
13 subparagraph (A), the court shall afford the govern-
14 mental entity that applied for or issued the legal
15 process under this section the opportunity to re-
16 spond. The court may modify or quash the legal
17 process, as appropriate, only if the court finds
18 that—

19 “(i) the required disclosure would cause
20 the provider to violate the laws of a qualifying
21 foreign government;

22 “(ii) based on the totality of the cir-
23 cumstances, the interests of justice dictate that
24 the legal process should be modified or quashed;
25 and

1 “(iii) the customer or subscriber is not a
2 United States person and does not reside in the
3 United States.

4 “(3) COMITY ANALYSIS.—For purposes of mak-
5 ing a determination under paragraph (2)(B)(ii), the
6 court shall take into account, as appropriate—

7 “(A) the interests of the United States, in-
8 cluding the investigative interests of the govern-
9 mental entity seeking to require the disclosure;

10 “(B) the interests of the qualifying foreign
11 government in preventing any prohibited disclo-
12 sure;

13 “(C) the likelihood, extent, and nature of
14 penalties to the provider or any employees of
15 the provider as a result of inconsistent legal re-
16 quirements imposed on the provider;

17 “(D) the location and nationality of the
18 subscriber or customer whose communications
19 are being sought, if known, and the nature and
20 extent of the subscriber or customer’s connec-
21 tion to the United States, or if the legal process
22 has been sought on behalf of a foreign authority
23 pursuant to section 3512, the nature and extent
24 of the subscriber or customer’s connection to
25 the foreign authority’s country;

1 “(E) the nature and extent of the pro-
2 vider’s ties to and presence in the United
3 States;

4 “(F) the importance to the investigation of
5 the information required to be disclosed;

6 “(G) the likelihood of timely and effective
7 access to the information required to be dis-
8 closed through means that would cause less se-
9 rious negative consequences; and

10 “(H) if the legal process has been sought
11 on behalf of a foreign authority pursuant to
12 section 3512, the investigative interests of the
13 foreign authority making the request for assist-
14 ance.

15 “(4) DISCLOSURE OBLIGATIONS DURING PEND-
16 ENCY OF CHALLENGE.—A service provider shall pre-
17 serve, but not be obligated to produce, information
18 sought during the pendency of a motion brought
19 under this subsection, unless the court finds that im-
20 mediate production is necessary to prevent an ad-
21 verse result identified in section 2705(a)(2).

22 “(5) DISCLOSURE TO QUALIFYING FOREIGN
23 GOVERNMENT.—(A) It shall not constitute a viola-
24 tion of a protective order issued under section 2705
25 for a provider of electronic communication service to

1 the public or remote computing service to disclose to
2 the entity within a qualifying foreign government,
3 designated in an executive agreement under section
4 2523, the fact of the existence of legal process
5 issued under this section seeking the contents of a
6 wire or electronic communication of a customer or
7 subscriber who is a national or resident of the quali-
8 fying foreign government.

9 “(B) Nothing in this paragraph shall be con-
10 strued to modify or otherwise affect any other au-
11 thority to make a motion to modify or quash a pro-
12 tective order issued under section 2705.”.

13 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
14 tion, or an amendment made by this section, shall be con-
15 strued to modify or otherwise affect the common law
16 standards governing the availability or application of com-
17 ity analysis to other types of compulsory process or to in-
18 stances of compulsory process issued under section 2703
19 of title 18, United States Code, as amended by this sec-
20 tion, and not covered under subsection (h)(2) of such sec-
21 tion 2703.

