

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NATIONAL VETERANS LEGAL  
SERVICES, et al.,

*Plaintiffs,*

v.

UNITED STATES OF AMERICA

*Defendant.*

Civil Action No. 16-745 (ESH)

**NOTICE**

Pursuant to the Court's request, Defendant hereby provides this Notice addressing questions raised at the March 23, 2018 Motions Hearing in the above-captioned matter. Specifically, the Court asked Defendant to provide support for the contention that members of the Appropriations Committees engage in similar oversight of both how agencies spend user fee receipts and how agencies spend discretionary appropriations.<sup>1</sup>

As outlined below, a sampling of enacted law and committee reports confirms that Congress—as well as members of the Appropriations Committees—provides express directives to agencies about both the use of discretionary appropriations and receipts from user fees.

- Exhibit A: H. Rep. 115-234 at 36: Here, the House Appropriations Committee expressly demonstrated that both the House and Senate Appropriations Committees exercise close oversight of how the Judicial Conference uses receipts from PACER fees: “The Judiciary shall provide to the House and Senate Committees on Appropriations a report addressing (1) trends in [PACER] revenues since passage of

<sup>1</sup> During the Motions Hearing, counsel for the Defendant and the Court addressed these questions by referring to an apparent difference between “appropriated funds” and “non-appropriated funds.” For clarity, it is worth noting that all such funds are “appropriated” whether they are discretionary appropriations or receipts from user fees. *See, e.g.*, Gov’t Accountability Office, 4. *Appropriations: The Enactment of Budget Authority* at \*6-\*7 (2016), 2016 WL 1275439; *see also* U.S. Const. art. I, § 9, cl. 7 (“No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law[.]”). And, as noted in the other attachments to this Notice, the use of such fees is subject to oversight from the congressional appropriations committees.

the E-Government Act of 2002; (2) sources of PACER revenues broken out by general types of users, such as federal government, corporations, and individuals, over a five fiscal year period; (3) an itemization of how PACER revenues are spent ... over the same five fiscal year period; and (4) initiatives planned or underway by the Judiciary to improved PACER technology, operations, or management for the purpose of providing greater functionality, and improved user experience, or greater efficiency.”

- **Exhibit B:** Pub. L. 110-161, Sec. 304: This Appropriations Act demonstrates that Congress identified the Appropriations Committees as the responsible authority for reviewing and approving the Administrative Office’s use of *both* discretionary appropriations and user fees: “Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating *all* sources of available funds, including appropriations, *fees collections* and carryover balances[.]” (emphasis added)
- **Exhibit C:** Pub. L. 115-31, Sec. 608: This Appropriations Act demonstrates that Congress uses appropriations laws to direct how receipts from fees are used, stating that “none of the funds provided in this Act, ... *or provided from any accounts in the Treasury of the United States derived by the collection of fees* and available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency ... which (1) creates new programs; (2) eliminates a program, project, or responsibility center ... unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.” (emphasis added)
- **Exhibit D:** H. Rep. 114-668 at 78-79: This House Appropriations Committee Report demonstrates that appropriators exercise oversight of how receipts from fees are used, stating that a provision was added to “direct[ ] that none of the fees collected, including any deposits into the Immigrations Examinations Fee Account, may be obligated to expand the existing Deferred Action for Childhood Arrivals program[.]”
- **Exhibit E,** H. Rep. 114-205 at 27: This House Appropriations Committee Report demonstrates that appropriators exercise oversight of how fees are set, expressing the Committee’s “concerns about the proposed rules regarding adjustment to fees for [Agricultural Quarantine and Inspection] services and overtime reimbursement rates.” Specifically, the appropriators expressed concern regarding “significant” changes to existing fees that “will affect a wide variety of industries[.]”
- **Exhibit F,** H. Rep. 114-170 at 8: This House Appropriations Committee Report demonstrates that appropriators exercise oversight of how fees are established, expressly “reject[ing] the [Bureau of Land Management’s] proposal to impose new grazing fees.” *See also id.* at 10 (rejecting “proposal to increase onshore inspection fees”).
- **Exhibit G,** S. Rep. 114-75 at 136: This Senate Appropriations Committee Report demonstrates that appropriators exercise oversight of how fees are set, where the Committee rejected the Federal Housing Administration’s (“FHA”) request to assess

new fees, stating that “[t]he Committee is disappointed that the budget request proposing a new fee to offset administrative costs is the same language as in fiscal year 2015 ... [and] the Committee does not include any authority for [the United States Department of Housing and Urban Development] to charge a fee to provide additional funds for FHA’s administrative costs.”

