

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000**114TH CONGRESS
2D SESSION****S. 0000****[Report No. 114-000]**

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2017, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY _____, 2016

Mr. HOEVEN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2017, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any

1 money in the Treasury not otherwise appropriated, for the
2 Department of Homeland Security for the fiscal year end-
3 ing September 30, 2017, and for other purposes, namely:

4 TITLE I

5 DEPARTMENTAL MANAGEMENT AND

6 OPERATIONS

7 OFFICE OF THE SECRETARY AND EXECUTIVE

8 MANAGEMENT

9 For necessary expenses of the Office of the Secretary
10 of Homeland Security, as authorized by section 102 of the
11 Homeland Security Act of 2002 (6 U.S.C. 112), and exec-
12 utive management of the Department of Homeland Secu-
13 rity, as authorized by law, \$136,081,000: *Provided*, That
14 not to exceed \$45,000 shall be for official reception and
15 representation expenses: *Provided further*, That all official
16 costs associated with the use of government aircraft by
17 Department of Homeland Security personnel to support
18 official travel of the Secretary and the Deputy Secretary
19 shall be paid from amounts made available for the Imme-
20 diate Office of the Secretary and the Immediate Office of
21 the Deputy Secretary: *Provided further*, That not later
22 than 30 days after the date of enactment of this Act, the
23 Secretary of Homeland Security shall submit to the Com-
24 mittees on Appropriations of the Senate and the House
25 of Representatives, the Committees on the Judiciary of the

1 Senate and the House of Representatives, the Committee
2 on Homeland Security and Governmental Affairs of the
3 Senate, and the Committee on Homeland Security of the
4 House of Representatives, a report for fiscal year 2016
5 on visa overstay data by country as required by section
6 1376 of title 8, United States Code: *Provided further*, That
7 the report on visa overstay data shall also include—

8 (1) overstays from all nonimmigrant visa cat-
9 egories under the immigration laws, delineated by
10 each of the classes and sub-classes of such cat-
11 egories; and

12 (2) numbers as well as rates of overstays for
13 each class and sub-class of such nonimmigrant cat-
14 egories on a per-country basis:

15 *Provided further*, That the Secretary of Homeland Secu-
16 rity shall publish on the Department's Web site the
17 metrics developed to measure the effectiveness of security
18 between the ports of entry, including the methodology and
19 data supporting the resulting measures: *Provided further*,
20 That of the funds provided under this heading,
21 \$13,000,000 shall be withheld from obligation for the Of-
22 fice of the Secretary and Executive Management until the
23 overstay report is submitted and the border security meas-
24 ures are published.

1 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

2 For necessary expenses of the Office of the Under
3 Secretary for Management, as authorized by sections 701
4 through 705 of the Homeland Security Act of 2002 (6
5 U.S.C. 341 through 345), \$225,875,000, of which not to
6 exceed \$2,000 shall be for official reception and represen-
7 tation expenses: *Provided*, That of the total amount made
8 available under this heading, \$2,931,000 shall remain
9 available until September 30, 2018, solely for the alter-
10 ation and improvement of facilities, tenant improvements,
11 and relocation costs to consolidate Department head-
12 quarters operations at the Nebraska Avenue Complex:
13 *Provided further*, That the Under Secretary for Manage-
14 ment shall include in the President's budget proposal for
15 fiscal year 2018, submitted pursuant to section 1105(a)
16 of title 31, United States Code, a Comprehensive Acquisi-
17 tion Status Report, which shall include the information
18 required under the heading "Office of the Under Secretary
19 for Management" under title I of division D of the Con-
20 solidated Appropriations Act, 2012 (Public Law 112-74),
21 and shall submit quarterly updates to such report not later
22 than 45 days after the completion of each quarter.

23 OFFICE OF THE CHIEF FINANCIAL OFFICER

24 For necessary expenses of the Office of the Chief Fi-
25 nancial Officer, as authorized by section 103 of the Home-

1 land Security Act of 2002 (6 U.S.C. 113), \$58,425,000:
2 *Provided*, That the Secretary of Homeland Security shall
3 submit to the Committees on Appropriations of the Senate
4 and the House of Representatives, at the time the Presi-
5 dent's budget proposal for fiscal year 2018 is submitted
6 pursuant to section 1105(a) of title 31, United States
7 Code, the Future Years Homeland Security Program, as
8 authorized by section 874 of Public Law 107-296 (6
9 U.S.C. 454).

10 OFFICE OF THE CHIEF INFORMATION OFFICER

11 For necessary expenses of the Office of the Chief In-
12 formation Officer, as authorized by section 103 of the
13 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
14 partment-wide technology investments, \$307,413,000; of
15 which \$102,000,000 shall be available for salaries and ex-
16 penses; and of which \$205,413,000, to remain available
17 until September 30, 2018, shall be available for develop-
18 ment and acquisition of information technology equip-
19 ment, software, services, and related activities for the De-
20 partment of Homeland Security.

21 ANALYSIS AND OPERATIONS

22 For necessary expenses for intelligence analysis and
23 operations coordination activities, as authorized by title II
24 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
25 seq.), \$260,201,000; of which not to exceed \$3,825 shall

1 be for official reception and representation expenses; of
2 which not to exceed \$2,000,000 is available for facility
3 needs associated with secure space at fusion centers, in-
4 cluding improvements to buildings; and of which
5 \$106,115,000 shall remain available until September 30,
6 2018.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978 (5 U.S.C. App.), \$155,144,000; of
11 which not to exceed \$300,000 may be used for certain con-
12 fidential operational expenses, including the payment of
13 informants, to be expended at the direction of the Inspec-
14 tor General.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 SALARIES AND EXPENSES

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 7,500 (6,500
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,857,183,000; of which \$3,274,000 shall be derived
14 from the Harbor Maintenance Trust Fund for administra-
15 tive expenses related to the collection of the Harbor Main-
16 tenance Fee pursuant to section 9505(e)(3) of the Internal
17 Revenue Code of 1986 (26 U.S.C. 9505(e)(3)) and not-
18 withstanding section 1511(e)(1) of the Homeland Security
19 Act of 2002 (6 U.S.C. 551(e)(1)); of which \$30,000,000
20 shall be available until September 30, 2018, solely for the
21 purpose of recruiting, hiring, training, and equipping law
22 enforcement officers and Border Patrol agents; of which
23 not to exceed \$34,425 shall be for official reception and
24 representation expenses; of which such sums as become
25 available in the Customs User Fee Account, except sums

1 subject to section 13031(f)(3) of the Consolidated Omni-
2 bus Budget Reconciliation Act of 1985 (19 U.S.C.
3 58c(f)(3)), shall be derived from that account; of which
4 not to exceed \$150,000 shall be available for payment for
5 rental space in connection with preclearance operations;
6 and of which not to exceed \$1,000,000 shall be for awards
7 of compensation to informants, to be accounted for solely
8 under the certificate of the Secretary of Homeland Secu-
9 rity: *Provided*, That of the amounts made available under
10 this heading for Inspection and Detection Technology In-
11 vestments, \$18,500,000 shall remain available until Sep-
12 tember 30, 2018: *Provided further*, That for fiscal year
13 2017, the overtime limitation prescribed in section 5(c)(1)
14 of the Act of February 13, 1911 (19 U.S.C. 267(c)(1))
15 shall be \$35,000; and notwithstanding any other provision
16 of law, none of the funds appropriated by this Act shall
17 be available to compensate any employee of U.S. Customs
18 and Border Protection for overtime, from whatever source,
19 in an amount that exceeds such limitation, except in indi-
20 vidual cases determined by the Secretary of Homeland Se-
21 curity, or the designee of the Secretary, to be necessary
22 for national security purposes, to prevent excessive costs,
23 or in cases of immigration emergencies: *Provided further*,
24 That the Border Patrol shall maintain an active duty pres-
25 ence of not less than 21,370 full-time equivalent agents

1 protecting the borders of the United States in the fiscal
2 year.

3 For an additional amount, \$31,000,000, to remain
4 available until expended, to be reduced by amounts col-
5 lected and credited to this appropriation from amounts au-
6 thorized to be collected by section 286(i) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1356(i)), section
8 10412 of the Farm Security and Rural Investment Act
9 of 2002 (7 U.S.C. 8311), and section 817 of the Trade
10 Facilitation and Trade Enforcement Act of 2015 or other
11 such authorizing legislation: *Provided*, That to the extent
12 that amounts realized from such collections exceed
13 \$31,000,000, those amounts in excess of \$31,000,000
14 shall be credited to this appropriation, to remain available
15 until expended.

16 AUTOMATION MODERNIZATION

17 For necessary expenses for operation and improve-
18 ment of automated systems, including salaries and ex-
19 penses, \$813,206,000; of which \$433,345,000 shall re-
20 main available until September 30, 2019; and of which
21 not less than \$122,467,000 shall be for the development
22 of the Automated Commercial Environment.

1 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
2 TECHNOLOGY

3 For necessary expenses for border security fencing,
4 infrastructure, and technology, \$349,237,000; of which
5 \$266,617,000 shall remain available until September 30,
6 2018, for operations and maintenance; and of which
7 \$82,620,000 shall remain available until September 30,
8 2019, for development and deployment.

9 AIR AND MARINE OPERATIONS

10 For necessary expenses for the operations, mainte-
11 nance, and procurement of marine vessels, aircraft, un-
12 manned aerial systems, the Air and Marine Operations
13 Center, and other related equipment of the air and marine
14 program, including salaries and expenses, operational
15 training, and mission-related travel, the operations of
16 which include the following: the interdiction of narcotics
17 and other goods; the provision of support to Federal,
18 State, and local agencies in the enforcement or adminis-
19 tration of laws enforced by the Department of Homeland
20 Security; and at the discretion of the Secretary of Home-
21 land Security, the provision of assistance to Federal,
22 State, and local agencies in other law enforcement and
23 emergency humanitarian efforts; \$857,000,000; of which
24 \$315,332,000 shall be available for salaries and expenses;
25 and of which \$541,668,000 shall remain available until

1 September 30, 2019: *Provided*, That no aircraft or other
2 related equipment, with the exception of aircraft that are
3 one of a kind and have been identified as excess to U.S.
4 Customs and Border Protection requirements and aircraft
5 that have been damaged beyond repair, shall be trans-
6 ferred to any other Federal agency, department, or office
7 outside of the Department of Homeland Security during
8 fiscal year 2017 without prior notice to the Committees
9 on Appropriations of the Senate and the House of Rep-
10 resentatives: *Provided further*, That funding made avail-
11 able under this heading shall be available for customs ex-
12 penses when necessary to maintain or to temporarily in-
13 crease operations in Puerto Rico.