22 **SEC. 104. ADDITIONAL AMENDMENTS TO CURRENT COM-**
23 **MUNICATIONS LAWS.**

24 Title 18, United States Code, is amended—

25 (1) in chapter 119—

1 (A) in section 2511(2), by adding at the
2 end the following:

3 “(j) It shall not be unlawful under this chapter for
4 a provider of electronic communication service to the pub-
5 lic or remote computing service to intercept or disclose the
6 contents of a wire or electronic communication in response
7 to an order from a foreign government that is subject to
8 an executive agreement that the Attorney General has de-
9 termined and certified to Congress satisfies section
10 2523.”; and

11 (B) in section 2520(d), by amending para-
12 graph (3) to read as follows:

13 “(3) a good faith determination that section
14 2511(3), 2511(2)(i), or 2511(2)(j) of this title per-
15 mitted the conduct complained of;”;

16 (2) in chapter 121—

17 (A) in section 2702—

18 (i) in subsection (b)—

19 (I) in paragraph (8), by striking
20 the period at the end and inserting “;
21 or”; and

22 (II) by adding at the end the fol-
23 lowing:

24 “(9) to a foreign government pursuant to an
25 order from a foreign government that is subject to

1 an executive agreement that the Attorney General
2 has determined and certified to Congress satisfies
3 section 2523.”; and

4 (ii) in subsection (c)—

5 (I) in paragraph (5), by striking
6 “or” at the end;

7 (II) in paragraph (6), by striking
8 the period at the end and inserting “;
9 or”; and

10 (III) by adding at the end the
11 following:

12 “(7) to a foreign government pursuant to an
13 order from a foreign government that is subject to
14 an executive agreement that the Attorney General
15 has determined and certified to Congress satisfies
16 section 2523.”; and

17 (B) in section 2707(e), by amending para-
18 graph (3) to read as follows:

19 “(3) a good faith determination that section
20 2511(3), section 2702(b)(9), or section 2702(e)(7)
21 of this title permitted the conduct complained of;”;
22 and

23 (3) in chapter 206—

24 (A) in section 3121(a), by inserting before
25 the period at the end the following: “or an

1 order from a foreign government that is subject
2 to an executive agreement that the Attorney
3 General has determined and certified to Con-
4 gress satisfies section 2523”; and

5 (B) in section 3124—

6 (i) by amending subsection (d) to read
7 as follows:

8 “(d) NO CAUSE OF ACTION AGAINST A PROVIDER
9 DISCLOSING INFORMATION UNDER THIS CHAPTER.—No
10 cause of action shall lie in any court against any provider
11 of a wire or electronic communication service, its officers,
12 employees, agents, or other specified persons for providing
13 information, facilities, or assistance in accordance with a
14 court order under this chapter, request pursuant to section
15 3125 of this title, or an order from a foreign government
16 that is subject to an executive agreement that the Attor-
17 ney General has determined and certified to Congress sat-
18 isfies section 2523.”; and

19 (ii) by amending subsection (e) to
20 read as follows:

21 “(e) DEFENSE.—A good faith reliance on a court
22 order under this chapter, a request pursuant to section
23 3125 of this title, a legislative authorization, a statutory
24 authorization, or a good faith determination that the con-
25 duct complained of was permitted by an order from a for-

1 eign government that is subject to executive agreement
2 that the Attorney General has determined and certified
3 to Congress satisfies section 2523, is a complete defense
4 against any civil or criminal action brought under this
5 chapter or any other law.”.

6 **SEC. 105. EXECUTIVE AGREEMENTS ON ACCESS TO DATA**
7 **BY FOREIGN GOVERNMENTS.**

8 (a) IN GENERAL.—Chapter 119 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 2523. Executive agreements on access to data by**
12 **foreign governments**

13 “(a) DEFINITIONS.—In this section—

14 “(1) the term ‘lawfully admitted for permanent
15 residence’ has the meaning given the term in section
16 101(a) of the Immigration and Nationality Act (8
17 U.S.C. 1101(a)); and

18 “(2) the term ‘United States person’ means a
19 citizen or national of the United States, an alien
20 lawfully admitted for permanent residence, an unin-
21 corporated association a substantial number of mem-
22 bers of which are citizens of the United States or
23 aliens lawfully admitted for permanent residence, or
24 a corporation that is incorporated in the United
25 States.