March 24, 2018

Respectfully submitted,

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**EXHIBIT A**

115TH CONGRESS <i>1st Session</i>	HOUSE OF REPRESENTATIVES	REPORT 115-234
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FINANCIAL SERVICES AND GENERAL  
GOVERNMENT APPROPRIATIONS BILL, 2018

R E P O R T

OF THE

COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES

together with

ADDITIONAL VIEWS  
AND  
DISSENTING VIEWS



JULY 17, 2017.—Committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed

—  
U.S. GOVERNMENT PUBLISHING OFFICE

26-263

WASHINGTON : 2017

The Committee notes that a fair and efficient judicial system depends on ensuring citizens have reasonable access to the federal courts. The Committee encourages the Judiciary and the General Services Administration to collaborate with local stakeholders to facilitate continued community access to court services. The Committee further encourages the Judiciary, when developing its space requirements for a particular location, to continue to consider factors including the number of available judges, local facility conditions, security, rental and operating costs, the number and type of proceedings handled in that location, the location's distance to the next closest federal court facility, and the population served in that location.

The Committee urges the Judiciary in coordination with GSA to consider practical and cost effective approaches to providing judicial services, as appropriate, in areas that lack a federal facility in which civil and criminal proceedings are held.

The Judiciary shall provide to the House and Senate Committees on Appropriations a report addressing (1) trends in Public Access to Court Electronic Records (PACER) revenues since passage of the E-Government Act of 2002; (2) sources of PACER revenues broken out by general types of users, such as federal government, corporations, and individuals, over a five fiscal year period; (3) an itemization of how PACER revenues are spent (including the annual cost of operating the PACER Service Center, which performs functions such as billing and customer support) over the same five fiscal year period; and (4) initiatives planned or underway by the Judiciary to improve PACER technology, operations, or management for the purpose of providing greater functionality, an improved user experience, or greater efficiency. This report shall be provided no later than 120 days after the enactment of this Act.

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

Appropriation, fiscal year 2017 .....	\$76,668,000
Budget request, fiscal year 2018 .....	78,538,000
Recommended in the bill .....	78,538,000
Bill compared with:	
Appropriation, fiscal year 2017 .....	+1,870,000
Budget request, fiscal year 2018 .....	---

##### COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$78,538,000 for fiscal year 2018 for the salaries and expenses of personnel and the cost of operating the Supreme Court, excluding the care of the building and grounds. The Committee includes bill language making \$1,500,000 available until expended for the purpose of making information technology investments. The Committee directs the Court to include an annual report with its budget justification materials, showing information technology carryover balances and describing expenditures made in the previous fiscal year and planned expenditures in the budget year.

**EXHIBIT B**

121 STAT. 1844

PUBLIC LAW 110–161—DEC. 26, 2007

Public Law 110–161  
110th Congress

An Act

Dec. 26, 2007

[H.R. 2764]

Consolidated  
Appropriations  
Act, 2007.

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2008”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Emergency designations.
- Sec. 6. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

- Title I—Agricultural Programs
- Title II—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, 2008

- Title I—Department of Commerce
- Title II—Department of Justice
- Title III—Science
- Title IV—Related Agencies
- Title V—General Provisions
- Title VI—Rescissions

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

- Title I—Department of Defense—Civil: Department of the Army
- Title II—Department of the Interior
- Title III—Department of Energy
- Title IV—Independent Agencies
- Title V—General Provisions

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

- Title I—Department of the Treasury
- Title II—Executive Office of the President and Funds Appropriated to the President
- Title III—The Judiciary

PUBLIC LAW 110-161—DEC. 26, 2007

121 STAT. 1989

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$59,400,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$2,300,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$3,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$15,477,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 605 and 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

Deadline.  
Financial plan.