14 CONSTRUCTION AND FACILITIES MANAGEMENT

15 For necessary expenses to plan, acquire, construct,
16 renovate, equip, furnish, operate, manage, and maintain
17 buildings, facilities, and related infrastructure necessary
18 for the administration and enforcement of the laws relat-
19 ing to customs, immigration, and border security,
20 \$296,400,000, to remain available until September 30,
21 2021.

22 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

23 SALARIES AND EXPENSES

24 For necessary expenses for enforcement of immigra-
25 tion and customs laws, detention and removals, and inves-

1 tigungen, including intellectual property rights and over-
2 seas vetted units operations; and purchase and lease of
3 up to 3,790 (2,350 for replacement only) police-type vehi-
4 cles; \$5,934,184,000; of which not to exceed \$10,000,000
5 shall be available until expended for conducting special op-
6 erations under section 3131 of the Customs Enforcement
7 Act of 1986 (19 U.S.C. 2081); of which not to exceed
8 \$11,475 shall be for official reception and representation
9 expenses; of which not to exceed \$2,000,000 shall be for
10 awards of compensation to informants, to be accounted
11 for solely under the certificate of the Secretary of Home-
12 land Security; of which not less than \$305,000 shall be
13 for promotion of public awareness of the child pornog-
14 raphy tipline and activities to counter child exploitation;
15 of which not less than \$5,400,000 shall be used to facili-
16 tate agreements consistent with section 287(g) of the Im-
17 migration and Nationality Act (8 U.S.C. 1357(g)); of
18 which not to exceed \$45,000,000, to remain available until
19 September 30, 2018, shall be for maintenance, construc-
20 tion, and leasehold improvements at owned and leased fa-
21 cilities; and of which not to exceed \$11,216,000 shall be
22 available to fund or reimburse other Federal agencies for
23 the costs associated with the care, maintenance, and repa-
24 triation of smuggled aliens unlawfully present in the
25 United States: *Provided*, That none of the funds made

1 available under this heading shall be available to com-
2 pensate any employee for overtime in an annual amount
3 in excess of \$35,000, except that the Secretary of Home-
4 land Security, or the designee of the Secretary, may waive
5 that amount as necessary for national security purposes
6 and in cases of immigration emergencies: *Provided further*,
7 That of the total amount provided, \$15,770,000 shall be
8 for activities to enforce laws against forced child labor,
9 of which not to exceed \$6,000,000 shall remain available
10 until expended: *Provided further*, That of the total amount
11 available, not less than \$1,600,000,000 shall be available
12 to identify aliens convicted of a crime who may be deport-
13 able, and to remove them from the United States once
14 they are judged deportable: *Provided further*, That funding
15 made available under this heading shall maintain a level
16 of not less than 34,000 detention beds through September
17 30, 2017: *Provided further*, That of the total amount pro-
18 vided, not less than \$3,240,188,000 shall be for enforce-
19 ment, detention, and removal operations, including trans-
20 portation of unaccompanied minor aliens: *Provided fur-*
21 *ther*, That of the amount provided for Custody Operations
22 in the previous proviso, \$45,000,000 shall remain avail-
23 able until September 30, 2021: *Provided further*, That of
24 the total amount provided for the Visa Security Program
25 and international investigations, \$18,300,000 shall remain

1 available until September 30, 2018: *Provided further*, That
2 not less than \$15,000,000 shall be available for investiga-
3 tion of intellectual property rights violations, including op-
4 eration of the National Intellectual Property Rights Co-
5 ordination Center: *Provided further*, That none of the
6 funds provided under this heading may be used to con-
7 tinue a delegation of law enforcement authority authorized
8 under section 287(g) of the Immigration and Nationality
9 Act (8 U.S.C. 1357(g)) if the Department of Homeland
10 Security Inspector General determines that the terms of
11 the agreement governing the delegation of authority have
12 been materially violated: *Provided further*, That none of
13 the funds provided under this heading may be used to con-
14 tinue any contract for the provision of detention services
15 if the two most recent overall performance evaluations re-
16 ceived by the contracted facility are less than “adequate”
17 or the equivalent median score in any subsequent perform-
18 ance evaluation system: *Provided further*, That nothing
19 under this heading shall prevent U.S. Immigration and
20 Customs Enforcement from exercising those authorities
21 provided under the immigration laws (as defined in section
22 101(a)(17) of the Immigration and Nationality Act (8
23 U.S.C. 1101(a)(17))) during priority operations per-
24 taining to aliens convicted of a crime: *Provided further*,
25 That without regard to the limitation as to time and con-

1 dition of section 503(d) of this Act, the Secretary may
2 propose to reprogram and transfer funds within and into
3 this appropriation as necessary to ensure the detention of
4 aliens prioritized for removal: *Provided further*, That not
5 later than 90 days after the date of enactment of this Act,
6 the Director of Immigration and Customs Enforcement
7 shall submit to the Committees on Appropriations of the
8 Senate and the House of Representatives a comprehensive
9 plan for immigration data improvement: *Provided further*,
10 That the comprehensive plan for immigration data im-
11 provement shall include—

12 (1) an action plan detailing necessary engage-
13 ment with Federal partners, major milestones, and
14 an estimated timeline for each of the major mile-
15 stones leading to completion of the plan;

16 (2) a staffing plan, detailing the positions and
17 titles for both Federal and contract staff necessary
18 to execute the plan; and

19 (3) an estimate of the funding necessary for the
20 plan:

21 *Provided further*, That of the funds provided under this
22 heading, \$100,000,000 shall be withheld from obligation
23 for Salaries and Expenses until the comprehensive plan
24 for immigration data improvement is submitted.

1 AUTOMATION MODERNIZATION

2 For expenses of immigration and customs enforce-
3 ment automated systems, \$29,800,000, to remain avail-
4 able until September 30, 2019.

5 TRANSPORTATION SECURITY ADMINISTRATION

6 AVIATION SECURITY

7 For necessary expenses of the Transportation Secu-
8 rity Administration related to providing civil aviation secu-
9 rity services pursuant to the Aviation and Transportation
10 Security Act (Public Law 107-71; 115 Stat. 597; 49
11 U.S.C. 40101 note), \$5,898,382,000, to remain available
12 until September 30, 2018; of which not to exceed \$7,650
13 shall be for official reception and representation expenses:
14 *Provided*, That any award to deploy explosives detection
15 systems shall be based on risk, the airport's current reli-
16 ance on other screening solutions, lobby congestion result-
17 ing in increased security concerns, high injury rates, air-
18 port readiness, and increased cost effectiveness: *Provided*
19 *further*, That security service fees authorized under section
20 44940 of title 49, United States Code, shall be credited
21 to this appropriation as offsetting collections and shall be
22 available only for aviation security: *Provided further*, That
23 the sum appropriated under this heading from the general
24 fund shall be reduced on a dollar-for-dollar basis as such
25 offsetting collections are received during fiscal year 2017

1 so as to result in a final fiscal year appropriation from
2 the general fund estimated at not more than
3 \$3,768,382,000: *Provided further*, That notwithstanding
4 section 44923 of title 49, United States Code, for fiscal
5 year 2017, any funds in the Aviation Security Capital
6 Fund established by section 44923(h) of title 49, United
7 States Code, may be used for the procurement and instal-
8 lation of explosives detection systems or for the issuance
9 of other transaction agreements for the purpose of funding
10 projects described in section 44923(a) of such title: *Pro-*
11 *vided further*, That not later than 90 days after the date
12 of enactment of this Act, the Secretary of Homeland Secu-
13 rity shall submit to the Committees on Appropriations of
14 the Senate and the House of Representatives a detailed
15 report on—

16 (1) the Department of Homeland Security ef-
17 forts and resources being devoted to develop more
18 advanced integrated passenger screening tech-
19 nologies for the most effective security of passengers
20 and baggage at the lowest possible operating and ac-
21 quisition costs, including projected funding levels for
22 each fiscal year for the next 5 years or until project
23 completion, whichever is earlier;

24 (2) how the Transportation Security Adminis-
25 tration is deploying its existing passenger and bag-

1 gage screener workforce in the most cost-effective
2 manner; and

3 (3) labor savings from the deployment of im-
4 proved technologies for passenger and baggage
5 screening, including high-speed baggage screening,
6 and how those savings are being used to offset secu-
7 rity costs or reinvested to address security
8 vulnerabilities:

9 *Provided further*, That Members of the United States
10 House of Representatives and the United States Senate,
11 including the leadership; the heads of Federal agencies
12 and commissions, including the Secretary, Deputy Sec-
13 retary, Under Secretaries, and Assistant Secretaries of the
14 Department of Homeland Security; the United States At-
15 torney General, Deputy Attorney General, Assistant At-
16 torneys General, and the United States Attorneys; and
17 senior members of the Executive Office of the President,
18 including the Director of the Office of Management and
19 Budget, shall not be exempt from Federal passenger and
20 baggage screening.

21 SURFACE TRANSPORTATION SECURITY

22 For necessary expenses of the Transportation Secu-
23 rity Administration related to surface transportation secu-
24 rity activities, \$122,716,000, to remain available until
25 September 30, 2018.

1 INTELIGENCE AND VETTING

2 For necessary expenses for the development and im-
3 plementation of intelligence and vetting activities,
4 \$231,132,000, to remain available until September 30,
5 2018.

6 TRANSPORTATION SECURITY SUPPORT

7 For necessary expenses of the Transportation Secu-
8 rity Administration related to transportation security sup-
9 port pursuant to the Aviation and Transportation Security
10 Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101
11 note), \$953,225,000, to remain available until September
12 30, 2018.

