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House of Representatives

EXPLANATORY STATEMENT SUBMITTED BY MR. ROGERS OF KENTUCKY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS REGARDING THE HOUSE AMENDMENT TO THE SENATE AMENDMENT ON H.R. 83

The following is an explanation of the Consolidated and Further Continuing Appropriations Act, 2015.

This Act includes eleven regular appropriations bills for fiscal year 2015, as well as further continuing appropriations for the Department of Homeland Security Appropriations Act. The divisions contained in the Act are as follows:

- Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2015;

- Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015;

- Division C—Department of Defense Appropriations Act, 2015;

- Division D—Energy and Water Development and Related Agencies Appropriations Act, 2015;

- Division E—Financial Services and General Government Appropriations Act, 2015;

- Division F—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2015;

- Division G—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2015;

- Division H—Legislative Branch Appropriations Act, 2015;

- Division I—Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2015;

- Division J—Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015;

- Division K—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2015;

- Division L—Further Continuing Appropriations, 2015;

- Division M—Expatriate Health Coverage Clarification Act of 2014; and

- Division N—Other Matters.

NOTICE

If the 113th Congress, 2nd Session, adjourns sine die on or before December 24, 2014, a final issue of the *Congressional Record* for the 113th Congress, 2nd Session, will be published on Wednesday, December 31, 2014, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-59 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Tuesday, December 30. The final issue will be dated Wednesday, December 31, 2014, and will be delivered on Monday, January 5, 2015.

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CHARLES E. SCHUMER, *Chairman*.

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



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Section 3 of the Act states that, unless expressly provided otherwise, any reference to “this Act” contained in any division shall be treated as referring only to the provisions of that division.

Section 4 of the Act specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this legislation as if it were a joint explanatory statement of a committee of conference.

Section 5 of the Act provides a statement of appropriations.

Section 6 of the Act states that each amount designated by Congress as being for Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT), as well as each amount designated by Congress as an emergency requirement, is contingent on the President so designating all such OCO/GWOT or emergency requirement amounts, respectively, and transmitting such designations to Congress. The provision is consistent with the requirements in the Budget Control Act of 2011 for Overseas Contingency Operations/Global War on Terrorism and emergency designations by the President.

Section 7 of the Act addresses possible technical scorekeeping differences for fiscal year 2015 between the Office of Management and Budget and the Congressional Budget Office.

Section 8 of the Act prohibits cost-of-living adjustments for Members of Congress under the Legislative Reorganization Act during fiscal year 2015.

Sections 9 and 10 of the Act contain the text of sections 1 and 2, respectively, of the Senate amendment to H.R. 83, “An Act to require the Secretary of the Interior to assemble a team of technical, policy, and financial experts to address the energy needs of the insular areas of the United States and the Freely Associated States through the development of energy action plans aimed at promoting access to affordable, reliable energy, including increasing use of indigenous clean-energy resources, and for other purposes.”

Section 11 of the Act provides \$372,000,000 for payments in lieu of taxes under chapter 69 of title 31, United States Code. Together with an additional \$33,000,000 available for fiscal year 2015, and \$37,000,000 available on October 1, 2015, provided by section 3096 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, a total of \$442,000,000 will be available for the program.

The Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2015

CONGRESSIONAL DIRECTIVES

The explanatory statement is silent on provisions that were in both the House Report (H.Rpt. 113-468) and Senate Report (S.Rpt. 113-164) that remain unchanged by this agreement, except as noted in this explanatory statement.

The agreement restates that executive branch wishes cannot substitute for Congress’s own statements as to the best evidence of congressional intentions, which are the official reports of the Congress. The agreement further points out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: “Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”

The House and Senate report language that is not changed by the explanatory statement is approved and indicates congressional intentions. The explanatory statement, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations no later than 60 days after enactment of this Act, unless otherwise directed.

Hereafter, in Division A of this statement, the term ‘the Committees’ refers to the Committees on Appropriations of the House of Representatives and the Senate.

Certain agencies under the jurisdiction of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittees took actions that appear to violate long-standing notification requirements. This Act modifies its notification requirements and provides additional information to assist the U.S. Department of Agriculture, Food and Drug Administration, and Farm Credit Administration in complying with the spirit and letter of the law.