SEC. 305. Pursuant to section 140 of Public Law 97-92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2008, to receive a salary adjustment in accordance with 28 U.S.C. 461.

28 USC 461 note.

**EXHIBIT C**

PUBLIC LAW 115–31—MAY 5, 2017

131 STAT. 135

\*Public Law 115–31

115th Congress

An Act

Making appropriations for the fiscal year ending September 30, 2017, and for other purposes.

May 5, 2017  
[H.R. 244]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2017”.

**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. Technical allowance for estimating differences.
- Sec. 8. Correction.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

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

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

- 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, 2017

- 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/Global War on Terrorism
- Title X—Department of Defense—Additional Appropriations

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

- Title I—Corps of Engineers—Civil

Consolidated  
Appropriations  
Act, 2017.

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\*See Endnote on 131 Stat. 842.

## PUBLIC LAW 115–31—MAY 5, 2017

## 131 STAT. 371

a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

Compliance.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Advance approval.

Consultation.

Deadline.  
Reports.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2017 from appropriations made available for salaries and expenses for fiscal year 2017 in this Act, shall remain available through September 30, 2018, for each such account for the purposes authorized: *Provided*, That a request shall be

Approval requests.

**EXHIBIT D**

**DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS BILL, 2017**

JULY 6, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CARTER of Texas, from the Committee on Appropriations,  
submitted the following

R E P O R T

together with

## ADDITIONAL VIEWS

[To accompany H.R. 5634]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2017.

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Section 306. The Committee continues a provision that authorizes the use of funds for certain purposes pertaining to FEMA training facilities.

Section 307. The Committee continues a provision that requires the submission of a monthly DRF report.

Section 308. The Committee continues a provision regarding the availability of National Flood Insurance Fund revenue.

Section 309. The Committee continues a provision that requires five day advance notification for certain grant awards under "FEMA—Federal Assistance".

Section 310. The Committee continues a provision prohibiting the use of funds for the National Preparedness Grant Program or any successor grant program unless authorized by Congress.

Section 311. The Committee continues a provision allowing reimbursements for the costs of providing humanitarian relief to unaccompanied alien children and to alien adults and their minor children to be an eligible use for certain Homeland Security grants.

#### TITLE IV—RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

##### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Appropriation, fiscal year 2016 .....	\$119,671,000
Budget request, fiscal year 2017 .....	129,139,000
Recommended in the bill .....	119,139,000
Bill compared with:	
Appropriation, fiscal year 2016 .....	−532,000
Budget request, fiscal year 2017 .....	−10,000,000

##### Mission

The mission of United States Citizenship and Immigration Services (USCIS) is to adjudicate and grant immigration and citizenship benefits, provide accurate and useful information to customers, and promote an awareness and understanding of citizenship in support of immigrant integration, while protecting the integrity of the nation's immigration system. Funded primarily through fees, the only discretionary spending is for the E-Verify program, an information technology system that enables employers to determine a job applicant's eligibility to work in the United States.

##### OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016 .....	\$107,001,000
Budget request, fiscal year 2017 .....	103,912,000
Recommended in the bill .....	103,912,000
Bill compared with:	
Appropriation, fiscal year 2016 .....	−3,089,000
Budget request, fiscal year 2017 .....	---

##### Recommendation

The Committee recommends \$103,912,000 in discretionary funding for Operations and Support, the same as the amount requested and \$3,089,000 below the amount provided in fiscal year 2016.

An administrative provision is included in title IV of this bill directing that none of the fees collected, including any deposits into the Immigration Examinations Fee Account, may be obligated to

expand the existing Deferred Action for Childhood Arrivals program or the proposed Deferred Action for Parents of Americans and Lawful Permanent Residents program, as outlined in a memorandum signed November 20, 2014, by the Secretary of Homeland Security, while the preliminary injunctive order of the United States District Court for the Southern District of Texas entered February 16, 2015, in the matter of the *State of Texas v. United States of America* remains in effect.

From within the total fee revenue collected, the Committee directs USCIS to provide not less than \$29,000,000 to continue conversion of immigration records to digital format.

The Committee directs DHS to administer the H-2B and H-2A programs in a manner consistent with the law and to continue processing applications.