13 UNITED STATES COAST GUARD

14 OPERATING EXPENSES

15 For necessary expenses for the operations and main-
16 tenance of the Coast Guard, not otherwise provided for;
17 purchase or lease of not to exceed 25 passenger motor ve-
18 hicles, which shall be for replacement only; purchase or
19 lease of small boats for contingent and emergent require-
20 ments (at a unit cost of no more than \$700,000) and re-
21 pairs and service-life replacements, not to exceed a total
22 of \$31,000,000; purchase or lease of boats necessary for
23 overseas deployments and activities; purchase or lease of
24 other equipment (at a unit cost of no more than
25 \$250,000); minor shore construction projects not exceed-

1 ing \$1,000,000 in total cost on any location; payments
2 pursuant to section 156 of Public Law 97–377 (42 U.S.C.
3 402 note; 96 Stat. 1920); and recreation and welfare;
4 \$7,140,257,000, of which \$502,692,000 shall be for de-
5 fense-related activities, of which \$162,692,000 is des-
6 ignated by the Congress for Overseas Contingency Oper-
7 ations/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 and shall be available only
10 if the President subsequently so designates all such
11 amounts and transmits such designations to the Congress;
12 of which \$24,500,000 shall be derived from the Oil Spill
13 Liability Trust Fund to carry out the purposes of section
14 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
15 2712(a)(5)); and of which not to exceed \$23,000 shall be
16 for official reception and representation expenses: *Pro-*
17 *vided*, That none of the funds made available by this Act
18 shall be for expenses incurred for recreational vessels
19 under section 12114 of title 46, United States Code, ex-
20 cept to the extent fees are collected from owners of yachts
21 and credited to this appropriation: *Provided further*, That
22 to the extent fees are insufficient to pay expenses of rec-
23 reational vessel documentation under such section 12114,
24 and there is a backlog of recreational vessel applications,
25 then personnel performing non-recreational vessel docu-

1 mentation functions under subchapter II of chapter 121
2 of title 46, United States Code, may perform documenta-
3 tion under section 12114: *Provided further*, That of the
4 funds provided under this heading, \$85,000,000 shall be
5 withheld from obligation for Coast Guard Headquarters
6 Directorates until a future-years capital investment plan
7 for fiscal years 2018 through 2022, as specified under the
8 heading “Coast Guard, Acquisition, Construction, and Im-
9 provements” of this Act, is submitted to the Committees
10 on Appropriations of the Senate and the House of Rep-
11 resentatives: *Provided further*, That of the total amount
12 made available, \$11,000,000 shall remain available until
13 September 30, 2019, of which \$6,000,000 is solely for
14 grants authorized by the Coast Guard Authorization Act
15 of 2010 (46 U.S.C. 4502(i) and (j)) and \$5,000,000 is
16 to meet the obligations specified in 14 U.S.C. 98(b): *Pro-*
17 *vided further*, That funds made available under this head-
18 ing for Overseas Contingency Operations/Global War on
19 Terrorism may be allocated by program, project, and ac-
20 tivity, notwithstanding section 503 of this Act: *Provided*
21 *further*, That without regard to the limitation as to time
22 and condition of section 503(d) of this Act, after June
23 30, up to \$10,000,000 may be reprogrammed to or from
24 Military Pay and Allowances in accordance with sub-
25 sections (a), (b), and (c) of section 503.

1 ENVIRONMENTAL COMPLIANCE AND RESTORATION

2 For necessary expenses to carry out the environ-
3 mental compliance and restoration functions of the Coast
4 Guard under chapter 19 of title 14, United States Code,
5 \$13,315,000, to remain available until September 30,
6 2021.

7 RESERVE TRAINING

8 For necessary expenses of the Coast Guard Reserve,
9 as authorized by law; operations and maintenance of the
10 Coast Guard reserve program; personnel and training
11 costs; and equipment and services; \$112,302,000.

12 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of acquisition, construction,
14 renovation, and improvement of aids to navigation, shore
15 facilities, vessels, and aircraft, including equipment related
16 thereto; and maintenance, rehabilitation, lease, and oper-
17 ation of facilities and equipment; as authorized by law;
18 \$1,256,588,000; of which \$20,000,000 shall be derived
19 from the Oil Spill Liability Trust Fund to carry out the
20 purposes of section 1012(a)(5) of the Oil Pollution Act
21 of 1990 (33 U.S.C. 2712(a)(5)); and of which the fol-
22 lowing amounts shall be available until September 30,
23 2021 (except as subsequently specified): \$800,900,000 to
24 acquire, effect major repairs to, renovate, or improve ves-
25 sels, small boats, and related equipment; \$202,300,000 to

1 acquire, effect major repairs to, renovate, or improve air-
2 craft or increase aviation capability; \$59,355,000 for other
3 acquisition programs; \$73,100,000 for shore facilities and
4 aids to navigation, including facilities at Department of
5 Defense installations used by the Coast Guard; and
6 \$120,933,000, to remain available until September 30,
7 2017, for personnel compensation and benefits and related
8 costs: *Provided*, That of the funds provided by this Act,
9 not less than \$95,000,000 shall be immediately available
10 to contract for long lead time materials for the tenth Na-
11 tional Security Cutter notwithstanding the availability of
12 funds for production or post-production costs: *Provided*
13 *further*, That the Commandant of the Coast Guard shall
14 submit to the Congress, at the time the President's budget
15 proposal for fiscal year 2018 is submitted pursuant to sec-
16 tion 1105(a) of title 31, United States Code, a future-
17 years capital investment plan as described in the second
18 proviso under the heading "Coast Guard, Acquisition,
19 Construction, and Improvements" in the Department of
20 Homeland Security Appropriations Act, 2015 (Public Law
21 114-4), which shall be subject to the requirements in the
22 third and fourth provisos under such heading.

23 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

24 For necessary expenses for applied scientific re-
25 search, development, test, and evaluation; and for mainte-

1 nance, rehabilitation, lease, and operation of facilities and
2 equipment; as authorized by law; \$36,819,000, to remain
3 available until September 30, 2019, of which \$500,000
4 shall be derived from the Oil Spill Liability Trust Fund
5 to carry out the purposes of section 1012(a)(5) of the Oil
6 Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*,
7 That there may be credited to and used for the purposes
8 of this appropriation funds received from State and local
9 governments, other public authorities, private sources, and
10 foreign countries for expenses incurred for research, devel-
11 opment, testing, and evaluation.

12

RETIREED PAY

13 For retired pay, including the payment of obligations
14 otherwise chargeable to lapsed appropriations for this pur-
15 pose, payments under the Retired Serviceman's Family
16 Protection and Survivor Benefits Plans, payment for ca-
17 reer status bonuses, concurrent receipts, and combat-re-
18 lated special compensation under the National Defense
19 Authorization Act, and payments for medical care of re-
20 tired personnel and their dependents under chapter 55 of
21 title 10, United States Code, \$1,666,940,000, to remain
22 available until expended.

1 UNITED STATES SECRET SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Secret
4 Service, including purchase of not to exceed 652 vehicles
5 for police-type use for replacement only; hire of passenger
6 motor vehicles; purchase of motorcycles made in the
7 United States; hire of aircraft; rental of buildings in the
8 District of Columbia, and fencing, lighting, guard booths,
9 and other facilities on private or other property not in
10 Government ownership or control, as may be necessary to
11 perform protective functions; payment, without regard to
12 section 5702 of title 5, of subsistence expenses of employ-
13 ees who are on protective missions, whether at or away
14 from their duty stations; conduct of and participation in
15 firearms matches; presentation of awards; travel of United
16 States Secret Service employees on protective missions
17 without regard to the limitations on such expenditures in
18 this or any other Act if approval is obtained in advance
19 from the Committees on Appropriations of the Senate and
20 the House of Representatives; research and development;
21 grants to conduct behavioral research in support of protec-
22 tive research and operations; and payment in advance for
23 commercial accommodations as may be necessary to per-
24 form protective functions; \$1,802,109,000; of which not
25 to exceed \$19,125 shall be for official reception and rep-

1 resentation expenses; of which not to exceed \$100,000
2 shall be to provide technical assistance and equipment to
3 foreign law enforcement organizations in counterfeit inves-
4 tigations; of which \$2,366,000 shall be for forensic and
5 related support of investigations of missing and exploited
6 children; of which \$6,000,000 shall be for a grant for ac-
7 tivities related to investigations of missing and exploited
8 children and shall remain available until September 30,
9 2018; and of which not less than \$13,869,000 shall be
10 for activities related to training in electronic crimes inves-
11 tigations and forensics: *Provided*, That \$18,000,000 for
12 protective travel shall remain available until September
13 30, 2018: *Provided further*, That \$4,500,000 for National
14 Special Security Events shall remain available until ex-
15 pended: *Provided further*, That the United States Secret
16 Service is authorized to obligate funds in anticipation of
17 reimbursements from Federal agencies and entities, as de-
18 fined in section 105 of title 5, United States Code, for
19 personnel receiving training sponsored by the James J.
20 Rowley Training Center, except that total obligations at
21 the end of the fiscal year shall not exceed total budgetary
22 resources available under this heading at the end of the
23 fiscal year: *Provided further*, That none of the funds made
24 available under this heading shall be available to com-
25 pensate any employee for overtime in an annual amount

1 in excess of \$35,000, except that the Secretary of Home-
2 land Security, or the designee of the Secretary, may waive
3 that amount as necessary for national security purposes:
4 *Provided further*, That none of the funds made available
5 to the United States Secret Service by this Act or by pre-
6 vious appropriations Acts may be made available for the
7 protection of the head of a Federal agency other than the
8 Secretary of Homeland Security: *Provided further*, That
9 the Director of the United States Secret Service may enter
10 into an agreement to provide such protection on a fully
11 reimbursable basis: *Provided further*, That none of the
12 funds made available to the United States Secret Service
13 by this Act or by previous appropriations Acts may be obli-
14 gated for the purpose of opening a new permanent domes-
15 tic or overseas office or location unless the Committees
16 on Appropriations of the Senate and the House of Rep-
17 resentatives are notified 15 days in advance of such obliga-
18 tion: *Provided further*, That for purposes of section 503
19 of this Act, \$15,000,000 or 10 percent, whichever is less,
20 may be reprogrammed between Protection of Persons and
21 Facilities and Domestic Field Operations.

22 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
23 RELATED EXPENSES

24 For necessary expenses for acquisition, construction,
25 repair, alteration, and improvement of physical and tech-

- 1 nological infrastructure, \$89,010,000, to remain available
- 2 until September 30, 2019.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 MANAGEMENT AND ADMINISTRATION

6 For the management and administration of the Na-
7 tional Protection and Programs Directorate, and support
8 for operations and information technology, \$56,536,000:
9 *Provided*, That not to exceed \$3,825 shall be for official
10 reception and representation expenses.

11 INFRASTRUCTURE PROTECTION AND INFORMATION
12 SECURITY

13 For necessary expenses for infrastructure protection
14 and information security programs and activities, as au-
15 thorized by title II of the Homeland Security Act of 2002
16 (6 U.S.C. 121 et seq.), \$1,474,712,000, of which
17 \$409,307,000 shall remain available until September 30,
18 2018.

19 FEDERAL PROTECTIVE SERVICE

20 The revenues and collections of security fees credited
21 to this account shall be available until expended for nec-
22 essary expenses related to the protection of federally
23 owned and leased buildings and for the operations of the
24 Federal Protective Service: *Provided*, That the Director of
25 the Federal Protective Service shall submit at the time

1 the President's budget proposal for fiscal year 2018 is
2 submitted pursuant to section 1105(a) of title 31, United
3 States Code, a strategic human capital plan that aligns
4 fee collections to personnel requirements based on a cur-
5 rent threat assessment.