For the appropriations provided by this Act and previous Acts, the departments and agencies funded by this agreement are reminded that the Committees use the definitions for transfer, reprogramming, and program, project, and activity as defined by the Government Accountability Office (GAO) in GAO-04-261SP Appropriations Law—Vol. I and GAO-05-734SP Budget Glossary. The Committees provide additional direction in this statement.

A transfer is the shifting of funds between appropriations. It applies to (1) transfers from one agency to another, (2) transfers from one account to another within the same agency, and (3) transfers to an interagency or intra-agency working fund. In each instance, statutory authority is required.

Reprogramming is the utilization of funds in an appropriation account for purposes other than those contemplated at the time of appropriation. It is the shifting of funds from one object to another within an appropriation.

A program, project, or activity (PPA) is an element within a budget account. PPAs are identified by reference to include the most specific level of budget items identified in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2015, accompanying Committee reports, explanatory statements, the Statement of Managers, and budget justifications. Program activity structures are intended to provide a meaningful representation of the operations financed by a specific budget account by project, activity, or organization.

For fiscal year 2015, the Committees adopt a new subsection to require advanced notification of certain agency actions. Notification will be required at least 15 days in advance of any action if (1) a major capital investment is modified; (2) an office is realigned or reorganized; and (3) activities are carried out that were not described in the budget request.

The agreement directs the Office of Budget and Program Analysis of the U.S. Department of Agriculture (USDA) to provide an organizational chart for each agency funded by this Act to the division and subdivision level, as appropriate, by January 30, 2015. The agreement also directs the Food and Drug Administration, Commodity Futures Trading Commission, and the Farm Credit Administration to provide an organizational chart of each agency respectively to the division and subdivision level, as appropriate, by January 30, 2015.

TITLE I—AGRICULTURAL PROGRAMS PRODUCTION, PROCESSING, AND MARKETING OFFICE OF THE SECRETARY (INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$45,805,000 for the Office of the Secretary.

The following table reflects the agreement:

OFFICE OF THE SECRETARY

(Dollars in thousands)

Office of the Secretary	\$5,051
Office of Tribal Relations	502
Office of Homeland Security and Emergency Coordination	1,496
Office of Advocacy and Outreach	1,209
Office of Assistant Secretary for Administration	804
Departmental Administration	25,124
Office of Assistant Secretary for Congressional Relations	3,869
Office of Communications	7,750
Total, Office of the Secretary	\$45,805

The Office of the Inspector General (OIG) reported that USDA offices and agencies made an estimated \$6,200,000,000 in improper payments in fiscal year 2013. While there has been recent progress toward improving their processes to identify, report, and reduce wasteful spending, this level of improper payment is unacceptable. The Chief Financial Officer (CFO) is directed to develop a plan to significantly reduce USDA’s improper payment rate in fiscal year 2015 and to release it simultaneously with the OIG’s report on improper payments for fiscal year 2014.

During the past year, certain USDA agencies and offices informed non-governmental stakeholders of important decisions and announcements before they informed the Committees. A collaborative working relationship between the Committees and agencies is necessary to ensure efficient and effective implementation of Congress’s funding decisions. These actions jeopardized this relationship. As such, USDA is directed to ensure the Committees are notified of major changes to existing policies and any significant developments in its operations prior to providing non-governmental stakeholders such information.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The agreement provides \$17,377,000 for the Office of the Chief Economist.

The agreement reaffirms the establishment of an Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs pursuant to Section 3208 of Public Law 113-79. The mandatory report in (b)(4) of such section to Congress is overdue. The agreement directs the Office of the Chief Economist (OCE) to oversee the completion of this report in coordination with a third-party entity, the National Academy of Public Administration, and the Committees. The agreement provides \$600,000 for this purpose and directs OCE to begin the study within 60 days of enactment and completion within 270 days of enactment.

NATIONAL APPEALS DIVISION

The agreement provides \$13,317,000 for the National Appeals Division.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The agreement provides \$9,392,000 for the Office of Budget and Program Analysis.

OFFICE OF THE CHIEF INFORMATION OFFICER

The agreement provides \$45,045,000 for the Office of the Chief Information Officer. This amount includes not less than \$28,000,000 to support cybersecurity requirements of the Department.