The Committee is aware of concerns about the admission of H-2A workers into the United States who have been found to be in violation of the terms or conditions of a prior admission under the H-2A program. USCIS regulations maintain that foreign nationals found to be in violation of H-2A terms and conditions must be barred from participating in the program for five years. USCIS is directed to brief the Committee, jointly with CBP and ICE, on the enforcement of 8 CFR Part 214.2(5)(viii), related to violations of H-2A status, including the number of workers found to be in violation over the last five years, by category of violation; mechanisms in place to ensure that barred workers are not readmitted within a five-year period; a description of any exceptions to the five-year bar; and the number of workers admitted into the United States, if any, under such exceptions.

The Committee remains concerned about fraudulent applications for immigration benefits, including allegations of fraud related to Special Immigration Juvenile (SIJ) petitions, Asylum petitions, and O-1B and O-2 visa petitions. To address this concern, USCIS shall brief the Committee within 90 days of the date of enactment of this Act on its framework for prioritizing Immigration Benefit Fraud Assessments, including the agency's plan for conducting assessments in fiscal year 2017. The briefing should also address how the SIJ, Asylum, O-1B, O-2, and other programs are currently applying fraud prevention and detection techniques, including data on the number of fraudulent petitions identified during the past three fiscal years for each program, and assess whether additional fraud identification and prevention measures are needed.

The Committee strongly supports the efforts of the Monitoring and Compliance Division to ensure the appropriate use of E-Verify, and is aware that USCIS intends to finalize an independent review of E-Verify's accuracy and implement the Final Non-Confirmation (FNC) review process for E-Verify before the end of fiscal year 2016. USCIS is directed to include in its budget justification materials for fiscal year 2018, the amount obligated for the Monitoring and Compliance Division during the prior year, the amount estimated for the current year, and the amount proposed for the budget year. The Committee also notes the agency's continuing verification modernization efforts, which will facilitate future growth and accuracy in E-Verify use, and directs USCIS to keep the Committee apprised of its plans and timelines for system improvements.

**EXHIBIT E**

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG  
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2016**

JULY 14, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ADERHOLT, from the Committee on Appropriations,  
submitted the following

## R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3049]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 2016.

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## OVERVIEW

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee has jurisdiction over the U.S. Department of Agriculture (USDA), except for the Forest Service, the Food and Drug Administration (FDA), the Commodity Futures Trading Commission (CFTC), and the Farm Credit Administration (FCA). The Subcommittee's responsibility covers a vast and diverse group of agencies responsible for such things as promoting

The following table reflects the amounts provided by the Committee:

	[Dollars in Thousands]	Committee provision
Animal Health Technical Services .....	\$35,000	
Aquatic Animal Health .....	2,253	
Avian Health .....	55,340	
Cattle Health .....	90,000	
Equine, Cervid, and Small Ruminant Health .....	19,500	
National Veterinary Stockpile .....	3,973	
Swine Health .....	24,800	
Veterinary Biologics .....	16,417	
Veterinary Diagnostics .....	36,540	
Zoonotic Disease Management .....	9,523	
<i>Subtotal, Animal Health</i> .....	<i>293,346</i>	
Agricultural Quarantine Inspection (Appropriated) .....	26,900	
Cotton Pests .....	11,520	
Field Crop & Rangeland Ecosystem Pests .....	8,826	
Pest Detection .....	27,446	
Plant Protection Methods Development .....	20,686	
Specialty Crop Pests .....	158,000	
Tree & Wood Pests .....	45,519	
<i>Subtotal, Plant Health</i> .....	<i>298,897</i>	
Wildlife Damage Management .....	90,027	
Wildlife Services Methods Development .....	18,856	
<i>Subtotal, Wildlife Services</i> .....	<i>108,883</i>	
Animal & Plant Health Regulatory Enforcement .....	16,224	
Biotechnology Regulatory Services .....	18,875	
<i>Subtotal, Regulatory Services</i> .....	<i>35,099</i>	
Contingency Fund .....	470	
Emergency Preparedness & Response .....	16,966	
<i>Subtotal, Safeguarding and Emergency Preparedness</i> .....	<i>17,436</i>	
Agriculture Import/Export .....	14,099	
Overseas Technical and Trade Operations .....	22,114	
<i>Subtotal, Safe Trade &amp; International Technical Assistance</i> .....	<i>36,213</i>	
Animal Welfare .....	28,410	
Horse Protection .....	697	
<i>Subtotal, Animal Welfare</i> .....	<i>29,107</i>	
APHIS Information Technology Infrastructure .....	4,251	
Physical/Operational Security .....	5,146	
GSA Rental and DHS Security Payments .....	42,567	
<i>Subtotal, Agency Management</i> .....	<i>51,964</i>	
<b>Total, Salaries &amp; Expenses</b> .....	<b>\$870,945</b>	