6 OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

7 For necessary expenses for the Office of Biometric
8 Identity Management, as authorized by section 7208 of
9 the Intelligence Reform and Terrorism Prevention Act of
10 2004 (8 U.S.C. 1365b), \$287,149,000, of which
11 \$166,164,000 shall remain available until September 30,
12 2019.

13 OFFICE OF HEALTH AFFAIRS

14 For necessary expenses of the Office of Health Af-
15 fairs, \$108,293,000; of which \$24,698,000 is for salaries
16 and expenses and \$69,878,000 is for BioWatch oper-
17 ations: *Provided*, That of the amount made available under
18 this heading, \$13,717,000 shall remain available until
19 September 30, 2018, for biosurveillance, chemical defense,
20 medical and health planning and coordination, and work-
21 force health protection.

22 FEDERAL EMERGENCY MANAGEMENT AGENCY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Emergency
25 Management Agency, \$1,044,764,000, including activities

1 authorized by the National Flood Insurance Act of 1968
2 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
3 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
4 seq.), the Cerro Grande Fire Assistance Act of 2000 (divi-
5 sion C, title I, 114 Stat. 583), the Earthquake Hazards
6 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the De-
7 fense Production Act of 1950 (50 U.S.C. App. 2061 et
8 seq.), sections 107 and 303 of the National Security Act
9 of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.
10 3 of 1978 (5 U.S.C. App.), the National Dam Safety Pro-
11 gram Act (33 U.S.C. 467 et seq.), the Homeland Security
12 Act of 2002 (6 U.S.C. 101 et seq.), the Implementing Rec-
13 ommendations of the 9/11 Commission Act of 2007 (Pub-
14 lic Law 110–53), the Federal Fire Prevention and Control
15 Act of 1974 (15 U.S.C. 2201 et seq.), the Post-Katrina
16 Emergency Management Reform Act of 2006 (Public Law
17 109–295; 120 Stat. 1394), the Biggert-Waters Flood In-
18 surance Reform Act of 2012 (Public Law 112–141, 126
19 Stat. 916), and the Homeowner Flood Insurance Afford-
20 ability Act of 2014 (Public Law 113–89): *Provided*, That
21 not to exceed \$2,250 shall be for official reception and
22 representation expenses: *Provided further*, That of the
23 total amount made available under this heading,
24 \$35,180,000 shall be for the Urban Search and Rescue
25 Response System, of which none is available for Federal

1 Emergency Management Agency administrative costs:
2 *Provided further*, That of the total amount made available
3 under this heading, \$15,500,000 shall remain available
4 until September 30, 2018, for capital improvements and
5 other expenses related to continuity of operations at the
6 Mount Weather Emergency Operations Center: *Provided*
7 *further*, That of the total amount made available,
8 \$3,460,000 shall be for the Office of National Capital Re-
9 gion Coordination.

10 STATE AND LOCAL PROGRAMS

11 For grants, contracts, cooperative agreements, and
12 other activities, \$1,544,469,000, which shall be allocated
13 as follows:

14 (1) \$467,000,000 shall be for the State Home-
15 land Security Grant Program under section 2004 of
16 the Homeland Security Act of 2002 (6 U.S.C. 605),
17 of which \$55,000,000 shall be for Operation
18 Stonegarden: *Provided*, That notwithstanding sub-
19 section (c)(4) of such section 2004, for fiscal year
20 2017, the Commonwealth of Puerto Rico shall make
21 available to local and tribal governments amounts
22 provided to the Commonwealth of Puerto Rico under
23 this paragraph in accordance with subsection (c)(1)
24 of such section 2004.

1 (2) \$600,000,000 shall be for the Urban Area
2 Security Initiative under section 2003 of the Home-
3 land Security Act of 2002 (6 U.S.C. 604), of which
4 \$20,000,000 shall be for organizations (as described
5 under section 501(c)(3) of the Internal Revenue
6 Code of 1986 and exempt from tax under section
7 501(a) of such code) determined by the Secretary of
8 Homeland Security to be at high risk of a terrorist
9 attack.

10 (3) \$100,000,000 shall be for Public Transpor-
11 tation Security Assistance, Railroad Security Assist-
12 ance, and Over-the-Road Bus Security Assistance
13 under sections 1406, 1513, and 1532 of the Imple-
14 menting Recommendations of the 9/11 Commission
15 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135,
16 1163, and 1182), of which \$10,000,000 shall be for
17 Amtrak security and \$3,000,000 shall be for Over-
18 the-Road Bus Security: *Provided*, That such public
19 transportation security assistance shall be provided
20 directly to public transportation agencies.

21 (4) \$100,000,000 shall be for Port Security
22 Grants in accordance with 46 U.S.C. 70107.

23 (5) \$50,000,000, to remain available until Sep-
24 tember 30, 2018, shall be for necessary expenses for
25 emergent threats from violent extremism.

1 (6) \$227,469,000 shall be to sustain current
2 operations for training, exercises, technical assist-
3 ance, and other programs, of which \$168,989,000
4 shall be for training of State, local, and tribal emer-
5 gency response providers:

6 *Provided*, That for grants under paragraphs (1) through
7 (4), applications for grants shall be made available to eligi-
8 ble applicants not later than 60 days after the date of en-
9 actment of this Act, that eligible applicants shall submit
10 applications not later than 80 days after the grant an-
11 nouncement, and the Administrator of the Federal Emer-
12 gency Management Agency shall act within 65 days after
13 the receipt of an application: *Provided further*, That not-
14 withstanding section 2008(a)(11) of the Homeland Secu-
15 rity Act of 2002 (6 U.S.C. 609(a)(11)) or any other provi-
16 sion of law, a grantee may not use more than 5 percent
17 of the amount of a grant made available under this head-
18 ing for expenses directly related to administration of the
19 grant: *Provided further*, That for grants under paragraphs
20 (1) and (2), the installation of communications towers is
21 not considered construction of a building or other physical
22 facility: *Provided further*, That grantees shall provide re-
23 ports on their use of funds, as determined necessary by
24 the Secretary of Homeland Security: *Provided further*,
25 That notwithstanding section 509 of this Act, the Admin-

1 istrator of the Federal Emergency Management Agency
2 may use the funds provided in paragraph (6) to acquire
3 real property for the purpose of establishing or appro-
4 priately extending the security buffer zones around Fed-
5 eral Emergency Management Agency training facilities.

6 FIREFIGHTER ASSISTANCE GRANTS

7 For grants for programs authorized by the Federal
8 Fire Prevention and Control Act of 1974 (15 U.S.C. 2201
9 et seq.), \$680,000,000, to remain available until Sep-
10 tember 30, 2018, of which \$340,000,000 shall be available
11 to carry out section 33 of that Act (15 U.S.C. 2229) and
12 \$340,000,000 shall be available to carry out section 34
13 of that Act (15 U.S.C. 2229a).

14 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

15 For emergency management performance grants, as
16 authorized by the National Flood Insurance Act of 1968
17 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
18 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
19 seq.), the Earthquake Hazards Reduction Act of 1977 (42
20 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of
21 1978 (5 U.S.C. App.), \$350,000,000.

22 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

23 The aggregate charges assessed during fiscal year
24 2017, as authorized in title III of the Departments of Vet-
25 erans Affairs and Housing and Urban Development, and

1 Independent Agencies Appropriations Act, 1999 (42
2 U.S.C. 5196e), shall not be less than 100 percent of the
3 amounts anticipated by the Department of Homeland Se-
4 curity necessary for its radiological emergency prepared-
5 ness program for the next fiscal year: *Provided*, That the
6 methodology for assessment and collection of fees shall be
7 fair and equitable and shall reflect costs of providing such
8 services, including administrative costs of collecting such
9 fees: *Provided further*, That fees received under this head-
10 ing shall be deposited in this account as offsetting collec-
11 tions and will become available for authorized purposes on
12 October 1, 2017, and remain available until expended.

13 UNITED STATES FIRE ADMINISTRATION

14 For necessary expenses of the United States Fire Ad-
15 ministration and for other purposes, as authorized by the
16 Federal Fire Prevention and Control Act of 1974 (15
17 U.S.C. 2201 et seq.) and the Homeland Security Act of
18 2002 (6 U.S.C. 101 et seq.), \$44,000,000.

19 DISASTER RELIEF FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses in carrying out the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5121 et seq.), \$7,348,515,000 to remain avail-
24 able until expended, of which \$24,000,000 shall be trans-
25 ferred to the Department of Homeland Security Office of

1 Inspector General for audits and investigations related to
2 disasters: *Provided*, That the reporting requirements in
3 paragraphs (1) and (2) under the heading “Federal Emer-
4 gency Management Agency, Disaster Relief Fund” in the
5 Department of Homeland Security Appropriations Act,
6 2015 (Public Law 114–4) shall be applied in fiscal year
7 2017 with respect to budget year 2018 and current fiscal
8 year 2017, respectively, by substituting “fiscal year 2018”
9 for “fiscal year 2017” in paragraph (1): *Provided further*,
10 That of the amount provided under this heading,
11 \$6,709,000,000 shall be for major disasters declared pur-
12 suant to the Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*
14 *further*, That the amount in the preceding proviso is des-
15 ignated by the Congress as being for disaster relief pursu-
16 ant to section 251(b)(2)(D) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

19 For necessary expenses, including administrative
20 costs, under section 1360 of the National Flood Insurance
21 Act of 1968 (42 U.S.C. 4101), and under sections
22 100215, 100216, 100226, 100230, and 100246 of the
23 Biggert-Waters Flood Insurance Reform Act of 2012,
24 (Public Law 112–141, 126 Stat. 916), \$177,531,000, and
25 such additional sums as may be provided by State and

1 local governments or other political subdivisions for cost-
2 shared mapping activities under section 1360(f)(2) of such
3 Act (42 U.S.C. 4101(f)(2)), to remain available until ex-
4 pended.