1 “(b) EXECUTIVE AGREEMENT REQUIREMENTS.—
2 For purposes of this chapter, chapter 121, and chapter
3 206, an executive agreement governing access by a foreign
4 government to data subject to this chapter, chapter 121,
5 or chapter 206 shall be considered to satisfy the require-
6 ments of this section if the Attorney General, with the con-
7 currence of the Secretary of State, determines, and sub-
8 mits a written certification of such determination to Con-
9 gress, including a written certification and explanation of
10 each consideration in paragraphs (1), (2), (3), and (4),
11 that—

12 “(1) the domestic law of the foreign govern-
13 ment, including the implementation of that law, af-
14 fords robust substantive and procedural protections
15 for privacy and civil liberties in light of the data col-
16 lection and activities of the foreign government that
17 will be subject to the agreement, if—

18 “(A) such a determination under this sec-
19 tion takes into account, as appropriate, credible
20 information and expert input; and

21 “(B) the factors to be met in making such
22 a determination include whether the foreign
23 government—

24 “(i) has adequate substantive and pro-
25 cedural laws on cybercrime and electronic

1 evidence, as demonstrated by being a party
2 to the Convention on Cybercrime, done at
3 Budapest November 23, 2001, and entered
4 into force January 7, 2004, or through do-
5 mestic laws that are consistent with defini-
6 tions and the requirements set forth in
7 chapters I and II of that Convention;

8 “(ii) demonstrates respect for the rule
9 of law and principles of nondiscrimination;

10 “(iii) adheres to applicable inter-
11 national human rights obligations and
12 commitments or demonstrates respect for
13 international universal human rights, in-
14 cluding—

15 “(I) protection from arbitrary
16 and unlawful interference with pri-
17 vacy;

18 “(II) fair trial rights;

19 “(III) freedom of expression, as-
20 sociation, and peaceful assembly;

21 “(IV) prohibitions on arbitrary
22 arrest and detention; and

23 “(V) prohibitions against torture
24 and cruel, inhuman, or degrading
25 treatment or punishment;

1 “(iv) has clear legal mandates and
2 procedures governing those entities of the
3 foreign government that are authorized to
4 seek data under the executive agreement,
5 including procedures through which those
6 authorities collect, retain, use, and share
7 data, and effective oversight of these ac-
8 tivities;

9 “(v) has sufficient mechanisms to pro-
10 vide accountability and appropriate trans-
11 parency regarding the collection and use of
12 electronic data by the foreign government;
13 and

14 “(vi) demonstrates a commitment to
15 promote and protect the global free flow of
16 information and the open, distributed, and
17 interconnected nature of the Internet;

18 “(2) the foreign government has adopted appro-
19 priate procedures to minimize the acquisition, reten-
20 tion, and dissemination of information concerning
21 United States persons subject to the agreement;

22 “(3) the terms of the agreement shall not cre-
23 ate any obligation that providers be capable of
24 decrypting data or limitation that prevents providers
25 from decrypting data; and

1 “(4) the agreement requires that, with respect
2 to any order that is subject to the agreement—

3 “(A) the foreign government may not in-
4 tentionally target a United States person or a
5 person located in the United States, and shall
6 adopt targeting procedures designed to meet
7 this requirement;

8 “(B) the foreign government may not tar-
9 get a non-United States person located outside
10 the United States if the purpose is to obtain in-
11 formation concerning a United States person or
12 a person located in the United States;

13 “(C) the foreign government may not issue
14 an order at the request of or to obtain informa-
15 tion to provide to the United States Govern-
16 ment or a third-party government, nor shall the
17 foreign government be required to share any in-
18 formation produced with the United States
19 Government or a third-party government;

20 “(D) an order issued by the foreign gov-
21 ernment—

22 “(i) shall be for the purpose of obtain-
23 ing information relating to the prevention,
24 detection, investigation, or prosecution of
25 serious crime, including terrorism;

1 “(ii) shall identify a specific person,
2 account, address, or personal device, or
3 any other specific identifier as the object of
4 the order;