*Agricultural Quarantine and Inspection (AQI).*—The Committee continues to have concerns about the proposed rules regarding adjustment to fees for AQI services and overtime reimbursement rates. The proposed rule related to AQI services includes the increase of some existing fees and the establishment of several new fees that will affect a wide variety of industries, including pest treatment providers, cargo and passenger vessels, international and domestic shippers, importers, and the ports. The proposed changes are significant, and it is expected that comments received during the initial rulemaking process and comments received from the AQI Webinar in January 2015 will be considered in drafting

the final rule. The agency should exercise due diligence in determining the comprehensive impacts of these new fees on the related industries, especially given the coupling effect of the increased overtime reimbursement rates. The Committee encourages the agency to fully analyze these impacts and engage with additional stakeholders as necessary to determine if any additional time is necessary for those impacted by the fees to provide input as well as those industries requiring additional time to modify their business practices in order to accommodate higher costs.

*Animal Welfare.*—The bill funds the Animal Welfare program at \$28,410,000 in order to ensure that minimum standards of care and treatment are provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. The Committee provides an additional \$400,000 to support a Memorandum of Understanding (MOU) between APHIS and ARS. The MOU is necessary for ARS to utilize the skills and expertise of APHIS' animal care staff and to help ARS address some of their recent failures to maintain high standards of care for animals used in ARS funded research. At a minimum, the MOU should ensure that ARS is adhering to its own standards and guidelines for research practices as required by the Humane Animal Care and Use policy, a policy that is closely aligned with the Animal Welfare Act; ensure that every ARS location engaging in research and testing on vertebrate animals has a fully functioning IACUC in place; and, ensure that each IACUC produces a semi-annual report with a description of and the reasons for any major deviations from the requirements outlined in ARS policy.

*Aquatic Animal Health.*—Nearly half of the seafood consumed across the world is the product of aquaculture. In addition, the aquaculture industry is a critical and growing part of the U.S. economy. Unfortunately, the monitoring of aquatic animal health issues is not adequate to meet the needs of a growing industry. For example, the shrimp and catfish aquaculture industries are losing revenue due to the lack of tracking and monitoring of aquatic animal pathogens. These losses could have been prevented if the pathogens had been promptly identified and effective treatments or prevention procedures were developed and available. The Committee encourages the agency to support and protect this important industry. Collaborative efforts among the agency, industry, and other Federal and state partners are essential to improving preparedness, surveillance, and response capabilities, as well as reducing the likelihood of disease spread.

*Biotechnology Regulatory Services.*—The Committee continues to be concerned about the time it takes the agency to review biotechnology product petitions for regulatory determination. The Committee encourages the agency to continue to find ways to improve the permit review process and to reduce the number of petitions awaiting determination. The Committee provides the requested funding necessary to ensure regulatory decisions can be made in a more timely and predictable manner. The Committee directs APHIS to provide the Committees on Appropriations of the House and Senate with quarterly reports on the agency's progress in meeting the targets the agency set for itself in 2011 starting on November 1, 2015.

**EXHIBIT F**

114TH CONGRESS }  
*1st Session* } HOUSE OF REPRESENTATIVES { REPORT  
114-170

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND  
RELATED AGENCIES APPROPRIATIONS BILL, 2016

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JUNE 18, 2015.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. CALVERT, from the Committee on Appropriations,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2822]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior, the Environmental Protection Agency, and Related Agencies for the fiscal year ending September 30, 2016. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation and the Central Utah Project), the Environmental Protection Agency, and for other related agencies, including the Forest Service, the Indian Health Service, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

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tary thresholds established above, shall be reported to the Committees within 60 days of the end of each quarter and shall include cumulative totals for each budget activity, budget line item, or construction, land acquisition, or forest legacy project.