5 NATIONAL FLOOD INSURANCE FUND

6 For activities under the National Flood Insurance
7 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
8 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
9 Biggert-Waters Flood Insurance Reform Act of 2012
10 (Public Law 112–141, 126 Stat. 916), and the Home-
11 owner Flood Insurance Affordability Act of 2014 (Public
12 Law 113–89; 128 Stat. 1020), \$181,799,000, which shall
13 remain available until September 30, 2018, and shall be
14 derived from offsetting amounts collected under section
15 1308(d) of the National Flood Insurance Act of 1968 (42
16 U.S.C. 4015(d)); of which \$13,436,000 shall be available
17 for salaries and expenses associated with flood manage-
18 ment and \$168,363,000 shall be available for flood plain
19 management and flood mapping: *Provided*, That any addi-
20 tional fees collected pursuant to section 1308(d) of the
21 National Flood Insurance Act of 1968 (42 U.S.C.
22 4015(d)) shall be credited as an offsetting collection to
23 this account, to be available for flood plain management
24 and flood mapping: *Provided further*, That in fiscal year
25 2017, no funds shall be available from the National Flood

1 Insurance Fund under section 1310 of the National Flood
2 Insurance Act of 1968 (42 U.S.C. 4017) in excess of:

3 (1) \$147,042,000 for operating expenses and
4 salaries and expenses associated with flood insurance
5 operations;

6 (2) \$1,123,000,000 for commissions and taxes
7 of agents;

8 (3) such sums as are necessary for interest on
9 Treasury borrowings; and

10 (4) \$175,061,000, which shall remain available
11 until expended, for flood mitigation actions and for
12 flood mitigation assistance under section 1366 of the
13 National Flood Insurance Act of 1968 (42 U.S.C.
14 4104c), notwithstanding sections 1366(e) and
15 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

16 *Provided further*, That the amounts collected under section
17 102 of the Flood Disaster Protection Act of 1973 (42
18 U.S.C. 4012a) and section 1366(e) of the National Flood
19 Insurance Act of 1968 shall be deposited in the National
20 Flood Insurance Fund to supplement other amounts speci-
21 fied as available for section 1366 of the National Flood
22 Insurance Act of 1968, notwithstanding section 102(f)(8),
23 section 1366(e), and paragraphs (1) through (3) of section
24 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),
25 4104d(b)(1)–(3)): *Provided further*, That total administra-

1 tive costs shall not exceed 4 percent of the total appropria-
2 tion: *Provided further*, That up to \$5,000,000 is available
3 to carry out section 24 of the Homeowner Flood Insurance
4 Affordability Act of 2014 (42 U.S.C. 4033).

5 NATIONAL PREDISASTER MITIGATION FUND

6 For the predisaster mitigation grant program under
7 section 203 of the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (42 U.S.C. 5133),
9 \$100,000,000, to remain available until expended.

10 EMERGENCY FOOD AND SHELTER

11 To carry out the Emergency Food and Shelter pro-
12 gram pursuant to title III of the McKinney-Vento Home-
13 less Assistance Act (42 U.S.C. 11331 et seq.),
14 \$100,000,000, to remain available until expended: *Pro-*
15 *vided*, That total administrative costs shall not exceed 3.5
16 percent of the total amount made available under this
17 heading: *Provided further*, That the Administrator of the
18 Federal Emergency Management Agency shall transfer
19 funds appropriated under this heading to “Department of
20 Housing and Urban Development, Homeless Assistance
21 Grants”: *Provided further*, That, when funds are trans-
22 ferred pursuant to the previous proviso, notwithstanding
23 the references to the Administrator in 42 U.S.C. 11331
24 through 11335 and 11341, the Secretary of Housing and
25 Urban Development shall carry out the functions of the

1 Administrator with respect to the Emergency Food and
2 Shelter Program, including with respect to the National
3 Board: *Provided further*, That the Federal Emergency
4 Management Agency and the Department of Housing and
5 Urban Development shall execute an Interagency Agree-
6 ment within 60 days of the date of enactment of this Act
7 detailing how the program will be transitioned and ensur-
8 ing that the program structure continues consistent with
9 current law: *Provided further*, That the President's budget
10 for fiscal year 2018 submitted pursuant to section 1105(a)
11 of title 31, United States Code, shall include language ef-
12 fectuating the transfer: *Provided further*, That the Admin-
13 istrator shall be accountable for any amounts obligated
14 from the "Federal Emergency Management Agency,
15 Emergency Food and Shelter" 70 × 0707 account prior
16 to the date of enactment of this Act until such time as
17 all funds have been expended and all recoveries have been
18 transferred to "Department of Housing and Urban Devel-
19 opment, Homeless Assistance Grants".

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TRAINING, AND
3 SERVICES

4 UNITED STATES CITIZENSHIP AND IMMIGRATION
5 SERVICES

6 For necessary expenses for citizenship and immigra-
7 tion services, \$119,139,000 for the E-Verify Program, as
8 described in section 403(a) of the Illegal Immigration Re-
9 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
10 1324a note), to assist United States employers with main-
11 taining a legal workforce: *Provided*, That notwithstanding
12 any other provision of law, funds otherwise made available
13 to United States Citizenship and Immigration Services
14 may be used to acquire, operate, equip, and dispose of up
15 to 5 vehicles, for replacement only, for areas where the
16 Administrator of General Services does not provide vehi-
17 cles for lease: *Provided further*, That the Director of
18 United States Citizenship and Immigration Services may
19 authorize employees who are assigned to those areas to
20 use such vehicles to travel between the employees' resi-
21 dences and places of employment.

22 FEDERAL LAW ENFORCEMENT TRAINING CENTER
23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Law Enforce-
25 ment Training Center, including materials and support

1 costs of Federal law enforcement basic training; the pur-
2 chase of not to exceed 117 vehicles for police-type use and
3 hire of passenger motor vehicles; expenses for student ath-
4 letic and related activities; the conduct of and participa-
5 tion in firearms matches and presentation of awards; pub-
6 lic awareness and enhancement of community support of
7 law enforcement training; room and board for student in-
8 terns; a flat monthly reimbursement to employees author-
9 ized to use personal mobile phones for official duties; and
10 services as authorized by section 3109 of title 5, United
11 States Code; \$214,965,000; of which up to \$50,748,000
12 shall remain available until September 30, 2018, for mate-
13 rials and support costs of Federal law enforcement basic
14 training; and of which not to exceed \$7,180 shall be for
15 official reception and representation expenses: *Provided*,
16 That the Center is authorized to distribute funds to Fed-
17 eral law enforcement agencies for expenses incurred par-
18 ticipating in training accreditation: *Provided further*, That
19 the Center is authorized to obligate funds in anticipation
20 of reimbursements from agencies receiving training spon-
21 sored by the Center, except that total obligations at the
22 end of the fiscal year shall not exceed total budgetary re-
23 sources available at the end of the fiscal year: *Provided*
24 *further*, That section 1202(a) of Public Law 107-206 (42
25 U.S.C. 3771 note), as amended under this heading in Pub-

1 lic Law 114–4, is further amended by striking “December
2 31, 2018” and inserting “December 31, 2019”: *Provided*
3 *further*, That the Director of the Federal Law Enforce-
4 ment Training Center shall schedule basic or advanced law
5 enforcement training, or both, at all four training facilities
6 under the control of the Federal Law Enforcement Train-
7 ing Center to ensure that such training facilities are oper-
8 ated at the highest capacity throughout the fiscal year:
9 *Provided further*, That the Federal Law Enforcement
10 Training Accreditation Board, including representatives
11 from the Federal law enforcement community and non-
12 Federal accreditation experts involved in law enforcement
13 training, shall lead the Federal law enforcement training
14 accreditation process to continue the implementation of
15 measuring and assessing the quality and effectiveness of
16 Federal law enforcement training programs, facilities, and
17 instructors.

18 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

19 RELATED EXPENSES

20 For acquisition of necessary additional real property
21 and facilities, construction, and ongoing maintenance, fa-
22 cility improvements, and related expenses of the Federal
23 Law Enforcement Training Center, \$27,553,000, to re-
24 main available until September 30, 2021: *Provided*, That
25 the Center is authorized to accept reimbursement to this

1 appropriation from government agencies requesting the
2 construction of special use facilities.

3 SCIENCE AND TECHNOLOGY

4 MANAGEMENT AND ADMINISTRATION

5 For salaries and expenses of the Office of the Under
6 Secretary for Science and Technology and for manage-
7 ment and administration of programs and activities, as
8 authorized by title III of the Homeland Security Act of
9 2002 (6 U.S.C. 181 et seq.), \$127,903,000: *Provided*,
10 That not to exceed \$7,650 shall be for official reception
11 and representation expenses.

12 RESEARCH, DEVELOPMENT, ACQUISITION, AND

13 OPERATIONS

14 For necessary expenses for science and technology re-
15 search, including advanced research projects, development,
16 test and evaluation, acquisition, and operations as author-
17 ized by title III of the Homeland Security Act of 2002
18 (6 U.S.C. 181 et seq.), and the purchase or lease of not
19 to exceed 5 vehicles, \$661,814,000, to remain available
20 until September 30, 2019.

21 DOMESTIC NUCLEAR DETECTION OFFICE

22 MANAGEMENT AND ADMINISTRATION

23 For salaries and expenses of the Domestic Nuclear
24 Detection Office, as authorized by title XIX of the Home-
25 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-

1 agement and administration of programs and activities,
2 \$42,222,000: *Provided*, That not to exceed \$2,250 shall
3 be for official reception and representation expenses.

4 RESEARCH, DEVELOPMENT, AND OPERATIONS

5 For necessary expenses for radiological and nuclear
6 research, development, testing, evaluation, and operations,
7 \$185,136,000, to remain available until September 30,
8 2019.

9 SYSTEMS ACQUISITION

10 For necessary expenses for the Domestic Nuclear De-
11 tection Office acquisition and deployment of radiological
12 detection systems in accordance with the global nuclear
13 detection architecture, \$120,664,000, to remain available
14 until September 30, 2019.

1

TITLE V

2

GENERAL PROVISIONS

3

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

4

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

7

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

24

(1) creates a new program, project, or activity;

25

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

1 (3) increases funds for any program, project, or
2 activity for which funds have been denied or re-
3 stricted by the Congress;

4 (4) contracts out any function or activity pres-
5 ently performed by Federal employees or any new
6 function or activity proposed to be performed by
7 Federal employees in the President's budget pro-
8 posal for fiscal year 2017 for the Department of
9 Homeland Security;

10 (5) augments existing programs, projects, or ac-
11 tivities in excess of \$5,000,000 or 10 percent, which-
12 ever is less;

13 (6) reduces any program, project, or activity, or
14 numbers of personnel by 10 percent; or

15 (7) results from any general savings from a re-
16 duction in personnel that would result in a change
17 in existing programs, projects, or activities as ap-
18 proved by the Congress, unless the Committees on
19 Appropriations of the Senate and the House of Rep-
20 resentatives are notified 15 days in advance of such
21 reprogramming of funds.

22 (b) Not to exceed 5 percent of any appropriation
23 made available for the current fiscal year for the Depart-
24 ment of Homeland Security by this Act or provided by

1 previous appropriations Acts may be transferred between
2 such appropriations.

3 (c) Any transfer under this section shall be treated
4 as a reprogramming of funds under subsection (a) and
5 shall not be available for obligation unless the Committees
6 on Appropriations of the Senate and the House of Rep-
7 resentatives are notified 15 days in advance of such trans-
8 fer.