5 “(iii) shall be in compliance with the
6 domestic law of that country, and any obli-
7 gation for a provider of an electronic com-
8 munications service or a remote computing
9 service to produce data shall derive solely
10 from that law;

11 “(iv) shall be based on requirements
12 for a reasonable justification based on
13 articulable and credible facts, particularity,
14 legality, and severity regarding the conduct
15 under investigation;

16 “(v) shall be subject to review or over-
17 sight by a court, judge, magistrate, or
18 other independent authority prior to, or in
19 proceedings regarding, enforcement of the
20 order; and

21 “(vi) in the case of an order for the
22 interception of wire or electronic commu-
23 nications, and any extensions thereof, shall
24 require that the interception order—

1 “(I) be for a fixed, limited dura-
2 tion; and

3 “(II) may not last longer than is
4 reasonably necessary to accomplish
5 the approved purposes of the order;
6 and

7 “(III) be issued only if the same
8 information could not reasonably be
9 obtained by another less intrusive
10 method;

11 “(E) an order issued by the foreign gov-
12 ernment may not be used to infringe freedom of
13 speech;

14 “(F) the foreign government shall prompt-
15 ly review material collected pursuant to the
16 agreement and store any unreviewed commu-
17 nications on a secure system accessible only to
18 those persons trained in applicable procedures;

19 “(G) the foreign government shall, using
20 procedures that, to the maximum extent pos-
21 sible, meet the definition of minimization proce-
22 dures in section 101 of the Foreign Intelligence
23 Surveillance Act of 1978 (50 U.S.C. 1801), seg-
24 regate, seal, or delete, and not disseminate ma-
25 terial found not to be information that is, or is

1 necessary to understand or assess the impor-
2 tance of information that is, relevant to the pre-
3 vention, detection, investigation, or prosecution
4 of serious crime, including terrorism, or nec-
5 essary to protect against a threat of death or
6 serious bodily harm to any person;

7 “(H) the foreign government may not dis-
8 seminate the content of a communication of a
9 United States person to United States authori-
10 ties unless the communication may be dissemi-
11 nated pursuant to subparagraph (G) and re-
12 lates to significant harm, or the threat thereof,
13 to the United States or United States persons,
14 including crimes involving national security
15 such as terrorism, significant violent crime,
16 child exploitation, transnational organized
17 crime, or significant financial fraud;

18 “(I) the foreign government shall afford
19 reciprocal rights of data access, to include,
20 where applicable, removing restrictions on com-
21 munications service providers, including pro-
22 viders subject to United States jurisdiction, and
23 thereby allow them to respond to valid legal
24 process sought by a governmental entity (as de-
25 fined in section 2711) if foreign law would oth-

1 erwise prohibit communications-service pro-
2 viders from disclosing the data;

3 “(J) the foreign government shall agree to
4 periodic review of compliance by the foreign
5 government with the terms of the agreement to
6 be conducted by the United States Government;
7 and

8 “(K) the United States Government shall
9 reserve the right to render the agreement inap-
10 plicable as to any order for which the United
11 States Government concludes the agreement
12 may not properly be invoked.

13 “(c) LIMITATION ON JUDICIAL REVIEW.—A deter-
14 mination or certification made by the Attorney General
15 under subsection (b) shall not be subject to judicial or ad-
16 ministrative review.

17 “(d) EFFECTIVE DATE OF CERTIFICATION.—

18 “(1) NOTICE.—Not later than 7 days after the
19 date on which the Attorney General certifies an ex-
20 ecutive agreement under subsection (b), the Attorney
21 General shall provide notice of the determination
22 under subsection (b) and a copy of the executive
23 agreement to Congress, including—

1 “(A) the Committee on the Judiciary and
2 the Committee on Foreign Relations of the Sen-
3 ate; and

4 “(B) the Committee on the Judiciary and
5 the Committee on Foreign Affairs of the House
6 of Representatives.