*Land Acquisitions, Easements, and Forest Legacy.*—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646), unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

*Land Exchanges.*—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$1,000,000, shall not be consummated until the Committees have had a 30-day period in which to examine the proposed exchange. In addition, the Committees shall be provided advance notification of exchanges valued between \$500,000 and \$1,000,000.

*Budget Structure.*—The budget activity or line item structure for any agency appropriation account shall not be altered without advance approval of the House and Senate Committees on Appropriations.

## TITLE I—DEPARTMENT OF THE INTERIOR

### BUREAU OF LAND MANAGEMENT

#### MANAGEMENT OF LANDS AND RESOURCES

Appropriation enacted, 2015 .....	\$970,016,000
Budget estimate, 2016 .....	1,067,466,000
Recommended, 2016 .....	1,015,046,000
Comparison:	
Appropriation, 2015 .....	+45,030,000
Budget estimate, 2016 .....	-52,420,000

The Committee recommends \$1,015,046,000 for Management of Lands and Resources, \$45,030,000 above the fiscal year 2015 enacted level and \$52,420,000 below the budget request. A detailed table of funding recommendations below the account level is provided at the end of this report. The Committee recommendation includes further details below. The Committee does not accept the proposal to transfer funds from various accounts to National Conservation Lands.

*Soil, Water, and Air Management.*—The Committee recommends \$43,239,000 for soil, water, and air management, equal to the fiscal year 2015 enacted level and \$3,516,000 below the budget request. The Colorado River Basin Salinity Program is funded at \$1,500,000. The Committee urges the Bureau to provide additional information, such as a table, in its fiscal year 2017 budget request for this program.

*Rangeland Management.*—The Committee recommends \$79,000,000 for rangeland management, equal to the fiscal year 2015 enacted level and \$2,556,000 above the budget request. The Committee directs the Bureau to focus on reducing the grazing permit backlog and carrying out a systematic program of range monitoring, land health assessments, development and implementation of allotment management plans, and adaptive management. The Committee rejects the Bureau's proposal to impose new grazing fees.

funds to close areas open to recreational hunting and shooting as of January 1, 2013.

The Committee is concerned about the BLM's potential development or expansion of new public lands along a portion of the Red River between Texas and Oklahoma that are the subject of a long-standing boundary dispute. The Committee directs the Secretary to consult with the States and Congress before taking any further action.

*Energy and Minerals.*—The Committee recommends \$143,551,000 for energy and minerals, equal to the fiscal year 2015 enacted level and \$24,652,000 above the budget request. The Committee does not accept the proposal to increase onshore inspection fees.

The Committee is aware that Applications for Permits to Drill (APD) fee collections will transition from discretionary funding to mandatory funding. In prior years, APD fees were appropriated and available for expenditure in advance of collections. However, beginning in fiscal year 2016, BLM can access the fees only as they are collected. The reliance on realized collections may result in a shortfall in funding early in the fiscal year, particularly in the first year of the transition. The Committee believes this transition can be appropriately accommodated given the flexibility to use base appropriated funding in the Oil and Gas Management program for APD permitting program operations. The Committee does not support the proposal to establish a new budget line for these activities and instead provides sufficient funding within Oil and Gas Management to maintain the current level of APD program support. The Committee believes continuation of the current budget structure, sufficient appropriated funding for processing activities, and the ability to reprogram funds as needed, will enable the BLM to cover operating costs in early fiscal year 2016.

*Resource Protection and Maintenance.*—The Committee recommends \$104,049,000 for resource protection and maintenance, \$8,000,000 above the fiscal year 2015 enacted level and \$16,519,000 below the budget request.

*Resource Management Planning.*—The Committee recommends \$46,125,000 for resource management planning, \$8,000,000 above the fiscal year 2015 enacted level and \$13,216,000 below the budget request. Included is \$8,000,000 for monitoring in support of the greater sage-grouse conservation initiative. The Committee reminds the Bureau not to duplicate existing efforts at the U.S. Geological Survey and in the private sector.