9 (d) Notwithstanding subsections (a), (b), and (c), no
10 funds shall be reprogrammed within or transferred be-
11 tween appropriations based upon an initial notification
12 provided after June 30, except in extraordinary cir-
13 cumstances that imminently threaten the safety of human
14 life or the protection of property.

15 (e) The notification thresholds and procedures set
16 forth in this section shall apply to any use of deobligated
17 balances of funds provided in previous Department of
18 Homeland Security Appropriations Acts.

19 SEC. 504. The Department of Homeland Security
20 Working Capital Fund, established pursuant to section
21 403 of Public Law 103-356 (31 U.S.C. 501 note), shall
22 continue operations as a permanent working capital fund
23 for fiscal year 2017: *Provided*, That none of the funds ap-
24 propriated or otherwise made available to the Department
25 of Homeland Security may be used to make payments to

1 the Working Capital Fund, except for the activities and
2 amounts allowed in the President's fiscal year 2017 budg-
3 et: *Provided further*, That funds provided to the Working
4 Capital Fund shall be available for obligation until ex-
5 pended to carry out the purposes of the Working Capital
6 Fund: *Provided further*, That all Departmental compo-
7 nents shall be charged only for direct usage of each Work-
8 ing Capital Fund service: *Provided further*, That funds
9 provided to the Working Capital Fund shall be used only
10 for purposes consistent with the contributing component:
11 *Provided further*, That the Working Capital Fund shall be
12 paid in advance or reimbursed at rates which will return
13 the full cost of each service: *Provided further*, That the
14 Committees on Appropriations of the Senate and the
15 House of Representatives shall be notified of any activity
16 added to or removed from the fund: *Provided further*, That
17 for any activity added to the fund, the notification shall
18 identify sources of funds by program, project, and activity:
19 *Provided further*, That the Chief Financial Officer of the
20 Department of Homeland Security shall submit a quar-
21 terly execution report with activity level detail, not later
22 than 30 days after the end of each quarter.

23 SEC. 505. 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 2017, as re-

1 corded in the financial records at the time of a reprogram-
2 ming request, but not later than June 30, 2018, from ap-
3 propriations for salaries and expenses for fiscal year 2017
4 in this Act shall remain available through September 30,
5 2018, in the account and for the purposes for which the
6 appropriations were provided: *Provided*, That prior to the
7 obligation of such funds, a request shall be submitted to
8 the Committees on Appropriations of the Senate and the
9 House of Representatives for approval in accordance with
10 section 503 of this Act.

11 SEC. 506. Funds made available by this Act for intel-
12 ligence activities are deemed to be specifically authorized
13 by the Congress for purposes of section 504 of the Na-
14 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
15 year 2017 until the enactment of an Act authorizing intel-
16 ligence activities for fiscal year 2017.

17 SEC. 507. (a) Except as provided in subsections (b)
18 and (c), none of the funds made available by this Act may
19 be used to—

20 (1) make or award a grant allocation, grant,
21 contract, other transaction agreement, or task or de-
22 livery order on a Department of Homeland Security
23 multiple award contract, or to issue a letter of intent
24 totaling in excess of \$1,000,000;

1 (2) award a task or delivery order requiring an
2 obligation of funds in an amount greater than
3 \$10,000,000 from multi-year Department of Home-
4 land Security funds;

5 (3) make a sole-source grant award; or

6 (4) announce publicly the intention to make or
7 award items under paragraph (1), (2), or (3) includ-
8 ing a contract covered by the Federal Acquisition
9 Regulation.

10 (b) The Secretary of Homeland Security may waive
11 the prohibition under subsection (a) if the Secretary noti-
12 fies the Committees on Appropriations of the Senate and
13 the House of Representatives at least 3 full business days
14 in advance of making an award or issuing a letter as de-
15 scribed in that subsection.

16 (c) If the Secretary of Homeland Security determines
17 that compliance with this section would pose a substantial
18 risk to human life, health, or safety, an award may be
19 made without notification, and the Secretary shall notify
20 the Committees on Appropriations of the Senate and the
21 House of Representatives not later than 5 full business
22 days after such an award is made or letter issued.

23 (d) A notification under this section—

24 (1) may not involve funds that are not available
25 for obligation; and

1 (2) shall include the amount of the award; the
2 fiscal year for which the funds for the award were
3 appropriated; the type of contract; and the account
4 from which the funds are being drawn.

5 (e) The Administrator of the Federal Emergency
6 Management Agency shall brief the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 5 full business days in advance of announcing publicly the
9 intention of making an award under “State and Local
10 Programs”.

11 SEC. 508. Notwithstanding any other provision of
12 law, no agency shall purchase, construct, or lease any ad-
13 ditional facilities, except within or contiguous to existing
14 locations, to be used for the purpose of conducting Federal
15 law enforcement training without advance notification to
16 the Committees on Appropriations of the Senate and the
17 House of Representatives, except that the Federal Law
18 Enforcement Training Center is authorized to obtain the
19 temporary use of additional facilities by lease, contract,
20 or other agreement for training that cannot be accommo-
21 dated in existing Center facilities.

22 SEC. 509. None of the funds appropriated or other-
23 wise made available by this Act may be used for expenses
24 for any construction, repair, alteration, or acquisition
25 project for which a prospectus otherwise required under

1 chapter 33 of title 40, United States Code, has not been
2 approved, except that necessary funds may be expended
3 for each project for required expenses for the development
4 of a proposed prospectus.

5 SEC. 510. Sections 520, 522, and 530 of the Depart-
6 ment of Homeland Security Appropriations Act, 2008 (di-
7 vision E of Public Law 110–161; 121 Stat. 2073 and
8 2074) shall apply with respect to funds made available in
9 this Act in the same manner as such sections applied to
10 funds made available in that Act.

11 SEC. 511. None of the funds made available in this
12 Act may be used in contravention of the applicable provi-
13 sions of the Buy American Act. For purposes of the pre-
14 ceding sentence, the term “Buy American Act” means
15 chapter 83 of title 41, United States Code.

16 SEC. 512. None of the funds made available in this
17 Act may be used to amend the oath of allegiance required
18 by section 337 of the Immigration and Nationality Act
19 (8 U.S.C. 1448).

20 SEC. 513. Not later than 30 days after the last day
21 of each month, the Chief Financial Officer of the Depart-
22 ment of Homeland Security shall submit to the Commit-
23 tees on Appropriations of the Senate and the House of
24 Representatives a monthly budget and staffing report for
25 that month that includes total obligations of the Depart-

1 ment for that month for the fiscal year at the appropria-
2 tion and program, project, and activity levels, by the
3 source year of the appropriation: *Provided*, That total obli-
4 gations for staffing shall also be provided by subcategory
5 of on-board and funded full-time equivalent staffing levels,
6 respectively: *Provided further*, That the report shall specify
7 the number of, and total obligations for, contract employ-
8 ees for each office of the Department.

9 SEC. 514. None of the funds appropriated by this Act
10 may be used to process or approve a competition under
11 Office of Management and Budget Circular A-76 for serv-
12 ices provided by employees (including employees serving
13 on a temporary or term basis) of United States Citizen-
14 ship and Immigration Services of the Department of
15 Homeland Security who are known as Immigration Infor-
16 mation Officers, Immigration Service Analysts, Contact
17 Representatives, Investigative Assistants, or Immigration
18 Services Officers.

19 SEC. 515. The functions of the Federal Law Enforce-
20 ment Training Center instructor staff shall be classified
21 as inherently governmental for the purpose of the Federal
22 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
23 note).

24 SEC. 516. (a) Notwithstanding section 518 of Public
25 Law 114-113, the Secretary of Homeland Security shall

1 submit a report not later than October 15, 2017, 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 2016 and 2017.

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, 2018.

12 SEC. 517. None of the funds provided or otherwise
13 made available in this Act shall be available to carry out
14 section 872 of the Homeland Security Act of 2002 (6
15 U.S.C. 452) unless explicitly authorized by the Congress.

16 SEC. 518. (a) None of the funds appropriated by this
17 or previous appropriations Acts may be used to establish
18 a Chemical, Biological, Radiological, Nuclear, and Explo-
19 sives Office until such time as the Congress has authorized
20 such establishment.

21 (b) Subject to the limitation in subsection (a) and
22 notwithstanding section 503 of this Act, the Secretary
23 may transfer funds for the purpose of executing authoriza-
24 tion of the Chemical, Biological, Radiological, Nuclear,
25 and Explosives Office.

1 (c) Not later than 15 days before transferring funds
2 pursuant to subsection (b), the Secretary of Homeland Se-
3 curity shall submit a report to the Committees on Appro-
4 priations of the Senate and the House of Representatives,
5 the Committee on Homeland Security and Governmental
6 Affairs of the Senate, and the Committee on Homeland
7 Security of the House of Representatives on—

8 (1) the transition plan for the establishment of
9 the office; and

10 (2) the funds and positions to be transferred by
11 source.

12 SEC. 519. None of the funds made available in this
13 Act may be used by United States Citizenship and Immi-
14 gration Services to grant an immigration benefit unless
15 the results of background checks required by law to be
16 completed prior to the granting of the benefit have been
17 received by United States Citizenship and Immigration
18 Services, and the results do not preclude the granting of
19 the benefit.

20 SEC. 520. Section 831 of the Homeland Security Act
21 of 2002 (6 U.S.C. 391) is amended—

22 (1) in subsection (a), by striking “Until Sep-
23 tember 30, 2016,” and inserting “Until September
24 30, 2017,”; and

1 (2) in subsection (c)(1), by striking “September
2 30, 2016,” and inserting “September 30, 2017,”.

3 SEC. 521. The Secretary of Homeland Security shall
4 require that all contracts of the Department of Homeland
5 Security that provide award fees link such fees to success-
6 ful acquisition outcomes (which outcomes shall be speci-
7 fied in terms of cost, schedule, and performance).

8 SEC. 522. Notwithstanding any other provision of
9 law, none of the funds provided in this or any other Act
10 shall be used to approve a waiver of the navigation and
11 vessel-inspection laws pursuant to 46 U.S.C. 501(b) for
12 the transportation of crude oil distributed from and to the
13 Strategic Petroleum Reserve until the Secretary of Home-
14 land Security, after consultation with the Secretaries of
15 the Departments of Energy and Transportation and rep-
16 resentatives from the United States flag maritime indus-
17 try, takes adequate measures to ensure the use of United
18 States flag vessels: *Provided*, That the Secretary shall no-
19 tify the Committees on Appropriations of the Senate and
20 the House of Representatives, the Committee on Com-
21 merce, Science, and Transportation of the Senate, and the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives within 2 business days of any
24 request for waivers of navigation and vessel-inspection

1 laws pursuant to 46 U.S.C. 501(b) and the disposition of
2 such requests.