7 “(2) ENTRY INTO FORCE.—An executive agree-
8 ment that is determined and certified by the Attor-
9 ney General to satisfy the requirements of this sec-
10 tion shall enter into force not earlier than the date
11 that is 180 days after the date on which notice is
12 provided under paragraph (1), unless Congress en-
13 acts a joint resolution of disapproval in accordance
14 with paragraph (4).

15 “(3) REQUESTS FOR INFORMATION.—Upon re-
16 quest by the Chairman or Ranking Member of a
17 congressional committee described in paragraph (1),
18 the head of an agency shall promptly furnish a sum-
19 mary of factors considered in determining that the
20 foreign government satisfies the requirements of this
21 section.

22 “(4) CONGRESSIONAL REVIEW.—

23 “(A) JOINT RESOLUTION DEFINED.—In
24 this paragraph, the term ‘joint resolution’
25 means only a joint resolution—

1 “(i) introduced during the 180-day
2 period described in paragraph (2);

3 “(ii) which does not have a preamble;

4 “(iii) the title of which is as follows:
5 ‘Joint resolution disapproving the executive
6 agreement signed by the United States and
7 ____.’, the blank space being appropriately
8 filled in; and

9 “(iv) the matter after the resolving
10 clause of which is as follows: ‘That Con-
11 gress disapproves the executive agreement
12 governing access by _____ to certain elec-
13 tronic data as submitted by the Attorney
14 General on _____’, the blank spaces being
15 appropriately filled in.

16 “(B) JOINT RESOLUTION ENACTED.—Not-
17 withstanding any other provision of this section,
18 if not later than 180 days after the date on
19 which notice is provided to Congress under
20 paragraph (1), there is enacted into law a joint
21 resolution disapproving of an executive agree-
22 ment under this section, the executive agree-
23 ment shall not enter into force.

1 “(C) INTRODUCTION.—During the 180-day
2 period described in subparagraph (B), a joint
3 resolution of disapproval may be introduced—

4 “(i) in the House of Representatives,
5 by the majority leader or the minority
6 leader; and

7 “(ii) in the Senate, by the majority
8 leader (or the majority leader’s designee)
9 or the minority leader (or the minority
10 leader’s designee).

11 “(5) FLOOR CONSIDERATION IN HOUSE OF
12 REPRESENTATIVES.—If a committee of the House of
13 Representatives to which a joint resolution of dis-
14 approval has been referred has not reported the joint
15 resolution within 120 days after the date of referral,
16 that committee shall be discharged from further con-
17 sideration of the joint resolution.

18 “(6) CONSIDERATION IN THE SENATE.—

19 “(A) COMMITTEE REFERRAL.—A joint res-
20 olution of disapproval introduced in the Senate
21 shall be referred jointly—

22 “(i) to the Committee on the Judici-
23 ary; and

24 “(ii) to the Committee on Foreign Re-
25 lations.

1 “(B) REPORTING AND DISCHARGE.—If a
2 committee to which a joint resolution of dis-
3 approval was referred has not reported the joint
4 resolution within 120 days after the date of re-
5 ferral of the joint resolution, that committee
6 shall be discharged from further consideration
7 of the joint resolution and the joint resolution
8 shall be placed on the appropriate calendar.

9 “(C) PROCEEDING TO CONSIDERATION.—
10 It is in order at any time after both the Com-
11 mittee on the Judiciary and the Committee on
12 Foreign Relations report a joint resolution of
13 disapproval to the Senate or have been dis-
14 charged from consideration of such a joint reso-
15 lution (even though a previous motion to the
16 same effect has been disagreed to) to move to
17 proceed to the consideration of the joint resolu-
18 tion, and all points of order against the joint
19 resolution (and against consideration of the
20 joint resolution) are waived. The motion is not
21 debatable or subject to a motion to postpone. A
22 motion to reconsider the vote by which the mo-
23 tion is agreed to or disagreed to shall not be in
24 order.