*Law Enforcement.*—The Committee recommends \$25,325,000 for law enforcement, equal to the fiscal year 2015 enacted level and \$170,000 below the budget request. The Bureau is directed to focus on visitor safety and archaeological resource protection, and to defer to the Department of Justice and the Department of Homeland Security for investigative and other non-emergency matters of Federal law not unique to Bureau lands or property.

*Challenge Cost Share.*—The Committee recommends \$2,400,000 for the challenge cost share program, \$13,000 below the fiscal year 2015 enacted level and \$10,016,000 below the budget request. Of the funds provided, \$300,000 is for long-standing outdoor ethics education and stewardship programs designed to help keep America's public lands healthy, open and accessible for opportunities to

**EXHIBIT G**

## Calendar No. 138

114TH CONGRESS  
*1st Session*

SENATE

{ REPORT  
114-75

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### TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2016

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JUNE 25, 2015.—Ordered to be printed

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Ms. COLLINS, from the Committee on Appropriations, submitted  
the following

### REPORT

[To accompany H.R. 2577]

The Committee on Appropriations, to which was referred the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, having considered the same, reports favorably thereon with an amendment, and recommends that the bill, as amended, do pass.

*Amounts of new budget (obligational) authority for fiscal year 2016*

Total of bill as reported to the Senate .....	\$55,646,000,000
Amount of 2015 appropriations .....	53,772,000,000
Amount of 2016 budget estimate <sup>1</sup> .....	55,346,458,000
Amount of 2016 House allowance .....	55,260,800,000
Bill as recommended to Senate compared to—	
2015 appropriations .....	+ 1,874,000,000
2016 budget estimate .....	+ 299,542,000
House allowance .....	+ 385,200,000

<sup>1</sup> The budget estimate proposed converting \$7,303,000,000 associated with certain surface transportation programs previously treated as budget authority into obligation limits. The Committee recommendation does not reclassify the funding for these programs.

role in the market, as well as poor quality loans in its portfolio that were insured under laxer requirements, FHA suffered significant losses. This ultimately resulted in FHA seeking \$1,700,000,000 from Treasury at the end of fiscal year 2013 to cover expected losses—the first time FHA needed to draw on taxpayer funding in its history.

Beginning in 2009, this administration implemented policies to tighten lending standards and increase premiums. These changes have improved the quality of its loans and increased the solvency of the MMI Fund. As a result of the increased fees and improvements in its loss mitigation strategies, the MMI Fund is not expected to require any additional funding from Treasury, and has been on a strong trajectory to reach the 2 percent capital requirement. However, the administration's decision to reduce annual mortgage insurance premiums has setback that effort. While the Committee is pleased that the condition of the fund is improving, it expects HUD to remain focused on the fund's financial health.

*Administrative Fee.*—The Committee supports the goal of improving FHA's risk management and quality control efforts and has included resources to do so. The Committee is disappointed that the budget request proposing a new fee to offset administrative costs is the same language as in fiscal year 2015. Numerous concerns were raised by stakeholders in reaction to the 2015 request, yet the 2016 budget request fails to address those concerns. As such, the Committee does not include authority for HUD to charge a fee to provide additional funds for FHA's administrative costs. Despite the exclusion of the proposed fee, the Committee continues to stress that FHA needs to provide clear and consistent guidance to lenders so that they can better assess risk associated with the mortgages they originate. The Committee also encourages FHA's stakeholders to take into consideration that such guidance and clarity may be difficult without the additional resources such a fee would provide. Finally, the Committee encourages FHA and its partners to work together to address their mutual challenges.

*Multifamily Housing.*—The Committee is concerned that HUD's 2012 changes to its Project Capital Needs Assessment for multi-family lenders, while well intentioned, may have the unintended consequence of unduly constraining credit that is necessary for the development of affordable multifamily housing. To address this concern, the Committee directs HUD to report to the House and Senate Committees on Appropriations within 30 days of enactment on the data supporting the merits of continuing the changes included in Notice H-2012-27. In particular, the report should include a review of changes to the initial reserve calculations and replacement reserve calculations, and a recommendation on whether a clearer definition of intrusive testing requirements would benefit HUD and lenders without creating additional risk.