3 SEC. 523. None of the funds made available in this
4 Act for U.S. Customs and Border Protection may be used
5 to prevent an individual not in the business of importing
6 a prescription drug (within the meaning of section 801(g)
7 of the Federal Food, Drug, and Cosmetic Act) from im-
8 porting a prescription drug from Canada that complies
9 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
10 That this section shall apply only to individuals trans-
11 porting on their person a personal-use quantity of the pre-
12 scription drug, not to exceed a 90-day supply: *Provided*
13 *further*, That the prescription drug may not be—

14 (1) a controlled substance, as defined in section
15 102 of the Controlled Substances Act (21 U.S.C.
16 802); or

17 (2) a biological product, as defined in section
18 351 of the Public Health Service Act (42 U.S.C.
19 262).

20 SEC. 524. None of the funds in this Act shall be used
21 to reduce the Coast Guard's Operations Systems Center
22 mission or its government-employed or contract staff lev-
23 els.

24 SEC. 525. The Secretary of Homeland Security, in
25 consultation with the Secretary of the Treasury, shall no-

1 tify the Committees on Appropriations of the Senate and
2 the House of Representatives of any proposed transfers
3 of funds available under section 9703.1(g)(4)(B) of title
4 31, United States Code (as added by Public Law 102–
5 393) from the Department of the Treasury Forfeiture
6 Fund to any agency within the Department of Homeland
7 Security: *Provided*, That none of the funds identified for
8 such a transfer may be obligated until the Committees on
9 Appropriations of the Senate and the House of Represent-
10 atives approve the proposed transfers.

11 SEC. 526. None of the funds made available in this
12 Act may be used for planning, testing, piloting, or devel-
13 oping a national identification card.

14 SEC. 527. None of the funds appropriated by this Act
15 may be used to conduct, or to implement the results of,
16 a competition under Office of Management and Budget
17 Circular A–76 for activities performed with respect to the
18 Coast Guard National Vessel Documentation Center.

19 SEC. 528. Any official that is required by this Act
20 to report or to certify to the Committees on Appropria-
21 tions of the Senate and the House of Representatives may
22 not delegate such authority to perform that act unless spe-
23 cifically authorized herein.

24 SEC. 529. None of the funds appropriated or other-
25 wise made available in this or any other Act may be used

1 to transfer, release, or assist in the transfer or release to
2 or within the United States, its territories, or possessions
3 Khalid Sheikh Mohammed or any other detainee who—

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

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

9 SEC. 530. None of the funds made available in this
10 Act may be used for first-class travel by the employees
11 of agencies funded by this Act in contravention of sections
12 301–10.122 through 301–10.124 of title 41, Code of Fed-
13 eral Regulations.

14 SEC. 531. None of the funds made available in this
15 Act may be used to employ workers described in section
16 274A(h)(3) of the Immigration and Nationality Act (8
17 U.S.C. 1324a(h)(3)).

18 SEC. 532. Funds made available in this Act may be
19 used to alter operations within the Civil Engineering Pro-
20 gram of the Coast Guard nationwide, including civil engi-
21 neering units, facilities design and construction centers,
22 maintenance and logistics commands, and the Coast
23 Guard Academy, except that none of the funds provided
24 in this Act may be used to reduce operations within any

1 civil engineering unit unless specifically authorized by a
2 statute enacted after the date of enactment of this Act.

3 SEC. 533. Notwithstanding any other provision of
4 this Act, none of the funds appropriated or otherwise
5 made available by this Act may be used to pay award or
6 incentive fees for contractor performance that has been
7 judged to be below satisfactory performance or perform-
8 ance that does not meet the basic requirements of a con-
9 tract.

10 SEC. 534. In developing any process to screen avia-
11 tion passengers and crews for transportation or national
12 security purposes, the Secretary of Homeland Security
13 shall ensure that all such processes take into consideration
14 such passengers' and crews' privacy and civil liberties con-
15 sistent with applicable laws, regulations, and guidance.

16 SEC. 535. (a) Notwithstanding section 1356(n) of
17 title 8, United States Code, of the funds deposited into
18 the Immigration Examinations Fee Account, up to
19 \$10,000,000 may be allocated by United States Citizen-
20 ship and Immigration Services in fiscal year 2017 for the
21 purpose of providing an immigrant integration grants pro-
22 gram.

23 (b) None of the funds made available to United
24 States Citizenship and Immigration Services for grants for
25 immigrant integration may be used to provide services to

1 aliens who have not been lawfully admitted for permanent
2 residence.

3 SEC. 536. For an additional amount for the “Office
4 of the Under Secretary for Management”, \$225,532,000,
5 to remain available until expended, for necessary expenses
6 to plan, acquire, design, construct, renovate, remediate,
7 equip, furnish, improve infrastructure, and occupy build-
8 ings and facilities for the Department headquarters con-
9 solidation project and associated mission support consoli-
10 dation: *Provided*, That the Committees on Appropriations
11 of the Senate and the House of Representatives shall re-
12 ceive an expenditure plan not later than 90 days after the
13 date of enactment of this Act detailing the allocation of
14 these funds.

15 SEC. 537. None of the funds appropriated or other-
16 wise made available by this Act may be used by the De-
17 partment of Homeland Security to enter into any Federal
18 contract unless such contract is entered into in accordance
19 with the requirements of subtitle I of title 41, United
20 States Code, or chapter 137 of title 10, United States
21 Code, and the Federal Acquisition Regulation, unless such
22 contract is otherwise authorized by statute to be entered
23 into without regard to the above referenced statutes.

1 SEC. 538. (a) For an additional amount for financial
2 systems modernization, \$41,215,000 to remain available
3 until September 30, 2018.

4 (b) Funds made available in subsection (a) for finan-
5 cial systems modernization may be transferred by the Sec-
6 retary of Homeland Security between appropriations for
7 the same purpose, notwithstanding section 503 of this Act.

8 (c) No transfer described in subsection (b) shall occur
9 until 15 days after the Committees on Appropriations of
10 the Senate and the House of Representatives are notified
11 of such transfer.

12 SEC. 539. The Secretary of Homeland Security may
13 transfer to the fund established by 8 U.S.C. 1101 note,
14 up to \$20,000,000 from appropriations available to the
15 Department of Homeland Security: *Provided*, That the
16 Secretary shall notify the Committees on Appropriations
17 of the Senate and the House of Representatives 5 days
18 in advance of such transfer.

19 SEC. 540. The Secretary of Homeland Security shall
20 ensure enforcement of all immigration laws (as defined in
21 section 101(a)(17) of the Immigration and Nationality Act
22 (8 U.S.C. 1101(a)(17))).

23 SEC. 541. (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. 542. 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. 543. None of the funds made available in this
15 Act may be used to provide funding for the position of
16 Public Advocate, or a successor position, within U.S. Im-
17 migration and Customs Enforcement.

18 SEC. 544. Notwithstanding section 559(e)(3)(B) of
19 division F of Public Law 113–76 and section 560(g) of
20 division D of Public Law 113–6, U.S. Customs and Bor-
21 der Protection may also receive reimbursement for the
22 cost of up to five full-time equivalent officers under the
23 programs established in such sections.

24 SEC. 545. (a) Chapter 212A of title 18, United States
25 Code, is amended as follows:

1 (1) in the chapter heading, by striking “TRAF-
2 FICKING IN PERSONS”; and

3 (2) by adding after section 3272 the following:

4 **“§ 3273. Offenses committed by certain United States**
5 **personnel stationed in Canada in further-**
6 **ance of border security initiatives**

7 “(a) IN GENERAL.—Whoever, while employed by the
8 Department of Homeland Security or the Department of
9 Justice and stationed or deployed in Canada pursuant to
10 a treaty, executive agreement, or bilateral memorandum
11 in furtherance of a border security initiative, engages in
12 conduct (or conspires or attempts to engage in conduct)
13 in Canada that would constitute an offense for which a
14 person may be prosecuted in a court of the United States
15 had the conduct been engaged in within the United States
16 or within the special maritime and territorial jurisdiction
17 of the United States shall be fined or imprisoned, or both,
18 as provided for that offense.

19 “(b) DEFINITION.—In this section, the term ‘em-
20 ployed by the Department of Homeland Security or the
21 Department of Justice’ means—

22 “(1) being employed as a civilian employee, a
23 contractor (including a subcontractor at any tier),
24 an employee of a contractor (or a subcontractor at
25 any tier), a grantee (including a contractor of a

1 grantee or a subgrantee or subcontractor at any
 2 tier), or an employee of a grantee (or a contractor
 3 of a grantee or a subgrantee or subcontractor at any
 4 tier) of the Department of Homeland Security or the
 5 Department of Justice;

6 “(2) being present or residing in Canada in
 7 connection with such employment; and

8 “(3) not being a national of or ordinarily resi-
 9 dent in Canada.”.

10 (b) Part II of title 18, United States Code, is amend-
 11 ed as follows:

12 (1) in the table of chapters, by striking the item
 13 relating to chapter 212A and inserting the following:

“212A. Extraterritorial jurisdiction over certain offenses 3271”;

14 and

15 (2) in the table of sections for chapter 212A, by
 16 inserting after the item relating to section 3272 the
 17 following:

“3273. Offenses committed by certain United States personnel stationed in Can-
 ada in furtherance of border security initiatives.”.

18 (c) Nothing in this section or the amendments made
 19 by this section shall be construed to infringe upon or oth-
 20 erwise affect the exercise of prosecutorial discretion by the
 21 Department of Justice in implementing this section and
 22 the amendments made by this section.

1 (d) This section may be cited as the “Promoting
2 Travel, Commerce, and National Security Act of 2016”.

3 SEC. 546. None of the funds made available in this
4 Act may be used to pay for the travel to or attendance
5 of more than 50 employees of a single component of the
6 Department of Homeland Security, who are stationed in
7 the United States, at a single international conference un-
8 less the Secretary of Homeland Security, or a designee,
9 determines that such attendance is in the national interest
10 and notifies the Committees on Appropriations of the Sen-
11 ate and the House of Representatives within at least 10
12 days of that determination and the basis for that deter-
13 mination: *Provided*, That for purposes of this section the
14 term “international conference” shall mean a conference
15 occurring outside of the United States attended by rep-
16 resentatives of the United States Government and of for-
17 eign governments, international organizations, or non-
18 governmental organizations: *Provided further*, That the
19 total cost to the Department of Homeland Security of any
20 such conference shall not exceed \$500,000.