1 “(D) CONSIDERATION IN THE SENATE.—

2 In the Senate, consideration of the joint resolu-
3 tion, and on all debatable motions and appeals
4 in connection therewith, shall be limited to not
5 more than 10 hours, which shall be divided
6 equally between those favoring and those oppos-
7 ing the joint resolution. A motion further to
8 limit debate is in order and not debatable. An
9 amendment to, or a motion to postpone, or a
10 motion to proceed to the consideration of other
11 business, or a motion to recommit the joint res-
12 olution is not in order.

13 “(E) CONSIDERATION OF VETO MES-

14 SAGES.—Debate in the Senate of any veto mes-
15 sage with respect to a joint resolution of dis-
16 approval, including all debatable motions and
17 appeals in connection with the joint resolution,
18 shall be limited to 10 hours, to be equally di-
19 vided between, and controlled by, the majority
20 leader and the minority leader or their des-
21 ignees.

22 “(7) RULES RELATING TO SENATE AND HOUSE
23 OF REPRESENTATIVES.—

24 “(A) TREATMENT OF SENATE JOINT RESO-
25 LUTION IN HOUSE.—In the House of Rep-

1 representatives, the following procedures shall
2 apply to a joint resolution of disapproval re-
3 ceived from the Senate (unless the House has
4 already passed a joint resolution relating to the
5 same proposed action):

6 “(i) The joint resolution shall be re-
7 ferred to the appropriate committees.

8 “(ii) If a committee to which a joint
9 resolution has been referred has not re-
10 ported the joint resolution within 7 days
11 after the date of referral, that committee
12 shall be discharged from further consider-
13 ation of the joint resolution.

14 “(iii) Beginning on the third legisla-
15 tive day after each committee to which a
16 joint resolution has been referred reports
17 the joint resolution to the House or has
18 been discharged from further consideration
19 thereof, it shall be in order to move to pro-
20 ceed to consider the joint resolution in the
21 House. All points of order against the mo-
22 tion are waived. Such a motion shall not be
23 in order after the House has disposed of a
24 motion to proceed on the joint resolution.
25 The previous question shall be considered

1 as ordered on the motion to its adoption
2 without intervening motion. The motion
3 shall not be debatable. A motion to recon-
4 sider the vote by which the motion is dis-
5 posed of shall not be in order.

6 “(iv) The joint resolution shall be con-
7 sidered as read. All points of order against
8 the joint resolution and against its consid-
9 eration are waived. The previous question
10 shall be considered as ordered on the joint
11 resolution to final passage without inter-
12 vening motion except 2 hours of debate
13 equally divided and controlled by the spon-
14 sor of the joint resolution (or a designee)
15 and an opponent. A motion to reconsider
16 the vote on passage of the joint resolution
17 shall not be in order.

18 “(B) TREATMENT OF HOUSE JOINT RESO-
19 LUTION IN SENATE.—

20 “(i) If, before the passage by the Sen-
21 ate of a joint resolution of disapproval, the
22 Senate receives an identical joint resolution
23 from the House of Representatives, the fol-
24 lowing procedures shall apply:

1 “(I) That joint resolution shall
2 not be referred to a committee.

3 “(II) With respect to that joint
4 resolution—

5 “(aa) the procedure in the
6 Senate shall be the same as if no
7 joint resolution had been received
8 from the House of Representa-
9 tives; but

10 “(bb) the vote on passage
11 shall be on the joint resolution
12 from the House of Representa-
13 tives.

14 “(ii) If, following passage of a joint
15 resolution of disapproval in the Senate, the
16 Senate receives an identical joint resolution
17 from the House of Representatives, that
18 joint resolution shall be placed on the ap-
19 propriate Senate calendar.

20 “(iii) If a joint resolution of dis-
21 approval is received from the House, and
22 no companion joint resolution has been in-
23 troduced in the Senate, the Senate proce-
24 dures under this subsection shall apply to
25 the House joint resolution.

1 “(C) APPLICATION TO REVENUE MEAS-
2 URES.—The provisions of this paragraph shall
3 not apply in the House of Representatives to a
4 joint resolution of disapproval that is a revenue
5 measure.