Recognizing that some agencies require more oversight and assistance than others, the agreement provides the Chief Information Officer (CIO) flexibility to set variable

the Patent Trial and Appeal Board (13-1077) and Review of Conduct by a High-Ranking USPTO Official in the Hiring of a Trademark Organization Employee (13-0726); and a PTO Internal Administrative Inquiry Report in response to Inspector General Referral No.12-1196-H PTO regarding Abuse of Telework Programs at PTO. The Secretary shall submit a report on these matters to the Committees no later than 180 days after enactment that describes additional policies and training necessary to ensure that employee time and attendance is appropriately managed and that nepotism is not tolerated at PTO or elsewhere throughout the Department. Further, PTO and the Secretary shall ensure that managers review employee conduct, take appropriate actions and not turn a blind eye to such abuses simply because performance, or processing of patent applications, continues apace. PTO and the Department of Commerce shall provide regular updates to the Committees on the changes implemented in response to the problems revealed in each of these reports.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

This Act includes \$863,900,000 for the National Institute of Standards and Technology (NIST).

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

This Act includes \$675,500,000 for NIST's scientific and technical core programs. Within amounts provided, \$15,000,000 is for the National Cybersecurity Center of Excellence; up to \$60,700,000 is for cybersecurity research and development; \$4,000,000 is for National Initiative for Cybersecurity Education; and \$16,500,000 is for the National Strategy for Trusted Identities in Cyberspace (NSTIC). House report language regarding a reporting requirement on NSTIC is adopted by reference. The agreement also includes up to \$6,000,000 for the lab-to-market program, and up to \$2,000,000 for urban dome programs.

Forensics.—The agreement does not adopt House report language regarding Forensic Science Advisory Committee activities. Instead, the agreement acknowledges a transfer of \$3,000,000, the current funding level, from the Department of Justice to NIST to support ongoing interagency forensic programs. The agreement also supports an increase of up to \$3,500,000 under this heading for NIST forensic activities. NIST and its Federal partners shall ensure that the State and local practitioner community is adequately represented on the various working groups.

INDUSTRIAL TECHNOLOGY SERVICES

This Act includes \$138,100,000 for industrial technology services, including \$130,000,000 for the Hollings Manufacturing Extension Partnership. The recommendation also includes a total of \$15,000,000 for the Advanced Manufacturing Technology Consortia, which includes \$8,100,000 in new appropriations and \$6,900,000 from prior year available balances.

CONSTRUCTION OF RESEARCH FACILITIES

This Act includes \$50,300,000 for NIST construction. NIST shall prioritize activities within this amount and shall provide a detailed spending plan to the Committees no later than 60 days after enactment of this Act documenting how NIST will allocate funds to address existing construction projects in Boulder; address maintenance needs across the Boulder and Gaithersburg sites; and plan for the future renovation of Building 245.

Boulder facilities renovation plan.—Renovations to the interiors of wings 6 and 3 of Building 1 in Boulder have been delayed by 15 months. NIST shall provide the Committees with a detailed report outlining renovation plans for fiscal year 2015 and beyond no later than 120 days after enactment of this Act. This report shall provide revised cost estimates for renovations on the campus; identify any swing space requirements; outline the timing of phases of the renovation; and summarize any programmatic risks associated with the re-phased renovation.

tion plans for fiscal year 2015 and beyond no later than 120 days after enactment of this Act. This report shall provide revised cost estimates for renovations on the campus; identify any swing space requirements; outline the timing of phases of the renovation; and summarize any programmatic risks associated with the re-phased renovation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

This Act includes total appropriations of \$5,440,973,000 for the National Oceanic and Atmospheric Administration (NOAA). The agreement does not include section 544 of the House bill regarding the National Ocean Policy. No funding was provided in fiscal year 2014 and none was requested by any agencies funded in this Act in fiscal year 2015 to implement the National Ocean Policy. Consequently, no funds for National Ocean Policy activities are included for any agency funded in this Act.

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFER OF FUNDS)

This Act includes a total program level of \$3,333,398,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA. This total funding level includes \$3,202,398,000 in direct appropriations; a transfer of \$116,000,000 from balances in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" fund; and \$15,000,000 derived from recoveries of prior year obligations.

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

National Ocean Service.—\$481,107,000 is for the National Ocean Service. The agreement includes the requested amount for Coastal Zone Management Grants.

NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES

(In thousands of dollars)

Program	Amount
Navigation, Observations and Positioning:	
Navigation, Observations and Positioning	\$137,961
Integrated Ocean Observing System Regional Observations	29,500
Hydrographic Survey Priorities/Contracts	25,000
Navigation, Observations and Positioning	192,461
Coastal Science and Assessment:	
Coastal Science, Assessment, Response and Restoration	71,000
Competitive External Research	9,000
Coastal Science and Assessment	80,000
Ocean and Coastal Management and Services:	
Coastal Zone Management and Services	41,700
Coastal Zone Management Grants	71,146
Coral Reef Program	26,000
Sanctuaries and Marine Protected Areas	48,500
National Estuarine Research Reserve System	21,300
Ocean and Coastal Management and Services	208,646
Total, National Ocean Service, Operations, Research, and Facilities	\$481,107

National Marine Fisheries Service (NMFS).—\$822,138,000 is for NMFS operations, research, and facilities.

Habitat Conservation and Restoration.—The agreement includes \$5,000,000 for coastal ecosystem resiliency grants instead of \$10,000,000 as recommended by the Senate.

NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES

(In thousands of dollars)

Program	Amount
Protected Species Research and Management:	
Protected Species Research and Management Programs Base	\$39,000
Species Recovery Grants	5,000

NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES—Continued

(In thousands of dollars)

Program	Amount
Marine Mammals	49,000
Marine Turtles	12,200
Other Protected Species (marine fish, plants and invertebrates)	8,000
Atlantic Salmon	5,500
Pacific Salmon	60,000
Total, Protected Species Research and Management	178,700
Fisheries Research and Management:	
Fisheries Research and Management Programs	
Base	175,500
National Catch Share Program	25,000
Expand Annual Stock Assessments - Improve Data Collection	70,000
Economics and Social Sciences Research	7,300
Salmon Management Activities	30,200
Regional Councils and Fisheries Commissions	32,738
Fisheries Statistics	22,000
Fish Information Networks	22,000
Survey and Monitoring Projects	24,000
Fisheries Oceanography	2,100
American Fisheries Act	3,700
Interjurisdictional Fisheries Grants	2,500
National Standard 8	1,000
Reducing Bycatch	3,500
Product Quality and Safety	6,700
Total, Fisheries Research and Management	428,238
Enforcement and Observers/Training:	
Enforcement	65,000
Observers/Training	43,000
Total, Enforcement and Observers/Training	108,000
Total, Habitat Conservation and Restoration	47,000
Other Activities Supporting Fisheries:	
Antarctic Research	2,900
Aquaculture	5,700
Climate Regimes and Ecosystem Productivity	2,000
Computer Hardware and Software	1,800
Cooperative Research	12,000
Information Analyses and Dissemination	15,000
Marine Resources Monitoring, Assessment and Prediction Program	800
National Environmental Policy Act	6,500
NMFS Facilities Maintenance	3,300
Regional Studies	10,200
Total, Other Activities Supporting Fisheries	60,200
Total, National Marine Fisheries Service, Operations, Research, and Facilities	\$822,138

Oceanic and Atmospheric Research.—\$432,900,000 is for Oceanic and Atmospheric Research operations, research, and facilities.

Regional Climate Data and Information.—The recommendation supports the full requested amount for the National Integrated Drought Information System.

Weather and Air Chemistry Research.—The agreement clarifies that Vortex tornado research activities are coordinated within this activity.

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH OPERATIONS, RESEARCH, AND FACILITIES

(In thousands of dollars)

Program	Amount
Climate Research:	
Laboratories and Cooperative Institutes	\$60,000
Regional Climate Data and Information	38,000
Climate Competitive Research, Sustained Observations and Regional Information	60,000
Total, Climate Research	158,000
Weather and Air Chemistry Research:	
Laboratories and Cooperative Institutes	70,000
U.S. Weather Research Program	7,300
Tornado Severe Storm Research/Phased Array Radar	13,500
Total, Weather and Air Chemistry Research	90,800
Ocean, Coastal and Great Lakes Research:	
Laboratories and Cooperative Institutes	27,000
National Sea Grant College Program	62,800
Marine Aquaculture Program	4,500
Ocean Exploration and Research	28,000
Integrated Ocean Acidification	8,500
Sustained Ocean Observations and Monitoring	41,300
Total, Ocean, Coastal and Great Lakes Research	172,100