21 SEC. 547. None of the funds made available in this
22 Act may be used to reimburse any Federal department
23 or agency for its participation in a National Special Secu-
24 rity Event.

1 SEC. 548. None of the funds made available by this
2 or any other Act may be used by the Administrator of
3 the Transportation Security Administration to implement,
4 administer, or enforce, in abrogation of the responsibility
5 described in section 44903(n)(1) of title 49, United States
6 Code, any requirement that airport operators provide air-
7 port-financed staffing to monitor exit points from the ster-
8 ile area of any airport at which the Transportation Secu-
9 rity Administration provided such monitoring as of De-
10 cember 1, 2013.

11 SEC. 549. As authorized by section 601(b) of the
12 United States-Colombia Trade Promotion Agreement Im-
13 plementation Act (Public Law 112–42) fees collected from
14 passengers arriving from Canada, Mexico, or an adjacent
15 island pursuant to section 13031(a)(5) of the Consolidated
16 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
17 58c(a)(5)) shall be available until expended.

18 SEC. 550. None of the funds made available to the
19 Department of Homeland Security by this or any other
20 Act may be obligated for any structural pay reform that
21 affects more than 100 full-time positions or costs more
22 than \$5,000,000 in a single year before the end of the
23 30-day period beginning on the date on which the Sec-
24 retary of Homeland Security submits to the Congress a
25 notification that includes—

1 (1) the number of full-time positions affected by
2 such change;

3 (2) funding required for such change for the
4 current year and through the Future Years Home-
5 land Security Program;

6 (3) justification for such change; and

7 (4) an analysis of compensation alternatives to
8 such change that were considered by the Depart-
9 ment.

10 SEC. 551. (a) Any agency receiving funds made avail-
11 able in this Act shall, subject to subsections (b) and (c),
12 post on the public Web site of that agency any report re-
13 quired to be submitted by the Committees on Appropria-
14 tions of the Senate and the House of Representatives in
15 this Act, upon the determination by the head of the agency
16 that it shall serve the national interest.

17 (b) Subsection (a) shall not apply to a report if—

18 (1) the public posting of the report com-
19 promises homeland or national security; or

20 (2) the report contains proprietary information.

21 (c) The head of the agency posting such report shall
22 do so only after such report has been made available to
23 the requesting Committee or Committees of the Congress
24 for no less than 45 days except as otherwise specified in
25 law.

1 SEC. 552. (a) IN GENERAL.—Beginning on the date
2 of enactment of this Act, the Secretary of Homeland Secu-
3 rity shall not—

4 (1) establish, collect, or otherwise impose any
5 new border crossing fee on individuals crossing the
6 Southern border or the Northern border at a land
7 port of entry; or

8 (2) conduct any study relating to the imposition
9 of a border crossing fee.

10 (b) BORDER CROSSING FEE DEFINED.—In this sec-
11 tion, the term “border crossing fee” means a fee that
12 every pedestrian, cyclist, and driver and passenger of a
13 private motor vehicle is required to pay for the privilege
14 of crossing the Southern border or the Northern border
15 at a land port of entry.

16 SEC. 553. Notwithstanding any other provision of
17 law, grants awarded to States along the Southwest Border
18 of the United States under sections 2003 or 2004 of the
19 Homeland Security Act of 2002 (6 U.S.C. 604 and 605)
20 using funds provided under the heading “Federal Emer-
21 gency Management Agency, State and Local Programs”
22 in this Act, Public Law 114–4, division F of Public Law
23 113–76, or division D of Public Law 113–6 may be used
24 by recipients or sub-recipients for costs, or reimbursement
25 of costs, related to providing humanitarian relief to unac-

1 accompanied alien children and alien adults accompanied by
2 an alien minor where they are encountered after entering
3 the United States, provided that such costs were incurred
4 between January 1, 2014, and December 31, 2014, or
5 during the award period of performance.

6 SEC. 554. None of the funds appropriated by this or
7 any other Act shall be used to pay the salaries and ex-
8 penses of personnel who prepare or submit appropriations
9 language as part of the President's budget proposal to the
10 Congress of the United States for programs under the ju-
11 risdiction of the Appropriations Subcommittees on the De-
12 partment of Homeland Security that assumes revenues or
13 reflects a reduction from the previous year due to user
14 fees proposals that have not been enacted into law prior
15 to the submission of the budget unless such budget sub-
16 mission identifies which additional spending reductions
17 should occur in the event the user fees proposals are not
18 enacted prior to the date of the convening of a committee
19 of conference for the fiscal year 2018 appropriations Act.

20 SEC. 555. None of the funds made available by this
21 Act may be obligated or expended to implement the Arms
22 Trade Treaty until the Senate approves a resolution of
23 ratification for the Treaty.

24 SEC. 556. Notwithstanding 42 U.S.C.
25 5170c(b)(2)(ii), the FEMA Administrator may allow the

1 construction of an earthen levee by a State, local, or tribal
2 government on covered hazard mitigation land: *Provided*,
3 That such construction constitutes part of a flood control
4 project, is constructed of naturally-occurring materials,
5 and conforms to other criteria as established by the
6 FEMA Administrator through policy.

7 SEC. 557. The Administrator of the Federal Emer-
8 gency Management Agency shall transfer \$56,872,752 in
9 unobligated balances made available for the appropriations
10 account for “Federal Emergency Management Agency,
11 Disaster Assistance Direct Loan Program Account” by
12 section 4502 of Public Law 110–28 to the appropriations
13 account for “Federal Emergency Management Agency,
14 Disaster Relief Fund”: *Provided*, That amounts trans-
15 ferred to such account under this section shall be available
16 for any authorized purpose of such account: *Provided fur-*
17 *ther*, That amounts transferred pursuant to this section
18 that were previously designated by the Congress as an
19 emergency requirement pursuant to a concurrent resolu-
20 tion on the budget are designated by the Congress as an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985 and shall be transferred only
24 if the President subsequently so designates the entire
25 transfer and transmits such designation to the Congress.

1 SEC. 558. Section 118 of the Treasury and General
2 Government Appropriations Act, 2001 (as enacted into
3 law by section 1(3) of Public Law 106–554; 114 Stat.
4 2763A–134) is amended, in the first sentence, by striking
5 “for the year would” and inserting “for calendar years
6 2016 and 2020, would exceed the rate of basic pay payable
7 for level III of the Executive Schedule, and for any other
8 year, would”.

9

(RESCISSIONS)

10 SEC. 559. Of the funds appropriated to the Depart-
11 ment of Homeland Security, the following funds are here-
12 by rescinded from the following accounts and programs
13 in the specified amounts: *Provided*, That no amounts may
14 be rescinded from amounts that were designated by the
15 Congress as an emergency requirement pursuant to a con-
16 current resolution on the budget or the Balanced Budget
17 and Emergency Deficit Control Act of 1985 (Public Law
18 99–177):

19

(1) \$95,000,000 from Public Law 109–88;

20

(2) \$3,000,000 from unobligated prior year bal-
21 ances from “Office of the Chief Information Offi-
22 cer”;

23

(3) \$15,850,000 from unobligated prior year
24 balances from “U.S. Customs and Border Protec-
25 tion, Automation Modernization”;

1 (4) \$17,750,000 from unobligated prior year
2 balances from “U.S. Customs and Border Protec-
3 tion, Border Security, Fencing, Infrastructure, and
4 Technology”;

5 (5) \$10,157,000 from unobligated prior year
6 balances from “U.S. Customs and Border Protec-
7 tion, Air and Marine Operations”;

8 (6) \$15,000,000 from unobligated prior year
9 balances from “U.S. Customs and Border Protec-
10 tion, Construction and Facilities Management”;

11 (7) \$45,000,000 from Public Law 114–4 under
12 the heading “U.S. Immigration and Customs En-
13 forcement, Salaries and Expenses”;

14 (8) \$35,000,000 from Public Law 114–113
15 under the heading “U.S. Immigration and Customs
16 Enforcement, Salaries and Expenses”;

17 (9) \$7,000,000 from unobligated prior year bal-
18 ances from “U.S. Immigration and Customs En-
19 forcement, Construction”;

20 (10) \$12,000,000 from Public Law 114–113
21 under the heading “Transportation Security Admin-
22 istration, Aviation Security”;

23 (11) \$23,000,000 from Public Law 114–113
24 under the heading “Transportation Security Admin-
25 istration, Transportation Security Support”;

1 (12) \$4,200,000 from Public Law 113–6 under
2 the heading “Coast Guard, Acquisition, Construc-
3 tion, and Improvements”;

4 (13) \$19,300,000 from Public Law 113–76
5 under the heading “Coast Guard, Acquisition, Con-
6 struction, and Improvements”;

7 (14) \$16,500,000 from Public Law 114–4
8 under the heading “Coast Guard, Acquisition, Con-
9 struction, and Improvements”; and

10 (15) \$17,286,691 from unobligated prior year
11 balances from “Federal Emergency Management
12 Agency, State and Local Programs” account
13 70×0560.

14 (RESCISSIONS)

15 SEC. 560. Of the funds transferred to the Depart-
16 ment of Homeland Security when it was created in 2003,
17 the following funds are hereby rescinded from the fol-
18 lowing accounts and programs in the specified amounts:

19 (1) \$767,001 from “Department Operations”
20 account 70×0100;

21 (2) \$621,375 from “U.S. Immigration and Cus-
22 toms Enforcement, Salaries and Expenses”; and

23 (3) \$15,238 from “Federal Emergency Manage-
24 ment Agency, Office of Domestic Preparedness”.

1 (RESCISSION)

2 SEC. 561. From the unobligated balances made avail-
3 able in the Department of the Treasury Forfeiture Fund
4 established by section 9703 of title 31, United States Code
5 (added by section 638 of Public Law 102-393),
6 \$100,000,000 shall be permanently rescinded.

7 (RESCISSION)

8 SEC. 562. Of the unobligated balances made available
9 to “Federal Emergency Management Agency, Disaster
10 Relief Fund”, \$794,126,000 shall be rescinded: *Provided*,
11 That no amounts may be rescinded from amounts that
12 were designated by the Congress as an emergency require-
13 ment pursuant to a concurrent resolution on the budget
14 or the Balanced Budget and Emergency Deficit Control
15 Act of 1985: *Provided further*, That no amounts may be
16 rescinded from the amounts that were designated by the
17 Congress as being for disaster relief pursuant to section
18 251(b)(2)(D) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 This Act may be cited as the “Department of Home-
21 land Security Appropriations Act, 2017”.

[COMMITTEE PRINT]

Calendar No. 000

114TH CONGRESS
2D Session

S. 0000

[Report No. 114-000]

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2017, and for other purposes.

MAY 00, 2016

Read twice and placed on the calendar