6 “(8) RULES OF HOUSE OF REPRESENTATIVES
7 AND SENATE.—This subsection is enacted by Con-
8 gress—

9 “(A) as an exercise of the rulemaking
10 power of the Senate and the House of Rep-
11 resentatives, respectively, and as such is deemed
12 a part of the rules of each House, respectively,
13 and supersedes other rules only to the extent
14 that it is inconsistent with such rules; and

15 “(B) with full recognition of the constitu-
16 tional right of either House to change the rules
17 (so far as relating to the procedure of that
18 House) at any time, in the same manner, and
19 to the same extent as in the case of any other
20 rule of that House.

21 “(e) RENEWAL OF DETERMINATION.—

22 “(1) IN GENERAL.—The Attorney General, with
23 the concurrence of the Secretary of State, shall re-
24 view and may renew a determination under sub-
25 section (b) every 5 years.

1 “(2) REPORT.—Upon renewing a determination
2 under subsection (b), the Attorney General shall file
3 a report with the Committee on the Judiciary and
4 the Committee on Foreign Relations of the Senate
5 and the Committee on the Judiciary and the Com-
6 mittee on Foreign Affairs of the House of Rep-
7 resentatives describing—

8 “(A) the reasons for the renewal;

9 “(B) any substantive changes to the agree-
10 ment or to the relevant laws or procedures of
11 the foreign government since the original deter-
12 mination or, in the case of a second or subse-
13 quent renewal, since the last renewal; and

14 “(C) how the agreement has been imple-
15 mented and what problems or controversies, if
16 any, have arisen as a result of the agreement
17 or its implementation.

18 “(3) NONRENEWAL.—If a determination is not
19 renewed under paragraph (1), the agreement shall
20 no longer be considered to satisfy the requirements
21 of this section.

22 “(f) REVISIONS TO AGREEMENT.—A revision to an
23 agreement under this section shall be treated as a new
24 agreement for purposes of this section and shall be subject
25 to the certification requirement under subsection (b), and

1 to the procedures under subsection (d), except that for
2 purposes of a revision to an agreement—

3 “(1) the applicable time period under para-
4 graphs (2), (4)(A)(i), (4)(B), and (4)(C) of sub-
5 section (d) shall be 90 days after the date notice is
6 provided under subsection (d)(1); and

7 “(2) the applicable time period under para-
8 graphs (5) and (6)(B) of subsection (d) shall be 60
9 days after the date notice is provided under sub-
10 section (d)(1).

11 “(g) PUBLICATION.—Any determination or certifi-
12 cation under subsection (b) regarding an executive agree-
13 ment under this section, including any termination or re-
14 newal of such an agreement, shall be published in the Fed-
15 eral Register as soon as is reasonably practicable.

16 “(h) MINIMIZATION PROCEDURES.—A United States
17 authority that receives the content of a communication de-
18 scribed in subsection (b)(4)(H) from a foreign government
19 in accordance with an executive agreement under this sec-
20 tion shall use procedures that, to the maximum extent pos-
21 sible, meet the definition of minimization procedures in
22 section 101 of the Foreign Intelligence Surveillance Act
23 of 1978 (50 U.S.C. 1801) to appropriately protect non-
24 publicly available information concerning United States
25 persons.”.

1 (b) TABLE OF SECTIONS AMENDMENT.—The table of
2 sections for chapter 119 of title 18, United States Code,
3 is amended by inserting after the item relating to section
4 2522 the following:

“2523. Executive agreements on access to data by foreign governments.”.

5 **SEC. 106. RULE OF CONSTRUCTION.**

6 Nothing in this division, or the amendments made by
7 this division, shall be construed to preclude any foreign
8 authority from obtaining assistance in a criminal inves-
9 tigation or prosecution pursuant to section 3512 of title
10 18, United States Code, section 1782 of title 28, United
11 States Code, or as otherwise provided by law.

